



FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA) GENERAL GUIDANCE DOCUMENT STEVENSON MEMORIAL HOSPITAL PRIVACY OFFICE

What is FIPPA?

FIPPA stands for Freedom of Information and Protection of Privacy Act (also referred to as the "Act"). Hospitals are designated as "institutions" under section 2 of FIPPA. Under the Act, you have a right to make a request for access to general records in the custody or control of the hospital. To read the Act, visit: <https://www.ontario.ca/laws/statute/90f31#BK100>

What is the purpose of FIPPA?

The Act has two main purposes: (1) to provide a right of access to information under the control of institutions; and (2) to protect the privacy of individuals.

1. Access

FIPPA provides a right of access to information under the control of institutions in accordance with the following principles:

- information held by institutions should be available to the public
- necessary exemptions from the right of access should be limited
- decisions on the disclosure of government information should be reviewed independently of government.

2. Privacy

The second purpose of the legislation is to protect the privacy of individuals with respect to personal information about themselves held by the hospital. This purpose also relates to Ontario's health-privacy legislation, the Personal Health Information Protection Act. (PHIPA).

Who can make a request for access to records under FIPPA?

A request for general records under the act is referred to as a Freedom of Information (FOI) request. There are no restrictions on who can make an FOI request. Any person or organization has the ability to make a request for access to records.

What information can I request under FIPPA?

The Act applies to records that are, or have been in the custody or control of a hospital since January 1, 2007. Under section 2, FIPPA describes "records" as any record of information however recorded, whether in printed form, on film, by electronic means or otherwise which may include the following:

- correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material.

Can I be refused access to a record?

Under sections 12 to 23 of the Act, Institutions have the right to refuse access to a record for several reasons (referred to as “exemptions”), these include but are not limited to:

- information that pertains to law enforcement;
- information which includes third-party information;
- information which is subject to solicitor-client privilege; and
- information that may cause danger to the health and safety of the individual(s).

What records are NOT covered under FIPPA?

Where the Act states a type of record is excluded, requesters do not have a right to access those records. For example, records that are not covered under the Act include but are not limited to:

- employment records
- labour relations records
- research records
- teaching records
- hospital foundation records
- abortion records

Is there a cost to making an FOI request?

Under section 57 of the Act, institutions shall require the person who makes a request for access to a record to pay fees in the amounts prescribed by the regulations for:

- the cost of every hour of manual search required to locate a record;
- the cost of preparing the records for disclosure;
- computer and other costs incurred in locating, retrieving, processing, and copying a record;
- shipping costs; and
- any other costs incurred in responding to a request for access to a record.

Does anyone oversee the Act?

The Information and Privacy Commissioner of Ontario (IPC/O) provides an independent review of the decisions and practices of institutions covered by FIPPA and PHIPA. The IPC’s key roles are:

- oversight of Ontario’s access and privacy laws;
- resolve appeals when access to information is refused;
- investigate privacy complaints related to personal information;
- ensure compliance with the acts;
- review privacy policies and information management practices;
- conduct research on access and privacy issues and provide comment on proposed government legislation and programs; and
- educate the public, media and other stakeholders about Ontario’s access and privacy laws and current issues affecting access and privacy.