



Policy and Procedure

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KEYWORDS

privacy, PHI, personal health information, complaint, disclosure

The Information Privacy Commissioner (IPC) has been designated as the independent oversight body responsible for ensuring that health information custodians collect, use and disclose personal health information according to the rules set out under PHIPA. The IPC has the authority to investigate and adjudicate complaints. These include authority to:

- Require a complainant to try and resolve the issue directly with the custodian.
- Investigate a complaint initiated by an individual or in the absence of a complaint, self-initiate reviews.
- Appoint a mediator to resolve the complaint.

The IPC also has the authority to issue orders requiring compliance with PHIPA. For example the IPC may order a custodian to:

- Provide the individual with access to a record of personal health information.
- Correct a record of personal health information.
- Dispose of records of personal health information.
- Change or cease a particular information practice.

An individual who feels that his/her privacy rights under PHIPA have been violated has the right to submit a written complaint to the IPC. For example, an individual may complain about:

- A health information custodian's information practices.
- A refusal to grant access to his/her personal health information.
- A refusal to correct or amend his/her personal health information.



- A privacy breach.

Process:

1. In general an individual must file a complaint within one year from when the individual became aware of the problem. The legislation provides the IPC with the discretion to extend this one year limitation period.
2. If the complaint deals with access or correction issues, the individual must file the complaint with the IPC within six months from the time a health information custodian refuses an access or correction request.
3. All complaints are to be reported to the Agency's Chief Privacy Officer who will complete the privacy complaint log.
4. The Agency shall provide the necessary complaint form, Privacy Complaint Form- Collection, Use, Disclosure, Disposal or Breach of Privacy and the IPC contact information if requested by the individual.
5. The completed form may be submitted to the CMHA-WECB Chief Privacy Officer or to the Attention of the Registrar IPC Ontario.
6. The complainant has the right to appeal the IPC decision within 30 days. The complainant also has the right to pursue a remedy in courts for any harm suffered.
7. The Integrated Director, Outpatient and Community Services shall review all complaint resolutions for inclusion in the quality improvement process.

Reference/Source:	<u>Personal Health Information Protection Act 2004</u>
Distribution:	<u>Directors, Managers</u>
Filing:	<u>Administration Manual, CMHA-WECB Privacy Manual</u>

Monitoring:

Related Documents:
Privacy Policy