



Guidelines for Responding to Patient Requests to Access Their Personal Health Information

This section will:

- explain patients' rights to access their personal health information held in a practice
- identify what a physician or privacy officer should consider before responding to access requests, including timelines, exceptions to disclosure of personal information, whether to charge a minimal fee and what to do if an employee or patient makes a complaint with respect to access

Under PIPA, patients (or the patient's legally authorized representative) and employees (including volunteers) are entitled to access their personal information in the control of a practice. Practices have a legal duty to make reasonable efforts to assist an individual with their request, respond to requests as accurately and completely as reasonably possible and, where appropriate, provide the individual with the requested personal information.

Timeline

A patient must make a request to access their personal health information in writing, and the practice must respond within **30 working days** of receiving a request (See [Form - Patient Request for Access to Personal Information](#)). The response may be a copy of the medical record or in the case where copies cannot be made, how to make arrangements for the patient to review the original records.

Exceptions

There are some exceptions where personal information may not or must not be released to a patient. For example, some of the circumstances where an organization is not required to disclose personal information to a patient include where:

- information is protected by solicitor-client privilege
- disclosure of the information would reveal confidential commercial information that if disclosed could, in the opinion of a reasonable person, harm the competitive position of the organization

An organization is required to withhold personal information in the following circumstances:

- The disclosure would reveal personal information about another individual.
- The disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request.



- The disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request.
- The disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of their identity.

PIPA allows an organization to disclose information about the mental or physical health of a patient to a health care professional for the purpose of obtaining an assessment from that health care professional about whether the disclosure of information to the patient could reasonably be expected to result in grave and immediate harm to the patient's safety or mental or physical health. PIPA defines a "health care professional" as a medical practitioner, psychologist, registered nurse or registered psychiatric nurse. There are additional requirements for this type of disclosure, including that the practice and the health professional enter into a **confidentiality agreement** and that the information must not be used for any purposes other than making an assessment.

If the patient's access request is refused, the practice must provide the patient with reasons for the refusal.

Fees

The practice may charge a minimal fee for responding to a request for access to personal information. The minimal fee charged for access is intended to recover some of the actual and necessary costs incurred by the practice to provide access and it may include the costs associated with:

- locating and retrieving
- producing and copying
- preparing for disclosure
- postage or shipping costs

The fee **must not generate any profit**, and does not usually include reviewing the records to make sure the practice is complying with its obligation in PIPA to withhold information.

When charging fees, the practice must provide the applicant with a written estimate of the total fee, and may require the applicant to pay a deposit before processing the request.

It should be noted that if an employee makes the request, no fee can be charged for providing access to that person's employee personal information. "Employee personal information" is defined in PIPA as



personal information about an individual that is collected, used, or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship. “Work product information” is excluded from the definition of personal information in PIPA so the practice does not have to disclose it to the applicant. “Work product information” means information that is prepared or collected as part of an individual’s responsibilities or activities related to their employment but does not include personal information about individuals who did not prepare or collect the personal information.

Complaints About Access

The practice must educate staff on how to appropriately respond to such requests. If a patient or employee is not satisfied with the response, he or she may ask the physician’s office to reconsider the response and address the complaint internally. If the complaint cannot be resolved, the practice should inform the complainant that they may contact the College of Physicians Surgeons to resolve the matter. The complainant should also be informed that they have 30 business days to make a formal complaint to the Office of the Information and Privacy Commissioner, starting from the date that the physician’s office communicates to the complainant its reasons for the response (www.oipc.bc.ca).

For more information about responding to complaints, see [Guidelines for Responding to Patient and Employee Complaints](#).