



File Access & Correction Frequently Asked Questions

The answers to these frequently asked questions are based on the Personal Health Information Protection Act (PHIPA, 2004). For more information about access and correction of clinical records go to the Information and Privacy Commissioner of Ontario's website www.ipc.on.ca.

1 Can I give copies of reports and intervention plans to my clients if they haven't formally requested them?

Yes, you should give copies of relevant documents to your clients as they are produced, whether or not they request them.

2 Can I give copies of reports to my clients if they don't make a written request?

Yes, you can fulfill an oral request for access to all or part of the clinical record. While the Health Care Consent Act (HCCA, 1996) stipulates the response time when responding to written requests for the clinical record, clinicians can accept and grant oral requests for access.

3 How should I keep track of the copies of documents that I have given to my clients?

While there is no standard format for tracking reports given to clients, it is a good idea to document each time that you give clients a copy of a document and have them sign a form to acknowledge receipt.

4 How should I respond when my current or former client makes a written request for a copy of their entire clinical record?

Clients have the right to access all information unless particular legal limitations apply to the contents of your file or the setting in which you work. Sometimes it is helpful for all parties to meet with the client to review the file contents and select the particular pieces of required information.

5 How fast do I have to reply to a written request from my client for access to the clinical record?

Typically, a request must be fulfilled within 30 days. If it would cause undue hardship to meet a request within 30 days, a notice of extension for up to 30 additional days can be sent to the client. If you don't respond to a request for access within the allotted time the client has the right to complain to the Information and Privacy Commissioner of Ontario.

6 What if the request from the client is not specific enough for me to locate the information?

Sometimes a client's request doesn't include enough information to permit you to find the part of the record being requested. If the request is unclear, seek clarification from the client. Once you have clarified the request, you have to fulfill the request within 30 days from the date of the clarification.

7 What if the client notices errors in a report that I have written and asks me to correct them?

If your client finds factual errors in any part of the client record they can request corrections. If you agree that there is an error, or they can provide proof that there is an error, you must correct the error if it is in a part of the record that you are responsible for (e.g., not a third party report). You must also ensure that anyone with a copy of that record and anyone requesting that part of the record in the future is made aware of the correction.

8 What if a client asks for information in their clinical record to be corrected, but the record was my true opinion at the time of writing the report?

If you don't agree with the correction, you can refuse to correct the record. You must notify the client within 30 days, and provide a statement of disagreement that describes the requested correction that you have refused to make, the reason for refusal, and provide information on how to file a complaint with the Information and Privacy Commissioner of Ontario.

9 What should I do if a report that is corrected or disputed has been shared (with consent) with other parties?

If the report was corrected, the clinician is responsible to ensure that the information is corrected in all known copies of the record including conveying the corrected information to all those who have a copy of the record. If disputed, the statement of disagreement can be shared with those who have a copy of the record in question, if requested by the client, and if the information is necessary to the ongoing care of the individual.

10 Am I allowed to charge a client for the cost of making the requested part(s) of the clinical record available?

Yes, you are permitted to charge a fee for releasing the information to the client. However, that fee should be reasonable and must be disclosed before fulfilling the request.

More information about Privacy, Confidentiality, and Record Keeping can be found at www.ontaba.org