

3. Correcting Your Health Records

Under PHIPA, you have the right to have information in your personal health records corrected.

If you believe that the information in your personal health record 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 health information custodian.

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

Health information custodians must correct an incomplete or inaccurate record, but they are not required to change professional opinions or correct records that they did not create.

Health information custodians who refuse to make a correction must explain why they refused. You have the right to attach a statement conveying your disagreement to your record and to complain to the Information and Privacy Commissioner of Ontario.

What Does the Information and Privacy Commissioner Do?

The Information and Privacy Commissioner of Ontario (IPC) is appointed by the Ontario Legislature and is independent of the government. The commissioner is responsible for ensuring that health information custodians comply with the law.

Under PHIPA, the IPC has the power to investigate and make rulings about complaints. If you believe that a health information custodian or anyone else is not following PHIPA, you may file a complaint with the IPC.

The following table lists the reasons and time periods for filing a complaint.

Reason to Complain to Commissioner	Time to File a Complaint
A health information custodian or other person has collected, used or shared your personal health information contrary to PHIPA.	Within 1 year of the time that you became aware of the problem (The commissioner can extend this deadline.)
Your request to see your personal health record or part of that record has been denied.	Within 6 months of the health information custodian's decision.
Your request to have your personal health information corrected has been denied.	Within 6 months of the health information custodian's decision.

When the commissioner receives a complaint, a mediator may be appointed to try to solve the problem. The IPC has various powers to resolve complaints, including the power to order a health information custodian to:

- change or stop the way your information is collected, used or shared
- provide you with access to your record of personal health information
- correct your record of personal health information.

For more information about the role of the IPC or to submit a written complaint, please contact:

The Information and Privacy Commissioner of Ontario

2 Bloor Street East, Suite 1400
 Toronto, ON M4W 1A8
 Telephone: 416-326-3333 or 1-800-387-0073
 Fax: 416-325-9195
 TTY: 416-325-7539

Website: www.ipc.on.ca

To find out more about PHIPA, visit www.health.gov.on.ca or call our INFOline at 1-800-461-2036 or TTY 1-800-387-5559

Version française disponible en communiquant avec le 1 800 461-2036
 ATS : 1 800 387-5559

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Your Health Information: Your Rights

Your Guide to the Personal Health Information Protection Act, 2004

Each time you visit a healthcare provider, have a test done or receive care in your home, the hospital or any other healthcare setting, information about your health is recorded in a personal health record.

On November 1, 2004, the Personal Health Information Protection Act, 2004 (PHIPA) came into force. This new law:

- sets out the rules that healthcare providers (or, “health information custodians”) must follow when collecting, using and sharing your personal health information
- gives you the right to see your health records and correct any mistakes.

To whom does PHIPA apply?

PHIPA applies to individuals and organizations involved in the delivery of healthcare services. Under the act, they are referred to as “health information custodians”. They include:

- healthcare providers such as doctors, nurses, dentists, psychologists, optometrists, physiotherapists, chiropractors, massage therapists, dietitians, naturopaths and acupuncturists
- 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
- the Ministry of Health and Long-Term Care.

What Are Health Information Custodians Required to Do?

Under PHIPA, health information custodians are required to:

- collect only the information they need to do their job
- take steps to safeguard your personal health information
- take reasonable steps to ensure your health records are accurate and complete for the work they do
- provide a written description of the practices they use to protect your information, and the name of the person to contact if you have any questions or concerns about your personal health records.

What Are Your Rights Under PHIPA?

PHIPA gives you the right to:

- give permission (consent) to how your personal health information is collected, used and shared
- request access to your health records
- make corrections to your records.

1. Giving Consent

Under PHIPA, you have the right to consent to how your information will be collected, used and shared – except in specific circumstances where the law authorizes healthcare providers to collect, use or share a person’s information without consent, such as reporting for public health safety.

The act allows for two types of consent:

- **implied consent.** In general, your healthcare provider will assume that you give consent for the sharing of your health information to provide healthcare to you without directly asking you or requiring you to sign a consent form. For example, when your family physician refers you to a specialist, he or she will assume that you give permission to share your health information with the specialist – unless you specifically refuse. In practice, PHIPA permits your healthcare provider to assume your implied consent to collect, use or disclose your health information with other healthcare providers who are involved in your care unless you state otherwise.
- **express consent.** In certain situations, your healthcare provider is required to request your consent – either orally, in writing or electronically – before sharing your health information. This is called “express consent.” For example, if your healthcare provider is asked to disclose your personal health information to someone who is not a health information custodian under PHIPA, like your employer, he or she must obtain your express consent.

2. Accessing Your Health Records

Under PHIPA, you have the right to access your personal health records.

If you want to see your records, you may make a request to the person identified by the health information custodian.

If your request is in writing, a health information custodian has 30 days to respond to your request 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 personal health record, your healthcare provider may charge a reasonable fee to cover costs.

Under PHIPA, health information custodians can only deny you access to your record of personal health information in certain situations, such as when health information was collected as part of an investigation. Generally, health information custodians who deny you access to your record or a 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.