



## CKHA POLICY

**Title:** Access to Information under the *Freedom of Information and Protection of Privacy Act (FIPPA)*

**Document Number:**  
COM-1-001

### BACKGROUND

Effective 01 January 2012 hospitals came under the provisions of the *Freedom of Information and Protection of Privacy Act (FIPPA)*, which first came into effect in 1998. The Act was extended to cover hospitals as a result of the *Broader Public Sector Accountability Act, 2010*.

In accordance with FIPPA, Chatham-Kent Health Alliance (CKHA) has developed policies and procedures:

- To allow any person a right of access to records in the custody and control of CKHA subject to exemptions and exclusions set out in FIPPA.
- To allow individuals a right of access to records containing “Personal Information” about themselves maintained by CKHA subject to FIPPA.
- To establish a consistent and controlled process for individuals to obtain access to information in the custody and control of CKHA.
- To ensure routine information disclosed by CKHA does not require a formal request process under FIPPA.
- To ensure information requests are processed in a timely, efficient manner consistent with the legislative requirements set out in FIPPA.

This policy is **not** applicable to requests for access to personal health information under the Mental Health Act, the Personal Health Information Protection Act, or the Public Hospitals Act.

### POLICY

CKHA will continue to provide public access to corporate hospital records that are now released routinely in response to informal requests and do not contain confidential information, personal information or personal health information.

An Applicant requesting access to a record in the custody or control of CKHA shall complete a FIPPA Access Request Form and submit a \$5 fee payable to Chatham-Kent Health Alliance. All FIPPA requests must be submitted to the Freedom of Information (FOI) office located in the Health Records Department.

An Applicant who is unable to read or write English/French or has a disability preventing them from submitting a written request, may make an oral request to the FOI office complete with the payment of the \$5 fee.

All rights of access are subject to the full payment by the Applicant of the fees required under FIPPA and its regulations. In accordance with the Act, the Applicant may be required to pay 50

percent of the cost of processing the request prior to the commencement of the search for records if the request is estimated at costing greater than \$100. At the request of an Applicant, all or part of the fee may be waived. At the discretion of the delegated head, the following will be considered:

- Is it fair and equitable to do so (in regards to the actual cost of processing, collection and copying of the record and if it varies from the estimate, whether access to the record is given, and if the amount is too small to justify requiring payment);
- If the fee will cause financial hardship (the requestor must provide evidence related to income, assets, and expenses); or,
- If the dissemination of the record will benefit public health and safety.

All FIPPA requests must be submitted to the FOI office.

The FIPPA request must provide enough information to enable the FOI Office to identify the record. The FOI Office will make every effort to assist the Applicant in clarifying and narrowing the request. The FOI Office will respond in accordance with the requirements of FIPPA openly and accurately.

The FOI Office will respond to the Applicant within 30 days after receiving the request, unless the time limit for responding has been extended under the Act or the request has been forwarded to another organization that has control or custody of the record.

The FOI Office will communicate the Hospital's position to the Applicant in a decision letter. The decision letter must communicate one of the following decisions:

- There are no relevant records or no records exist;
- Grant complete access to the record;
- Grant partial access to the record and refuse access to the remainder of the record based on stated exclusions or exemptions;
- Refuse access to the entire record based on stated exclusions or exemptions;
- Advise the requested record cannot be disclosed under the FOI process because the subject matter is excluded from the Act; or,
- Refuse to confirm or deny the existence of a record.

The Applicant must pay the prescribed fees in full prior to obtaining access to any records (see Appendix A-Regional Fee Schedule).

The specific provision(s) of FIPPA under which access is refused, the reason the provision applies to the record, the name and position of the person responsible for making the decision and the fact the Applicant may appeal the decision to the Information Privacy Commissioner (IPC) must be communicated in the decision letter.

All decisions made in connection with a FIPPA request will be documented and tracked (i.e. logged) by the FOI Office.

<b>PolicyNumber:</b> COM-1-001	<b>LastReviewedDate:</b> 02/01/12
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**LINKS**

COM-2-001: Access to Information under the Freedom of Information and Protection of Privacy Act (FIPPA) - <http://bit.ly/Zh9ydW>

**REFERENCES**

1. OHA Hospital Freedom of Information Toolkit – A Guide to Implementing the *Freedom of Information and Protection of Privacy Act*, 2011, Ontario Hospital Association

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