

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

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* (the *Act*) will be made available to the public.

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.

SETTLED, WITHDRAWN OR ABANDONED COMPLAINTS

Where a file is closed because a Complaint is settled, withdrawn or abandoned, the IPC will not issue a public Decision.

INTAKE STAGE

Decisions of the IPC at the Intake Stage will not be made available to the public except as described in the following paragraph.

Where an Analyst 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. Such Decisions will not name the Complainant or the person whose personal health information is at issue. This public Decision will name the Respondent(s) (unless doing so would identify the Complainant or the

person whose personal health information is at issue). This public Decision may name any Affected Person(s).

MEDIATION/INVESTIGATION

The IPC does not issue Decisions where a Complaint is at the Mediation Stage.

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(s), the file will be closed and a Decision will be made available to the Public. This Decision will not name the Respondent(s), or any Affected Person(s). Where the Investigator is not satisfied with the response of the Respondent(s), the file will be transferred to Adjudication.

ADJUDICATION

All Decisions at the Adjudication Stage will be made available to the public.

Where the Adjudicator decides that no review will be conducted, this Decision will not name the Complainant, the person whose personal health information is at issue, the Respondent(s), or any Affected Person(s).

Where an Adjudicator decides to commence a Review, Decisions made in, or at the conclusion of, that Review will not name the Complainant or the person whose personal health information is at issue. Such Decisions will name the Respondent(s) (unless doing so would identify the Complainant or the person whose personal health information is at issue). This Decision may name any Affected Person(s).

RECONSIDERATION DECISIONS

Where the IPC reconsiders a previously issued Decision, the IPC's approach to publication of the reconsideration Decision and naming of parties will be consistent with the previously issued Decision. For example, where a Party requests reconsideration of a Decision made at the Intake Stage that was not made available to the public, the IPC's Decision of the reconsideration request will also not be made available to the public.