



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

Personal Health Information Protection Act

REPORT

FILE NO. HI07-11

A Medical File Management Company



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INVESTIGATOR:

Cathy Hamilton

HEALTH INFORMATION CUSTODIAN'S AGENT: A Medical File Management Company

SUMMARY OF INFORMATION GIVING RISE TO REVIEW:

An individual contacted the Office of the Information and Privacy Commissioner/Ontario (the IPC) to advise that she had requested and received a copy of her health record from a health information custodian's agent (agent), a medical file management company. Upon receipt and review of her health record, the individual noted that there were two pages of records relating to other individuals included in the package; one page related to her son, and the other to a third party. The IPC opened a file and worked with the agent to fulfill its obligations under the *Personal Health Information Protection Act* (the Act).

RESULTS OF REVIEW:

The individual who had received her health record from the agent provided the following information to the IPC. She advised that she gave the page relating to her son to him, and that she still had the record relating to the third party.

The IPC made arrangements to have the third party's record securely transported from the individual's home to the IPC.

The IPC also contacted the agent and advised him of the incident. The agent immediately located the original records at issue and re-filed them in the appropriate patient files. Given that the individual's son had already been notified of the incident by his mother, it was mutually determined that the agent was only required to notify the third party. The agent hired a contact

tracer to locate the third party, as her contact information on file was not current. The contact tracer was able to locate the third party, and the agent fulfilled the notification requirements under Section 12(2) of the *Act* by way of letter.

The IPC subsequently wrote to the third party to seek direction on the disposition of the record relating to her in its possession. The record will be destroyed in the event the third party does not respond to the IPC.

On the basis of all of the above, it was determined that further review of this matter was not warranted and the file was closed.

Original Signed By: _____
Brian Beamish
Assistant Commissioner

_____ September 20, 2007