

# 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 FEES 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 that certain fees apply 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 fees, information would be requested from the trustee about the complaint. There is certain information that would be relevant to any complaint about fees, 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 fees, 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. if the individual was notified in writing of the fee, provide a copy, or indicate the amount of the fee
4. explain how the amount of the fee was determined, including a description of the tasks for which the fee is being charged and the amount of time required for the tasks
5. explain why the trustee considers the fee to be reasonable