



## Electronic Health Record Request for Correction to Personal Health Information Policy

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<b>Policy Level Approval:</b>	Chief Privacy Officer
<b>Policy Category:</b>	EHR Privacy Program
<b>Cross Reference to Other policies/legislations/regulations/directives:</b>	<i>Personal Health Information Protection Act, 2004 (PHIPA, 2004); Ontario Regulation, 329/04</i>
<b>Original Date of Approval:</b>	September 30, 2020

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### Policy Applies to:

- Health information custodians that contribute personal health information to the electronic health record
- Health information custodians that collect, use and disclose personal health information that is accessible by means of the electronic health record
- Employees of Ontario Health

### 1. Purpose

This policy outlines Ontario Health's policy and process, when operating as a PHIPA Agent in connection with assisting health information custodians (HICs) to fulfil their obligations under Part V of PHIPA, related to correction requests made by an individual or that individual's substitute decision-maker to a record of personal health information that is accessible through the electronic health record (EHR).

## 2. Scope

This policy applies to the EHR that is developed and maintained by Ontario Health (Digital Services), under its authority as the prescribed organization. For more information on the scope of the EHR, please see the [Plain Language Description of the EHR](#).

The EHR contains the following clinical data repositories\*:

- Acute and Community Care Clinical Data Repository (acCCR)
- Primary Care Clinical Data Repository (pcCCR)
- Diagnostic Imaging Common Services Repository (DI CS)
- Digital Health Drug Repository (DHDR)
- Ontario Laboratories Information System (OLIS)

**\*Note:** Provincial Client Registry is out of scope of this policy.

## 3. Policy

- a) Obligations of Ontario Health (Digital Services) as a PHIPA agent:** Ontario Health (Digital Services), is not a HIC under PHIPA and as such, Ontario Health (Digital Services), will facilitate and assist with the administrative process related to a request for a correction of a record of PHI in the EHR in accordance with all applicable laws and the terms and conditions of the EHR contributor agreement. Facilitating and assisting activities, includes, receiving requests, collecting relevant documentation, forwarding relevant documentation to the HIC, answering procedural questions and updating the PHI in the EHR, as directed by applicable HIC.

**Note:** Ontario Health (Digital Services) is not authorized to provide guidance or advice to HICs/requesters or assume any responsibility for determining the legal authority of requesters to make the request for access or correction OR making the correction decision about whether the record will be corrected. These obligations rest solely with the HIC under PHIPA and as such, a requester may be redirected to the HIC who maintain custody and control of relevant record of PHI.

- b) Individual's right to correction of their health records:** If a HIC has granted access to a record of PHI and if the individual believes that the record of PHI is inaccurate or incomplete with respect to the purposes for which the HIC uses the information or has used the information, the individual has a right to:
- i. Request that the HIC correct the PHI;

- ii. Receive a written notice/decision from the HIC within the timeframe under PHIPA;
- iii. Request a written notice of the requested correction, to the extent reasonably possible, be sent to those to whom the HIC disclosed the information, except if it will have no effect on the provision of health care or other benefits to the individual;
- iv. Require the HIC to attach a statement of disagreement to the information if the requested correction was not made and to disclose the statement of disagreement whenever the HIC discloses the information in issue; and
- v. File a complaint with the IPC if the individual is unsatisfied with the outcome of a request for correction.

**c) Request for correction to PHI in the EHR:** Correction requests related to an individual's PHI must be directed as follows:

- i. Request for correction related to laboratory test information in OLIS must be directed to [MOH](#)
- ii. Request for correction related to drug and pharmacy service in the DHDR must be directed to MOH's [Drugs and Devices Division](#)
- iii. Request for correction related to pcCDR must be redirected to the [ClinicalConnect Program Office](#)
- iv. Request for correction related to the following repositories must be directed to the contributing HIC for response in accordance with section 55 of PHIPA:
  - Acute and Community Care Clinical Data Repository (acCDR)
  - Diagnostic Imaging Common Services Repository (DI-CS)

**d) Correcting PHI in the EHR:** Ontario Health (Digital Services) will not make any direct corrections to PHI in the EHR. However, the Agency will append applicable statement of disagreement to the individual's PHI in the EHR in accordance with the instructions provided by the contributing HIC and the terms and conditions of EHR contributor agreement.

**e) Mandatory annual statistics reporting to the IPC:** HICs must submit annual reports to the IPC including the number of new correction requests received for the reporting year and the course of action taken, even if the correction request was assisted/facilitated by Ontario Health (Digital Services) on behalf of the HIC.

**f) Compliance and Enforcement:** An individual can file a complaint with the [IPC](#) if they are unsatisfied with the outcome of a request for correction.

#### 4. Process

The following section outlines the procedures for: **(A)** Request for correction made directly to HIC that created and contributed PHI through the EHR; **(B)** Request for correction made directly to Ontario Health (Digital Services) related to PHI created and contributed by one HIC or more; **(C)** Request for correction made to Ontario Health (Digital Services) regarding pcCDR; or **(D)** Request for correction made to Ontario Health (Digital Services) regarding MOH's clinical assets (DHDR and OLIS)

##### **A. Request for correction made directly to a HIC related to PHI created and contributed to the EHR (DI-CS and acCDR)**

- i. Upon receiving the request from the individual, the applicable HIC must:
  - Respond to the requester directly in accordance with Part V of PHIPA; and/or
  - Notify the requester to contact Ontario Health (Digital Services) if the request is related to records created and contributed by one or more other HICs and the HIC that received the request has not contributed the relevant record of PHI.
- ii. Upon receiving the request for correction form from the HIC or the individual, a Privacy Team Member must:
  - Collect submitted documentations to identify each relevant HIC and locate the record in the EHR and obtain additional information.
  - Retrieve applicable record and forward the encrypted record along with the request and other documents submitted by the requester to each relevant HIC for responding in accordance with Part V of PHIPA.
  - Update Ontario Health (Digital Services) correction tracking system to reflect the steps taken.

