

PUBLICLY RELEASED DECISIONS UNDER THE *PERSONAL HEALTH INFORMATION PROTECTION ACT, 2004*

This practice direction should be read in conjunction with the *Code of Procedure for Matters under the Personal Health Information Protection Act*.

APPLICATION

1. This practice direction describes when a Decision of the Office of the Information and Privacy Commissioner of Ontario (the IPC) made pursuant to the *Personal Health Information Protection Act, 2004* (the Act) will be made available to the public.
2. When a Decision of the IPC pursuant to the Act is made available to the public, this practice direction describes which Parties will be identified by name in that public Decision.
3. When a Decision of the IPC is made available to the public, it will generally not name the Complainant or any person whose personal health information is at issue.
4. The IPC may invite Representations from the Complainant, the Respondent and any Affected Person prior to the publication of a Decision where the Complainant, Respondent and/or Affected Person is named.
5. The IPC may in its discretion depart from anything in this practice direction where it is just and appropriate to do so.

SETTLED, WITHDRAWN OR ABANDONED COMPLAINTS

6. Where a file is closed because a Complaint is settled, withdrawn or abandoned, the IPC will not issue a public Decision.

EARLY RESOLUTION¹

7. Except in situations set out in paragraphs 8 and 9, Decisions of the IPC at the Early Resolution stage will generally not be made available to the public.
8. If the IPC determines there is a public interest in issuing a public Decision, it may make the Decision available to the public. This public Decision may name the Respondent, unless naming the Respondent would identify the Complainant or any person whose personal health information is at issue. This public Decision may name any Affected Person in the same circumstances as the Respondent.
9. Where the IPC conducts a Review of a Deemed Refusal, Failure to Provide Access or Expedited Access Complaint, Decisions made in, or at the conclusion of, that Review will be made available to the public. These public Decisions will name the Respondent, unless naming the Respondent would identify the Complainant or any person whose personal health information is at issue. These public Decisions may name any Affected Person in the same circumstances as the Respondent.

INVESTIGATION

10. Where a Custodian-Reported File or IPC-Initiated File is at the Investigation stage, and the Investigator is satisfied with the response of the Respondent, the file will be closed and a Decision will be made available to the public.
11. These public Decisions may name the Respondent if the IPC determines there is a public interest in doing so, unless naming the Respondent would identify any person whose personal health information is at issue. This public Decision may also name any Affected Person in the same circumstances as the Respondent.
12. Where the Investigator is not satisfied with the response of the Respondent, the file will be transferred to Adjudication.

ADJUDICATION

13. All Decisions at the Adjudication stage will be made available to the public.
14. Where the Adjudicator decides that no Review will be conducted, this Decision may name the Respondent if the IPC determines there is a public interest in doing so, unless naming the Respondent would identify the Complainant or any person whose personal

¹ Formerly referred to as “Intake”.

health information is at issue. This public Decision may name any Affected Person in the same circumstances as the Respondent.

15. Where an Adjudicator decides to commence a Review, Decisions made in, or at the conclusion of, that Review will name the Respondent unless naming the Respondent would identify the Complainant or any person whose personal health information is at issue. These public Decisions may name any Affected Person in the same circumstances as the Respondent.

RECONSIDERATION DECISIONS

16. Where the IPC receives a request to reconsider a previously issued Decision, the IPC's approach to publication of:
 - the Decision to grant or refuse the reconsideration request,
 - any Decision to rescind or vary the previously issued Decision or make a further Decision, and
 - the naming of Parties within those Decisions,

will be consistent with the previously issued Decision to which the reconsideration request relates. For example, where a Party requests reconsideration of a Decision made at the Early Resolution stage that was not made available to the public, the IPC's Decision on the reconsideration request will also not be made available to the public.