

Disclaimer to Custodians: This is a sample policy only. It may not be suitable for your circumstances and should not be relied on as legal advice.

POLICY No.

TITLE: SAMPLE - Access to Personal Health Information

EFFECTIVE: (insert date)

1. SCOPE

1.1 Authority

Yukon's *Health Information Privacy and Management Act* (HIPMA) (s.24) governs access to personal health information and contains provisions relevant to release of records.

1.2 Application

This policy and associated documents apply to all {NAME OF CUSTODIAN} employees.

1.3 Purpose

This policy sets out criteria and the process for responding to applications for access to personal health information held by {NAME OF CUSTODIAN}. It applies to individuals making application for their own information and to people who are authorized to act on behalf of another individual (e.g., a parent, legal guardian, substitute decision-maker, or lawyer).

This policy will provide a common and consistent approach to providing individuals access to their personal health information.

1.4 Background

With limited and specific exceptions, an individual has a right of access to their personal health information that is the custody or under the control of {NAME OF CUSTODIAN}.

The application should be made in writing and contain sufficient detail to enable {NAME OF CUSTODIAN} to identify the personal health information requested.

1.5 Definitions

Health Information means identifying information of an individual, in recorded or unrecorded form, relating to the individual's health, provision of health care, payments for health care, donation of body parts, tissue or bodily substance, or testing, or as otherwise defined in Yukon's *Health Information Privacy and Management Act*.

Personal health information means health information and registration information of an individual and prescribed provider registry information in respect of the individual, as defined in Yukon's *Health Information Privacy and Management Act*.

2. POLICY STATEMENT

2.1 General

Under Yukon's *Health Information Privacy and Management Act*, individuals have a right to obtain access to their personal health information contained in records in the custody or control of {NAME OF CUSTODIAN}. This right extends to individuals who have the legal authority to access records for another person (e.g. parent, legal guardian, or a person acting on the individual's behalf and authorized in writing).

Applications for personal health information should be directed to *{the position title of the individual responsible for responding to requests for information.}*

3. Steps for Responding to an Application for Access to Personal Health Information

3.1 Validate the Request

Verify the identity of the requestor through proof of identity. View, but **do not** copy photo ID. Match demographic information [e.g. date of birth; mailing address]

The request may be made verbally or in writing. If the request is being made in writing, have the person complete an Application for Access to Personal Health Information. Particulars of any verbal request should be documented.\

3.1 Confirm Authority to Access Information (s.45)

- If the request is from an individual claiming to have authority to act on behalf of another individual, verify their legal authority.
- For example, if the request is from a parent/legal guardian of the child, verify the parent's/legal guardian's legal authority.

3.1 Fees (Regulations Part 6 s.23 to s.26)

A custodian is not required to charge a fee for providing access to personal health information. *[The decision to charge a fee is at the discretion of each Custodian]*

Should the custodian choose to charge a fee, the following table outlines the maximum fee that may be charged.

Activity	Maximum Fee*
Service charge for responding to the request, including activities such as: <ul style="list-style-type: none"> • locating records • making decisions about whether or not to remove information • preparing records for release 	\$9.00 for each 15 minutes interval. If the activity takes more than 1, 15 minute round up to the next 15 minute interval
Printing or making photocopies of a record	\$.25 per page
Producing copies of records in other mediums e.g. x-ray; compact disc; microfiche; audio cassette; video cassette; printing photograph from a negative	Actual Cost
Shipping	Actual Cost
Transferring personal health information to another care provider	No Fee

*When responding to an individual's access request, a custodian must not charge a fee for the first two hours in the calendar year. After the first two hours the custodian may charge a fee, as outlined above.

3.1 Providing an Estimate of Fees (Regulations Part 6 s.28)

Upon request, a custodian must provide an individual with an estimate of the fees that will be charged for their application.

Fee estimates must be calculated in accordance with the table above. Estimates are not binding on either the custodian or the individual.

If the estimate of fees becomes, or is expected to become significantly higher than originally calculated the custodian must notify the individual immediately.

3.1 Response to an Access Request (s.26)

A custodian must respond to an application within 30 calendar days after receiving it. The 30 days includes weekends and statutory holidays.

The time period may be extended by an additional 60 days if:

- completing the work within the initial 30 days will unreasonably interfere with operations, or
- consultations are advisable before determining whether or how to comply with the request.

If a custodian is not able to respond to the applicant within the first 30 days the custodian must tell the applicant:

- the reason for the extension;
- when the individual can expect the records, and
- the applicant can make a complaint to the Information and Privacy Commissioner.

Once work has been completed on the application, the custodian must either:

- make the requested information available by allowing the applicant to examine it or by providing a copy of the information to the applicant;
- inform the applicant that the request is refused and, pursuant to s.27, also inform of the reason for the refusal, and the applicant's right to make a complaint to the Information and Privacy Commissioner regarding the refusal;
 - Note: 27(1) of *HIPMA* lists the limited circumstances where a custodian **must** refuse an individual access to the individual's information. Section 27(2) lists the circumstances where a custodian may refuse access.
- inform the applicant that the record requested does not exist or cannot be found; or

- notifying the applicant of the identity of any other custodians whom the custodian reasonably believes may have custody or control of the requested information.

If made available, copies of information will be provided to the requestor:

- **In person:** document as set out below
- **Mail:** registered mail only.
- **Fax or Email:** Obtain written permission from the requestor to use these methods of communication.

[Note: Each Custodian is responsible for determining in their policy how an individual will be provided with copies of requested information. For example, a Custodian may choose to not provide information via fax or email]

SAMPLE