##### **B. Request for correction made directly to Ontario Health (Digital Services) related to PHI created and contributed to the EHR (DI-CS and acCDR)**

- ii. Upon receiving the request for correction form from the individual, a Privacy Team Member must:
  - Collect submitted documentations to identify each relevant HIC and locate the record in the EHR and obtain additional information.
  - Within (7) seven days of receipt of the request, retrieve applicable record and forward the encrypted record along with the request and other documents submitted by the requester to each relevant HIC(s) for responding in accordance with Part V of PHIPA.
  - Provide notification to the individual that their correction request will be sent to the applicable HIC for decision making and response.

- Update Ontario Health (Digital Services) correction tracking system to reflect the steps taken.
- iii. Upon receiving the notification from Ontario Health (Digital Services), the applicable HIC must:
- Respond to the requester directly in accordance with Part V of PHIPA.
  - Advise Ontario Health (Digital Services) if any amendments to PHI in the EHR is required in accordance with the terms and conditions of the EHR contributor agreement.

**C. Request for correction made to Ontario Health (Digital Services) regarding pcCDR**

- i. Upon receiving the correction request from the individual, a Privacy Team member must:
- Redirect the requester to contact:  
[ClinicalConnect Program Office](#) Telephone: (905) 577-8270 ext. 9  
Email: [privacy@clinicalconnect.ca](mailto:privacy@clinicalconnect.ca)
  - Update Ontario Health (Digital Services) correction tracking system to reflect the steps taken.

**D. Request for correction made to Ontario Health (Digital Services) regarding MOH's clinical assets (DHDR and OLIS)**

- i. Upon receiving the correction request from the individual, a Privacy Team member must:
- **For DHDR:** Redirect the requester to contact:  
MOH, Drug Programs Delivery Branch, Ontario Public Drugs Program Division, 5700 Yonge Street 3rd Floor Toronto, ON M2M 4K5
  - **For OLIS:** Redirect the requester to contact:  
Freedom of Information & Privacy Coordinator, Access and Privacy Office, Ministry of Health, 99 Adesso Drive, 1st floor, Concord, ON, L4K 3C7  
Telephone: 416-327-7040, Email: [generalapo@ontario.ca](mailto:generalapo@ontario.ca)
  - Update Ontario Health (Digital Services) correction tracking system to reflect the steps taken.

## 5. Definitions

**Agent:** has the same meaning set out in section 2 of PHIPA.

**Authorized persons:** means the individual requester themselves or authorized person designated to consent on behalf of the individual under PHIPA.

**Note:** If a legal representative is appointed by the individual seeking access or correction, an authorization form must be submitted with the request to show that the representative has the authority to represent.

**Electronic health record (EHR):** has the meaning set out in section 55.1 (1) of PHIPA and further detailed in the Plain Language Description of the EHR available on Ontario Health’s website.

**Health information custodian (HIC):** has the meaning set out in section 3 of PHIPA.

**Individual:** has the meaning set out in section 2 of PHIPA.

**Personal health information (PHI):** has the meaning set out in section 4 of PHIPA.

**PHIPA:** means the *Personal Health Information Protection Act, 2004*, and supporting regulations as may be amended from time to time.

**PHIPA agent:** means Ontario Health as an agent (as the word “agent” is defined in section 2 of PHIPA) when acting as an agent of the Contributor in respect of Contributor Data in order to perform activities on the Contributor’s behalf in accordance with the terms and conditions of EHR Contributor Agreement.

**Prescribed Organization:** means the organization prescribed by Ontario Regulation 329/04 as the organization for the purposes of Part V.1 of PHIPA.

**Substitute decision-maker:** has the meaning set out in section 5 of PHIPA.

**IPC:** means the Information and Privacy Commissioner of Ontario.

## 6. Responsibilities

### ROLE

### RESPONSIBILITY

**Ontario Health Chief Privacy Officer:**

Responsible for approving this policy and its associated processes

<b>Ontario Health (Digital Services) Privacy Office:</b>	Responsible for authoring and maintaining this policy and its associated processes
<b>Ontario Health (Digital Services) Legal Counsel:</b>	Responsible for reviewing and providing input into this policy and its associated processes
<b>Ontario Health Employees:</b>	Responsible for complying with this policy and its associated processes
<b>Health Information Custodians who contribute to or access the EHR</b>	Responsible for complying with this policy and its associated processes in relation to PHI that is accessible by means of the EHR

## 7. Review

This policy is reviewed and updated in accordance with all applicable laws.

## 8. Appendices

- [Plain Language Description of the Electronic Health Record](#)
- EHR Request for Access and Correction to Personal Health Information Form is available on: [Accessing Your EHR](#)

## 9. Policy Change History

Revision Number:	1
Date of Approval:	September 30, 2020
Replaces Policy:	EHR Access and Correction Policy dated March 17, 2016
Description of Change:	N/A