

Clarifying Access Requests

Individuals who request access to information under the *Personal Health Information Protection Act, 2004* (the *Act*) do not always know the type of records a health information custodian has about them, or how those records are organized. For this reason, clarification is often required.

The purpose of this issue of *PHIPA* Practice Direction is to remind health information custodians of the legislative requirements regarding the clarification of requests; and to emphasize that clarification will make things easier for everyone concerned—the health information custodian; requesters, complainants and the Information and Privacy Commissioner/Ontario (IPC).

It is vital that health information custodians have a clear understanding of the nature and scope of requests in order to process them efficiently and to satisfy the requester's right of access.

REQUIREMENT FOR REQUESTERS

The *Act* specifies that a person seeking access to his or her own personal health information must provide sufficient detail to enable the health information custodian to identify and locate the record with reasonable efforts.

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REQUIREMENT FOR HEALTH INFORMATION CUSTODIANS

The *Act* also states that if the request does not contain sufficient detail to enable the health information custodian to identify and locate the record with reasonable efforts, the health information custodian shall offer assistance to the person requesting access in reformulating the request.

MANNER OF CLARIFICATION

In most cases, it would be more expeditious and productive to have the employee who is most knowledgeable about the requested records communicate directly with the requester.

While a letter may be appropriate in some instances, speaking with a requester also offers an invaluable opportunity to provide explanations, answer questions, narrow the request (where appropriate) and resolve issues on the spot.

'CLARIFY' OR 'NARROW'?

It is important that the health information custodian understand the difference between a clarified request and a narrowed request. To “clarify” is to make clear what the requester is seeking. For example, a requester wants “a test result,” but has provided no further information. Clarification is needed.

To “narrow” is to reduce the scope of the request, i.e., decreasing the number of records requested.

STANDARD QUESTIONS

The following are some typical questions that may be used by a health information custodian as it attempts to clarify a request:

Are you interested in any particular records? Please elaborate.

Do the records you are requesting involve a specific incident? Please elaborate.

Were the records you are interested in created during a specific time period? (For example, “all information related to X, between April 1, 2004 and March 31, 2005.”)

Do the records you are requesting relate to the services of a particular health care provider or department?

Have you already spoken with a specific department or with particular individuals from our organization? Can you name the branch or individuals? (This may help avoid a duplication of effort.)

More Information

Regarding the clarification of requests, the important provisions are sections 52 and 53 of the *Act*.

An Access/Correction request form is available on the IPC's website at www.ipc.on.ca.



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario