



REVIEW REPORT 112-2017

Heartland Regional Health Authority

August 14, 2017

Summary: The Applicant submitted an access to information request to the Heartland Regional Health Authority (Heartland). Heartland indicated to her that it had provided all it can to her. The Applicant appealed to the Information and Privacy Commissioner (IPC). In the course of the review, Heartland provided information and the record that the Applicant was seeking. The IPC recommended that Heartland take no further action.

I BACKGROUND

[1] In an email dated June 1, 2017, the Applicant requested the following information from the Heartland Regional Health Authority (Heartland):

Slim Thorpe [Name of Employee] makes mention she received an update from [Name of Heartland employee] on April 20th. May I please request a copy of what [Name of Heartland employee] sent to Slim Thorpe on the 20th please?

As well confirmation [name of Applicant's son] did call the HHR on April 26 and again on May 2 to book counselling [sic] appointment's [sic].

[2] The Applicant's son had provided written consent to Heartland to disclose certain types of information about him to the Applicant.

[3] On or about June 2, 2017, Heartland responded by stating:

You have been provided with all responsive documentation from the file. There was no correspondence other than what was provided to you from Slim Thorpe or [name of individual].

Any information regarding correspondence between Slim Thorpe and [name of individual] must be requested directly from them.

This access request is now considered complete. If you are not satisfied with the region's response, you may contact the Office of the Saskatchewan Information and Privacy Commissioner...

[4] On June 2, 2017, the Applicant requested a review by my office. Below is the Applicant's description of the information or documents she believed she still had not received from Heartland:

- 1) What I am requesting from Heartland Health Region is confirmation [name of Applicant's son] did call the HHR on or near April 26 [name of Heartland employee] and left a message to book counselling [sic] sessions.
- 2) And again on May 3, [sic] [name of Applicant's son] left a message (to book him a counselling [sic] sessions.)
- 3) As well the update [name of Heartland employee] provided to Slim Thorpe April 20. The one Slim Thorpe makes mention to in the letter which is attached.

[5] On June 6, 2017, my office notified both the Applicant and Heartland that it would be undertaking a review.

II RECORDS AT ISSUE

[6] At issue are Heartland's search efforts.

III DISCUSSION OF THE ISSUES

[7] Heartland is a trustee as defined by subsection 2(t)(ii) of *The Health Information Protection Act*.

1. Does Heartland have to respond under HIPA to the Applicant's request for confirmation?

[8] The Applicant is seeking confirmation that her son called Heartland on or about April 26th and May 3rd to book counselling sessions. Requesting confirmation is not necessarily a request for records, but for information.

[9] Sections 12 and 32 of HIPA give individuals a right to request access to their personal health information contained in a record in the custody or control of a trustee. Sections 12 and 32 of HIPA provide as follows:

12 In accordance with Part V, an individual has the right to request access to personal health information about himself or herself that is contained in a record in the custody or control of a trustee.

...

32 Subject to this Part, on making a written request for access, an individual has the right to obtain access to personal health information about himself or herself that is contained in a record in the custody or control of a trustee.

[10] HIPA only provides individuals with a right to access their personal health information about himself or herself that is contained in a record. In this case, the Applicant is requesting confirmation that her son called Heartland. Therefore, the Applicant is not seeking records but information about her son. As background, the Applicant's son had consented to the release of specific type of personal health information to the Applicant. I find that Heartland did not have to respond to the Applicant's inquiry formally under HIPA but I always encourage public bodies or trustees to informally provide information to citizens if it does not breach someone else's privacy.

[11] In the course of my office's review, Heartland provided confirmation to the Applicant that her son did call Heartland on April 26th and May 3. In an email dated June 12, 2017 (timestamped 10:58 am) to the Applicant, Heartland's Privacy and Access Officer confirmed the Applicant's son left a voice message for a Heartland employee on May 3, 2017 at 4:08 pm. Then, in another email dated June 12, 2017 (timestamped 3:29 pm), Heartland's Privacy and Access Officer confirmed with the Applicant that the Applicant's son left a voicemail on a Community Mental Health Nurse's message manager on April 26th after regular business hours. The Community Mental Health Nurse responded by leaving a voicemail for him indicating that the Heartland employee named in the Applicant's access request would call him to set up an appointment.

[12] I find that Heartland has provided confirmation to the Applicant.

2. Did Heartland conduct a complete search?

[13] The Applicant was also concerned that she did not receive a copy of the update the Heartland employee provided to Slim Thorpe on April 20th, 2017.

[14] In its submission, Heartland indicated that it had provided the Applicant with a copy of her son's entire chart in response to a previous access to information request. Heartland uploaded the chart to a secure file-hosting system on May 17th, 2017 and May 19, 2017 so that the Applicant could gain access to the chart. Unfortunately, Heartland had failed to recognize that the notes by the Heartland employee that contains the update sought by the Applicant was also chart documentation. The notes were recorded on yellow notepaper by a counsellor. Therefore, Heartland acknowledged its error in not recognizing that the notes should have also been provided to the Applicant.

[15] To fix its error, on July 24, 2017, Heartland uploaded the notes to the secure file-hosting system and notified the Applicant she could access the notes. Heartland provided my office with a screenshot of the folder on the file-hosting system that shows all the documents that had been shared with the Applicant on the secure file-hosting system. The screenshot shows that notes dated April 4, 2017 to April 20, 2017 were uploaded and shared with the Applicant on the secure file-hosting system.

[16] While Heartland did not conduct a complete search initially, I find that Heartland has made efforts to fix its error and has provided the Applicant with the notes she sought.

IV FINDINGS

[17] I find that Heartland did not have to respond to the Applicant's inquiry under HIPA.

[18] I find that Heartland has provided confirmation to the Applicant.

[19] I find that Heartland did not initially conduct a complete search but it has since made efforts to provide the notes the Applicant sought.

V RECOMMENDATION

[20] I recommend that Heartland take no further action.

Dated at Regina, in the Province of Saskatchewan, this 14th day of August, 2017.

Ronald J. Kruzeniski, Q.C.
Saskatchewan Information and Privacy
Commissioner