

## **SECTION 1 – Privacy**

### **1.08 Individual Access to their Personal Health Information (PHI)**

#### **Policy**

Taddle Creek Physicians will comply with the Personal Health Information Privacy Act, 2004 (PHIPA).

#### **Procedure**

1. Except under special circumstances, patients have the right to access their PHI.
2. Patients (or their substitute decision-maker) may request access to their PHI orally or in writing.
3. In order to invoke the rights and procedural requirements of the Act, the request must be in writing (See Form 6 – Form to Request Access to PHI).
4. Upon receiving a request to access PHI, clerical personnel should document the request in the health record and then direct the requestor to Taddle Creek Physicians Privacy Contact Person(s) who will,
  - Verify the patient’s identity or substitute decision-maker’s authority
  - Determine if one of the legal exceptions applies to providing access (See the Table 1 - Guidelines for Refusal of Access)
  - If a legal exception applies:
    - Notify requestor in writing that you are refusing access, in whole or in part, and why (See Sample Letter #3 - Refusal of Access for PHI)
    - Where possible, sever the record and provide access to the part of the record where no legal exception applies,
    - Tell the requestor about your complaints procedure, and that if the requestor is not satisfied with your resolution of the complaint, the requestor can complain to the Commissioner, and
    - In some circumstances, you cannot even tell the requestor that a personal health record exists
  - If no legal exception applies,
    - Inform the requestor of any fees (as per OMA Fee Schedule)
    - Arrange to provide access by,
      - Showing the requestor the original record (if you choose to show the requestor the original record, you should arrange for the requestor to be monitored while viewing the record to ensure that it is not altered in any way)

OR

- Provide access by giving the requestor a copy of the record (if the requestor asks for a copy, you must provide)
  - If reasonably practical, answer questions about any medical terms or abbreviations used in the record or have a healthcare provider respond.
5. Taddle Creek Physician's 'Statement of Information Practices' will inform patients/substitute decision makers whom they can contact if they want to see their PHI.
  6. All requests for access to PHI should be responded to within 30 days. If more than 30 days is required inform the requestor in writing that an extension is required, the reason the extension is required and when you will respond (See Sample Letter #4 - Extension to Comply With Access Request for PHI). If the requestor is not satisfied with your response, tell the requestor about your complaints procedure.
  7. Taddle Creek Physicians will inform and train our health care professionals and staff about individuals accessing their PHI.
  8. Taddle Creek Physicians will review our policy for individual access to PHI regularly.

Approved By: Executive  
Approved On: June 2009  
To be Reviewed: June 2010

**Table 1 - Guidelines for Refusal of Access**

In each of the following situations, you should provide access to the part of the record that is not impacted by the reason for refusal and that can reasonably be severed from the record.

Reason for Refusal of Access	Follow-Up Notification to Requestor	
	State you are refusing the request (in whole or in part) and reason for the refusal	State you are refusing to confirm or deny the existence of any record
The record contains quality of care information	X	
The record contains information collected/created to comply with the requirements of a quality assurance program under the <i>Health Professions Procedural Code</i> that is Schedule 2 to the <i>Regulated Health Professions Act</i>	X	
The record contains raw data from standardized psychological tests or assessments	X	
The record (or information in the record) is subject to a legal privilege that restricts disclosure to the requestor	X	
Other legislation or court order prohibits disclosure to the requestor	X	
The information in the record was collected/created in anticipation of or use in a proceeding that has not concluded		X
The information in the record was collected/created for an inspection/investigation/similar procedure authorized by law that has not concluded		X
Granting access could reasonably be expected to result in a risk of serious harm to the patient or to		X

Reason for Refusal of Access	Follow-Up Notification to Requestor	
	<p style="text-align: center;"><b>State you are refusing the request (in whole or in part) and reason for the refusal</b></p>	<p style="text-align: center;"><b>State you are refusing to confirm or deny the existence of any record</b></p>
<p>others (Where this is suspected you may consult a physician or psychologist before deciding to refuse access)</p>		
<p>Granting access could lead to the identification of a person who was required by law to provide the information in the record</p>		<p>×</p>
<p>Granting access could lead to the identification of a person who provided the information in the record in confidence (either explicitly or implicitly) and it is considered appropriate to keep the name of this person confidential</p>		<p>×</p>
<p>The request for access is frivolous, vexatious or made in bad faith</p>	<p>×</p>	
<p>The identity or authority of the requestor cannot be proven by the requestor</p>	<p>×</p>	