

PHIA Policy

Informal Resolution

Policy

The Office of the Information and Privacy Commissioner (OIPC) fulfills its role and mandate under PHIA through informal resolution (section 67) as the first course of action to resolve complaints filed under section 66 regarding access to or correction of a record of personal health information, or about a contravention of any provision of PHIA or the Regulations.

Through informal resolution, OIPC addresses issues raised by the complainant in his or her complaint. If the complaint can be resolved through informal resolution, there is no need to proceed to the formal review process. However, should a case not be resolved during informal resolution, the process still provides the opportunity to address and clarify some of the issues, thereby reducing the scope of the review.

Subsequent to the informal resolution process, the Commissioner may decide not to conduct a review where he or she is not satisfied that there are reasonable grounds to do so (section 67(2)). The Commissioner may also decide not to conduct a review based on the criteria under section 67(3). This includes:

- that the custodian has adequately responded to the complaint;
- the complaint has been more adequately dealt with by another process;
- the complaint could be more adequately dealt with by another process;
- too much time has elapsed between the subject-matter of the complaint and the date the complaint was filed; or
- if the complaint is trivial, frivolous, vexatious, or made in bad faith.

Purpose

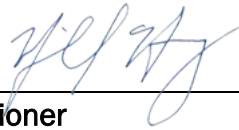
This policy establishes informal resolution as the first step in the review process and outlines the parameters for informal resolution, thereby leading to an efficient and effective process for resolving files. All files proceed through the informal resolution process for 60 days unless the parties refuse to participate or progress towards resolution ceases.

Informal resolution provides the most efficient and effective method to reach a resolution satisfactory to both the complainant and the custodian. The Access and Privacy Analyst involved in informal resolution conducts fact-finding, exploration, research, discussion, facilitation, and mediation processes between the parties to find a resolution agreeable to them as noted in section 67 of PHIA. Informal resolution is achieved when it is concluded “to the satisfaction of the complainant and the custodian, and in a matter consistent with this Act (section 67(1)).”

Scope

Informal Resolution applies to all PHIA complaints which are received by OIPC. This includes files which are removed from the “bank”, to become an active file according to the [Banking Files Policy](#).

Approved by Information and Privacy Commissioner



Commissioner

February 16, 2024

Date