

# 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 FAILURE TO RESPOND TO AN ACCESS REQUEST 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 failure to respond to the request. This Practice Note has been prepared to assist trustees in responding to this type of complaint.

When Manitoba Ombudsman investigates a complaint concerning a failure to respond, information would be requested from the trustee about the complaint. There is certain information that would be relevant to any complaint about a failure to respond, 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 failure to respond, a trustee would be asked by our office to:

1. provide a copy of the request, if made in writing, or provide a description of the verbal request
2. indicate the date the request was received
3. indicate whether the trustee has responded to the request
4. if a response has been made, provide a copy if made in writing, or provide the date and a description of the verbal response
5. if a response has not been made, indicate when the trustee expects to respond to the individual and provide a copy of the response to us
6. if the response was not made within the time limit, explain the reason for the delay in responding