

CATEGORY:	ORGANIZATIONAL: INFORMATION MANAGEMENT
SUB-CATEGORY:	GENERAL INFORMATION MANAGEMENT
GROUP:	
DISTRIBUTION:	ALL STAFF/PHYSICIANS
TITLE:	RESPONDING TO CLIENT/PATIENT/RESIDENT REQUESTS FOR CORRECTION OF PERSONAL HEALTH INFORMATION

PURPOSE

To provide a consistent approach to responding to client/patient/resident requests for correction of personal health information.

POLICY

Rights/Limitations of Clients/Patients/Residents Requesting Correction

As per Western Health policy [Client/Patient/Resident Access to Records \(#9-02-60\)](#), where a client/patient/resident is provided access to his/her record of personal health information and where the client/patient/resident believes that the record is inaccurate or incomplete, the client/patient/resident must be provided the opportunity to request correction to his/her personal health information.

Employees who are responding to requests for correction of personal health information must grant the request for correction where the client/patient/resident making the request:

- demonstrates that the record is inaccurate or incomplete for the purposes for which Western Health uses the information, and
- provides the information necessary to enable the correction of the record.

Alternatively, in consultation with the manager/leader as appropriate, employees who are responding to these requests may refuse to grant the request in the following situations:

- The record was not originally created by Western Health, or Western Health does not have sufficient knowledge, expertise and authority to correct the record,
- The information that is the subject of the request for correction consists of a professional opinion or observation that was made in good faith about the individual, or

- There is a belief on reasonable grounds that the request is frivolous or made in bad faith.

The Regional Manager Information Access and Privacy or designate must be notified of all requests for correction of personal health information.

Where to Direct the Client/Patient/Resident to Request Correction

To request correction of their paper and/or electronic record(s) of personal health information, clients/patients/residents, parents/legal guardians and/or their authorized representatives must be directed as follows:

i) Inpatients /Outpatients - Acute Care

- Health Records Department for outpatients;
- Manager/Clinical Care Coordinator (CCC) or designate for the particular acute care unit or the Health Records Department in the acute care facility.

All outpatient requests for access to records of personal health information must be directed to the Health Records Department at the facility where the record is located. In consultation with the Regional Manager Health Information or designate, a patient will be provided access to the record of personal health information during his/her stay on the acute care unit, in particular where the request for access consists of a limited amount of information (e.g. a lab result). If the request concerns access to the entire record, the request must be directed to the Health Records Department at the acute care facility where the record is located.

ii) Long Term Care

- Manager/Resident Care Coordinator (RCC) or designate in the long term care facility or the Health Records Department at the acute care facility where the record is located;
- Health Records Department at rural sites.

In consultation with the Regional Manager Health Information or designate, a resident will be provided access to his/her record of personal health information at the long term care facility, in particular where the request for access is to information pertaining to his/her stay in long term care. If the request concerns access to the entire record, the request must be directed to the Health Records Department at the acute care facility, if that is where the record is located.

iii) Population Health Branch

- the service provider in the Population Health Branch.

How to Make a Request for Correction

A request for correction of personal health information must be submitted in writing on form [Request for Correction of Personal Health Information Form # 12-486](#) unless the individual making the request:

- has limited ability to read or write English; or
- has a disability or a condition that impairs his/her ability to make a request in writing.

Where such situations arise, the employee must document the reason(s) for not obtaining a written request. The employee must ensure the appropriate identification of the requester.

All requests for correction of personal health information must contain the following information:

- Client's/patient's/resident's name,
- Date of birth,
- MCP number or other unique identifier,
- Address,
- Sufficient information to allow for record retrieval with reasonable effort, such as the dates the personal health information would have been collected, used and/or disclosed.

Processing the Request for Correction

Once received, the request must be date stamped by the recipient of the request, at the specific site/facility.

A letter of acknowledgement must be forwarded to the client/patient/resident advising that the request for correction of personal health information was received and will be responded to within the legislated time of 30 days from date of receipt of the request. (Please also refer to the next section of the policy.)

The client/patient/resident must also be provided written notice of the outcome of the request, whether approved or denied, as soon as possible and no later than 30 days or a maximum of 60 days from the date of the request, where the request is extended. (Please also refer to the next section of the policy.)

Time Limits for Responding to Requests for Correction

In keeping with the provincial *Personal Health Information Act* (PHIA), designated employees of Western Health must respond to a correction or amendment request from a client/patient/resident within thirty (30) days of receiving the request. In order for an extension of an additional thirty (30) days to be available, the request must meet the

following criteria and the designated employee must inform the client/patient/resident in writing of the reasons for the extension which must be for the following reasons only:

- Meeting the thirty (30) day time limit would unreasonably interfere with the operations of the custodian; or
- The information that is the subject of the correction request is located in numerous records and cannot be completed within the time limit.

In such situations, the manager/leader may consult with the Regional Manager Information Access and Privacy as necessary.

In consultation with the manager/leader as appropriate, employees who are responding to these requests may grant or refuse the client/patient/resident's request as soon as possible; however, the time limit for responding to the request must not exceed the expiration of the time limit that was extended.

