Fact Sheet

Reporting Requests under *PHIPA*

Municipal and provincial government institutions are required to report to the Information and Privacy Commissioner (IPC) annually on the number of access requests received under the *Personal Health Information Protection Act, 2004* (*PHIPA*).

The purpose of this fact sheet is to highlight the types of requests that are reportable to the IPC, and to assist those who are completing the annual *PHIPA* statistical report.

An individual has a right to access to his or her personal health information under *PHIPA* by making a formal or informal access request to the health information custodian that has custody or control of the information.

Formal requests should be reported to the IPC.

All written requests are formal requests under section 53. These requests must be reported to the IPC.

Informal requests are not reported to the IPC.

PHIPA allows individuals the right of access to their own personal health information outside of the formal access process under section 53. The informal request process is referred to in section 52(6).

Oral requests for access are considered to be informal requests and the IPC does not expect them to be reported.

Due to various factors, such as a matter being complicated, a "head" of a municipal or provincial government institution or a health information custodian may ask the individual to formalize his or her oral request by putting it in writing, thereby changing an informal request to a formal request.

Are requests received by hospitals reported to the IPC?

Only those health information custodians that are subject to the *Freedom of Information and Protection of Privacy Act (FIPPA)* or the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* have a reporting requirement to the IPC in relation to activities under *PHIPA*. Health information custodians that are not subject to *FIPPA* or *MFIPPA* do not have to file an annual report to the IPC on the number of access requests they received under *PHIPA*.

Who can obtain an individual's personal health records through a *PHIPA* request?

Only the individual to whom the personal health information relates or the substitute decision-maker has a right of access to the individual's personal health information through a *PHIPA* request.

Is a request from an employee to the human resources department that is part of a health information custodian for a copy of his or her health records counted as a request for reporting purposes?

No. Records maintained primarily for purposes other than providing health care or assisting in providing health care to an employee (section 4(4)) are not accessible under the *Act*, since they are not considered to be personal health information. Therefore, the request would not be reported to the IPC.

If a formal request is made under *PHIPA* and it covers *MFIPPA/FIPPA* records and *PHIPA* information, how should this request be counted?

A request may be reportable under more than one piece of legislation.

Who makes a report to the IPC on requests for access to or correction of personal health information?

The "head" or someone the head designates to do the reporting is responsible for the reporting of requests for access to, or correction of, personal health information.

If a request is not completed in the current year, does this count as a request for the following year?

The request is counted in the year that it is completed.