



## INFOGUIDE

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### **Access to Your Personal Health Information**

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#### ***What is personal health information?***

- It is the information health care providers (for example, doctor, hospital, dentist) collect about you and may include information about your physical health, mental health, health history, family health history, the health care you have received, your health card number, and the name of your substitute decision-maker.
- The *Personal Health Information Protection Act (PHIPA)* determines what happens to your personal health information while it is in the possession of a health information custodian (HIC).

#### ***What is a record of personal health information (PHI)?***

- PHI is the record kept by HICs who provide you with health care. This can include doctors, dentists, hospitals, pharmacies, social workers and others. The record may contain information which is written, printed, computerized or photographic. It was previously referred to in the *Mental Health Act* as the "clinical record."

***Do I have access to my record of personal health information?***

- Yes. You have the right to access your own record of personal health information. There are some exceptions to this right of access. You may be refused access if:
  - it could result in serious harm to your treatment or recovery (example?);
  - it could result in serious harm to you or another person (example?);
  - it would reveal the identity of someone who was required by law to provide information; or
  - it would reveal the identity of someone who provided information on the understanding that their name would not be revealed.

***How do I obtain access to my record of personal health information?***

- To access to your PHI record, you make a request to the HIC (i.e., your doctor, another health care professional involved in your care, or the designated record keeper at your facility) either in writing or orally. Many HICs have developed their own request form and you may be asked to complete it .
- When making the request, you must provide the HIC with enough information to allow them to identify your record. For example, if you are requesting access to a record from a hospital, you might provide the approximate dates of your admission, your age at the time and any additional information you think may help identify your record.
- If you make your request in writing, you should keep a copy of the request and note the date you sent the request and how it was sent (i.e., delivered in person or mail). If the request is oral, you should make a note of the date you made the request and the name of the person to whom you spoke. This helps establish the date the HIC received the request, which is important when determining timelines.
- The “Request to Examine or to Copy Clinical Record” under the *Mental Health Act* (Form 28) no longer exists.

***How long does the HIC have to respond to my request?***

- The HIC must respond to your request within 30 days of receiving it. The HIC:
  - may grant access to your record;
  - tell you the record can not be found; or
  - refuse your request for reasons stated in the legislation (*PHIPA*).

- If the record no longer exists or the HIC is refusing access, the HIC must give you a written notice explaining why you will not be granted access to the record.

***Can the 30 day period be extended?***

- Yes. The 30 day period may be extended for a further 30 day period in certain circumstances. The HIC must provide a written notice informing you of the extension of time and the reason for it.

***What if I require quick access to my record?***

- If you ask for a response within a specific time period and provide a satisfactory reason for this time period, the HIC shall respond in that time period if they are reasonably able to do so.

***What can I do if I do not get access to my record?***

- If access to your record is denied or the HIC does not respond to your request within the specified time period, you may make a complaint to the Information and Privacy Commissioner.

***Is there a cost for accessing or copying my record?***

- Yes, there may possibly be a cost. The HIC may charge you an administrative fee for accessing the record and a charge for photocopies you request. You may ask to obtain copies of all or part of your record for a reduced or waived fee. You may ask the HIC for an estimate of the cost of obtaining copies before ordering them. At this time, there is no guideline as to the amount the HIC can charge.

***What happens if I disagree with what is in my record?***

- If you think the record is incorrect or incomplete for the HIC's purposes, you may request that a correction be made. This request may be made orally or in writing. The HIC has 30 days to respond to your request in writing. The 30 day period may be extended for a further 30 days in certain circumstances. The HIC must provide a written notice informing you of the extension of time and the reason for it.
- If the request is refused, the HIC must provide a written notice explaining why the HIC will not make a correction to the record.

***What can I do if my request for a correction is refused?***

- If the request for correction is denied or the HIC does not respond to your request within the specified time period, you may make a complaint to the Information and Privacy Commissioner.
- You may also prepare a Statement of Disagreement stating the correction which the HIC refused to make. This Statement may be added to the record and provided to anyone accessing related information from your record. You may also ask the HIC to provide the Statement to persons who have previously accessed information related to the correction.

***What happens if I want to review my record before a Consent and Capacity Board hearing?***

- A party to a hearing before the Consent and Capacity Board has the right to examine and copy any documents which will be used at the hearing. If you wish to examine your record prior to a hearing, you should speak to the HIC to make the necessary arrangements.

***How do I contact the Information and Privacy Commissioner to make a complaint?***

- If you have a complaint about accessing your record or a refusal to make a correction, you may contact the Information and Privacy Commissioner. The Information and Privacy Commissioner will provide information regarding the complaint process and your rights under *PHIPA*. You may contact their office at:

Information and Privacy Commissioner of Ontario  
Telephone 416-326-3333 in Toronto or 1-800-387-0073  
TDD/TTY 416-325-7539  
[www.ipc.on.ca](http://www.ipc.on.ca)

***Questions?***

- If you have questions, you may contact your local Patient Advocate or Rights Adviser, or call the Psychiatric Patient Advocate Office at 1-800-578-2343.

***Related Guides***

- *Personal Health Information Protection Act* – General Information
- Disclosure of Your Personal Health Information