Where the employee fails to respond to a request for correction with the thirty (30) or sixty (60) day time limit, Western Health is considered to have refused the request for correction and the client/patient/resident who is requesting correction may:

- appeal the refusal to the Supreme Court, Trial Division, or
- request a review of the refusal by the Information and Privacy Commissioner (OIPC) for Newfoundland and Labrador.

Correcting the Record

Where a request for correction is granted, the correction must include:

- Striking out the incorrect information in a manner that does not obliterate the record; or
- Where it is not possible to strike out the incorrect information:
 - labeling the information as incorrect,
 - severing the incorrect information from the record,
 - storing the incorrect information separately from the record, and
 - maintaining a link in the record that enables tracing the incorrect information; or
- Where it is not possible to record the correct information, ensure that there is a practical system in place to inform a person accessing the record that the information in the record is incorrect and to direct the person to the correct information.

Where a request for correction is granted, Western Health must provide written notice to the client/patient/resident who made the request for correction of the specific action taken.

Designated employees of Western Health must provide written notice of the requested correction, to the extent reasonably possible, to a person to whom Western Health has

disclosed the information within the 12 month period immediately preceding the request for correction, unless:

- The employee reasonably believes that the correction or amendment will not have an impact on the ongoing provision of health care or other benefits to the client/patient/resident; or
- The client/patient/resident requesting the correction or amendment has advised that notice is not necessary.

Refusal of Requests for Correction

Where a request for correction of personal health information is **refused**, Western Health must:

- Annotate the personal health information with the correction that was requested and not made and, where reasonably possible, notify a person to whom the information was disclosed within the 12 month period immediately preceding the request for correction of the notation, unless Western Health reasonably expects that the notation will not have an impact on the ongoing provision of health care or other benefits to the client/patient/resident or the individual requesting the correction has advised that notice is not necessary; and
- Provide the client/patient/resident requesting the correction with a written notice setting out the correction that Western Health has refused to make, the refusal together with reasons for the refusal, and the right of the client/patient/resident to appeal the refusal to the Trial Division or request a review of the refusal by the Information and Privacy Commissioner.

Fees

The client/patient/resident must not be charged a fee for correction of his/her personal health information.

Documentation in the Client/Patient/Resident Record

All written correspondence in respect to the request for correction, as well as the original request (whether approved or refused) must be filed in the client's/patient's/resident's record.

The Regional Manager Information Access and Privacy or designate must:

1. To ensure the integrity of the record and requested corrections, as appropriate, review the request for correction in consultation with relevant service providers.
2. Once the request is granted, consult with other appropriate departments to determine the appropriate process to correct the information

DEFINITIONS

Annotation: Annotate the personal health information with the correction that was requested and not made and, where reasonably possible, notify a person to whom the information was disclosed within the 12-month period immediately preceding the request for correction of the notation, unless Western Health reasonably expects that the notation will not have an impact on the ongoing provision of health care.

Correction: Where a custodian has granted an individual access to a record of his or her personal health information and the individual believes that the record is inaccurate or incomplete, he or she may request the custodian to correct the information.

Disclose: To make the information available or to release it but does not include a use of the information and “disclosure” has a corresponding meaning.

Record: Personal health information in any form that is written, photographed, recorded or stored in any manner, but does not include a computer program or a mechanism that produces records on a storage medium.

Personal Health Information: Identifying information in oral or recorded form about an individual that relates to:

- information concerning the physical or mental health of the individual, including information respecting the individual’s health care status and history and the health history of the individual’s family;
- the provision of health care to the individual, including information respecting the person providing the health care;
- the donation by an individual of a body part or any bodily substance, including information derived from the testing or examination of a body part or bodily substance;
- registration information;
- payments or eligibility for a health care program or service in respect of the individual, including eligibility for coverage under an insurance or payment arrangement with respect to health care;
- an individual’s entitlement to benefits under or participation in a health care program or service;
- information about the individual that is collected in the course of, and is incidental to, the provision of a health care program or service or payment of a health care program or service;
- a drug as defined in the *Pharmacy Act*, a health care aid, device, product, equipment or other item provided to an individual under a prescription or other authorization issued by a health care professional; or
- the identity of a person’s representative as defined in Section 7 of the *Personal Health Information Act*.

LEGISLATIVE CONTEXT

Personal Health Information Act (2008). Available at:
<http://www.assembly.nl.ca/legislation/sr/statutes/p07-01.htm>

REFERENCES

Government of Newfoundland and Labrador Department of Health and Community Services. *Newfoundland and Labrador Immunization Manual*. Available at:
http://www.health.gov.nl.ca/health/publichealth/cdc/im_section1.pdf

KEYWORDS

Correction, correction of records, correcting records, responding to requests for correction

FORMS

[*Request for Correction of Personal Health Information Form # 12 - 486*](#)

TO BE COMPLETED BY QUALITY MANAGEMENT & RESEARCH STAFF ONLY

Approved By: Chief Executive Officer	Maintained By: Regional Manager, Information Access and Privacy
Effective Date: 01/May/2012	<input type="checkbox"/> Reviewed: <input type="checkbox"/> Revised: <i>(Date of most recent changes to the policy)</i>
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