

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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CHECKLIST: CONTENTS OF A COMPLETE RESPONSE UNDER *THE PERSONAL HEALTH INFORMATION ACT (PHIA)*

A trustee is required to respond to an individual's request for access to his or her own personal health information promptly and no later than 30 days after receiving the request (subsection 6(1)). A response must be provided in writing when the requested information does not exist or cannot be found or when access is being refused in whole or in part. Subsection 7(1) sets out:

Trustee's response

7(1) In responding to a request, a trustee shall do one of the following:

- (a) make the personal health information available for examination and provide a copy, if requested, to the individual;*
- (b) inform the individual in writing if the information does not exist or cannot be found;*
or
- (c) inform the individual in writing that the request is refused, in whole or in part, for a specified reason described in section 11, and advise the individual of the right to make a complaint about the refusal under Part 5.*

Manitoba Ombudsman has developed the following checklist for trustees as a reminder of the elements to be included when issuing response letters.

CHECKLIST: CONTENTS OF A COMPLETE RESPONSE UNDER PHIA

- Date of response letter**
- Date request for information was received**
- Reiteration of the request for information**

Where the requested information, in whole or part, is not supplied:

- **Inform the individual:**

In the case where information does not exist or cannot be found:

- Inform that the information does not exist or cannot be found; and
- Provide a brief explanation (e.g. of how and where the search was conducted or why the information does not exist).

OR

In the case where the request for information is refused in whole or in part:

- Inform that the request is refused, in whole or in part; and
- Inform of the specified reason described in section 11, using the specific language in the section 11 provision that applies to the particular information requested.

- **Complaint to Ombudsman:**

- Advise the individual of the right to make a complaint about the refusal under Part 5 to the Manitoba Ombudsman, 750-500 Portage Avenue, Winnipeg, Manitoba, R3C 3X1.