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Fact Sheet

Your health information: Your access and correction rights

On November 1, 2004, the *Personal Health Information Protection Act, 2004* (the *Act*) came into force. This new law gives you the right to access or obtain a copy of your personal health information and correct any mistakes.

To whom the *Act* applies

The *Act* applies to individuals and organizations involved in the delivery of health care services. Under the *Act*, they are referred to as “health information custodians” and include:

- Health care providers such as doctors, nurses, dentists, psychologists, optometrists, physiotherapists, chiropractors, massage therapists, dieticians, naturopaths and acupuncturists who provide health care;
- Hospitals;
- Long-term care homes and homes for special care;
- Community Care Access Centres;
- Pharmacies;
- Medical laboratories;
- Local medical officers of health;
- Ambulance services;

- Community mental health programs; and
- The Minister of Health and Long-Term Care.

Personal health information

Personal health information includes any identifying information about your health or health care history, such as your medical history, details of visits to your doctor, or test results.

Your right of access to your personal health information

Under the *Act*, you have the right to access and request a copy of your own personal health information.

If you want to access or obtain a copy of your records, you may make a request to the person identified by the health information custodian (custodian). The custodian may require that you make the request in writing.

If your request is in writing, a custodian has 30 days to respond but, in certain situations, may require an extension of up to 30 days. You can request faster access where you can show that you urgently need the information. When giving you access or providing a copy of your health information record, a custodian



may charge a reasonable fee to cover costs.

Under the *Act*, custodians can only deny you access to your health information record in certain situations, such as when health information was collected as part of an investigation.

Generally, custodians who deny you access to your record or part of your record must give you an explanation. If you are not satisfied with a custodian's decision, you may complain to the Information and Privacy Commissioner of Ontario (IPC) within six months of that decision. You may also complain to the IPC if the custodian has not responded to your access request within 30 days, or if the time to respond to your request has been extended.

Your right to correct your personal health information

Generally, under the *Act*, if you believe that your personal health information is not accurate or complete, you may make a request to have it corrected. You should make your request to the contact person designated by the custodian. The custodian may require that you make the request in writing.

If your request is in writing, a custodian has 30 days to respond but, in certain situations, may require an extension of up to 30 days.

A health information custodian must correct your record of personal health information if you can demonstrate, to the custodian's satisfaction, that your record is incomplete or inaccurate for the purpose the custodian uses this information. You must also provide the information necessary to correct the record. For example, if you can demonstrate that the record your doctor uses to treat you is not accurate

or complete enough for that purpose and you provide the necessary information, your doctor must correct your record. However, custodians are not required to change professional opinions or correct records that they did not create.

Custodians who refuse to make a correction must explain why they refused. You have the right to attach a statement to your record conveying your disagreement as well as the right to complain to the IPC within six months of the decision. You may also complain to the IPC if the custodian has not responded to your request for correction within 30 days, or if the time to respond to your request has been extended.

About the Commissioner

The Information and Privacy Commissioner of Ontario is appointed by the Ontario Legislature and is independent of the government of the day.

Under the *Act*, the IPC has the power to make rulings about complaints where:

- Your request for access to your health information records has been denied;
- Your request for record correction has been denied;
- The custodian has not responded to your request within 30 days; and
- The custodian has extended the time to respond to your access or correction request.

For more information on the access and correction complaint process, please refer to the brochure, *Access and Correction Complaints: Personal Health Information Protection Act*.

Complaint forms are available on the IPC's website, www.ipc.on.ca



Other health privacy materials available from the IPC include:

- Frequently Asked Questions: *Personal Health Information Protection Act*;
- *A Guide to the Personal Health Information Protection Act*;
- *The Personal Health Information Protection Act and Your Privacy*;
- *Frequently Asked Questions: Health Cards and Health Numbers*;
- *Your Health Information: Your Rights*; and
- *Collection, Use, Disclosure and Other Complaints: Personal Health Information Protection Act*

For more information, please call, write or e-mail:

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If you have any comments regarding this newsletter, wish to advise of a change of address, or be added to the mailing list, contact:

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