

# MANITOBA OMBUDSMAN PRACTICE NOTE

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## RESPONDING TO A COMPLAINT ABOUT THE TRANSFER OF 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 decision to transfer the request to another trustee. This Practice Note has been prepared to assist trustees in responding to this type of complaint.

When Manitoba Ombudsman investigates a complaint concerning the transfer of a request, information would be requested from the trustee about the complaint. There is certain information that would be relevant to any complaint about a transfer, 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 the transfer of a request, 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. provide a copy of the cover letter transferring the request to another trustee
4. if the trustee notified the individual of the transfer in writing, provide a copy of the letter, or provide a description of the verbal notification
5. explain the reason for the decision to transfer
6. indicate the provision under subsection 8(1) that permits the transfer