

MANITOBA OMBUDSMAN PRACTICE NOTE

Practice Notes are prepared by Manitoba Ombudsman to assist persons using the legislation. They are intended as advice only and are not a substitute for the legislation.

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RESPONDING TO A COMPLAINT ABOUT A REFUSAL TO CORRECT PERSONAL HEALTH INFORMATION UNDER *THE PERSONAL HEALTH INFORMATION ACT (PHIA)*

Under PHIA (subsection 39(1)), an individual has a right to make an access complaint to the Ombudsman about any decision, act or failure to act by a trustee that relates to the request. This includes a complaint about a refusal to make a correction to his or her personal health information under section 12. This Practice Note has been prepared to assist trustees in responding to this type of complaint.

When Manitoba Ombudsman investigates a complaint concerning a refusal to make a correction, information would be requested from the trustee about the complaint. There is certain information that would be relevant to any complaint about a refusal to make a correction, which is outlined below. There could be other information relevant to a particular complaint that may also be requested from a trustee.

For a complaint about a refusal to make a correction, a trustee would be asked by our office to:

1. provide a copy of record(s) containing the personal health information with the information at issue highlighted or clearly identified in some other manner
2. provide a copy of the written request for correction
3. provide a copy of the trustee's response to the individual under subsection 12(3) notifying the individual of the decision to refuse to correct the record
4. explain why the trustee refused to make the requested correction
5. explain whether a statement of disagreement by the individual has been added to the record (subsection 12(4))