

## **Frequently Asked Questions (FAQs)**

### ***Who can make a request for access to records?***

Any person or organization can make a request for access to records.

### ***When does the Act apply to hospitals?***

The Act applies to hospitals as of January 1, 2012, but is retrospective to January 1, 2007. As a result, records that came into the hospital's custody and/or control on or after January 1, 2007 are subject to the Act.

### ***What records are subject to a FIPPA request?***

The definition is not restricted to physical documents. It includes any record of information however recorded, whether in printed form, on film, by electronic means or otherwise.

### ***How do I file a request for information in the custody and control of CKHA?***

CKHA proactively discloses large amounts of information available to the public on the hospital's website. If you are unable to find the information you are looking for on the hospital's website, it is recommended that you contact the FOI and Privacy Office for information you are looking for before making a formal request under the Act. An informal request will likely prove to be both faster and more cost-effective than going through the formal request process under the Act. If the office is unable to provide the information and you wish to file a formal request for access to information, please visit the How to Make a Request page for a step-by-step guide.

### ***Are there any fees involved with a request for information?***

A \$5.00 application fee must accompany your request. You may be charged fees for photocopying, shipping costs, the costs of manually searching the records you have requested and preparing them for disclosure, and any other costs incurred in responding to your request. For further information on fees and costs please refer to the Fee Schedule. If the total cost of processing your request exceeds \$100, you will be provided with a fee estimate before processing begins and you will be required to pay a deposit of 50 per cent of the total processing costs before CKHA begins to process your request.

### ***How long will it take CKHA to respond to my request?***

Once CKHA receives your request and the application fee, you are entitled to a response within 30 calendar days.

### ***CKHA may extend the 30-day time limit in two situations:***

1. The request is for a large number of records or necessitates a search through a large number of records and meeting the time limit would unreasonably interfere with the operations of the institution; or
2. Consultations with a person outside the institution are necessary to comply with the request and cannot reasonably be completed within the time limit.

### ***Are there exemptions or exclusions?***

Yes, certain categories of records are outside the application of FIPPA. FIPPA applies to all records in the custody or under the control of an institution unless,

1. The record or the part of the record falls within one of the exemptions under sections 12 to 22; or
2. The head is of the opinion on reasonable grounds that the request for access is frivolous or vexatious.

***What records are not covered by the act?***

Records that relate to: employment, labour relations, the appointments or privileges of health professionals, regulated health professionals' private practice records, as well as research and teaching records, hospital foundation and charitable donation records, and records relating to the provision of abortion services are excluded from the Act. It is also important to note that FIPPA does not apply to "personal health information" that is subject to the Personal Health Information Protection Act (PHIPA).

As a result of the Quality of Care Information Protection Act, FIPPA does not apply to "quality of care information" prepared by or for a designated quality of care committee.

***Does the hospital have to indicate to a requester the provision and reasoning for excluding information from disclosure?***

If the hospital denies you access to information that you requested under FIPPA, it must give you written notice of its decision along with reasons by reference to a section in FIPPA, and inform you of your right to appeal to the Information and Privacy Commissioner.

***How do I appeal to the Information and Privacy Commissioner?***

Under the Act you may appeal any hospital decision regarding access to [Ontario's Information and Privacy Commissioner](#) within 30 days from the date of receipt of the letter denying your request.

Make your appeal by writing to:

Information and Privacy Commissioner/Ontario  
2 Bloor Street East  
Suite 1400  
Toronto, Ontario  
M4W 1A8

Provide the Commissioner's office with:

1. Your name, address and telephone number.
2. The Access Request Number (case file #) assigned to your request by CKHA.
3. A copy of the original request for information that was sent to CKHA.
4. The reasons for your appeal.

The appeal must be accompanied by the appropriate fee. Fees vary according to the nature of the request being appealed as follows:

1. \$25, if the person appealing has made a request for access to a general record under subsection 24 (1) of the Act.
2. \$10, if the person appealing has made a request for access to personal information under subsection 48 (1) of the Act.

***Can the hospital publicly post who is making access requests and the costs of handling the request?***

No, a hospital is not able to publicly identify/post the names of individuals who make access requests. In fact, the identity of a requester should only be shared with the hospital staff that requires the information in order to respond to the request. The costs of handling a particular request can only be published as long as the requester cannot be identified in anyway. For example, linking a particular "requester" to multiple access requests may result in the requester being identified.