

Information and Privacy Commissioner,  
Ontario, Canada



Commissaire à l'information et à la protection de la vie privée,  
Ontario, Canada

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## PHIPA DECISION 297

Complaint HA25-00034

Holly Medical Clinic

August 18, 2025

**Summary:** An individual asked Holly Medical Clinic for their personal health information records. The clinic issued a \$201 fee invoice for eighty-nine pages of records. The complainant requested a review of the clinic's fees. In this decision, the decision-maker does not uphold the fee and orders the clinic to reduce its fees to \$47.25.

**Statutes Considered:** *Personal Health Information Protection Act, 2004*, as amended, sections 54(10) and 54(11).

**Orders/Decisions Considered:** Orders HO-009, HO-014 and PHIPA Decisions 17 and 111.

### BACKGROUND:

[1] An individual (the complainant) through their representative (the representative) asked the clinic for access under the *Personal Health Information Protection Act* (the *Act* or *PHIPA*) to their personal health information records from April 11, 2023 to November 19, 2024.

[2] The clinic issued a fee invoice for \$201.

[3] When the representative requested an estimated page count of records, the clinic responded that there were approximately 90 pages of responsive records.

[4] The representative complained to the Information and Privacy Commissioner of

Ontario (the IPC), requesting a review of the fees.

[5] I asked the clinic to confirm the total number of pages for this request and provided general guidance on fees under the *Act*.

[6] The clinic advised that the total number of responsive pages of records was 89 pages and provided the following breakdown of its total fees:

Component	Basis in statute/guidance	Calculation	Amount
Retrieval, locating - first 20 pages	PHIPA s. 54(11); IPC HO-009 baseline	Flat rate	\$30
Photocopy/print - pages 21- 89	Actual supply cost (paper & toner)	69 pages × \$0.30	\$20.70
Physician chart review (clinical vetting & severing)	PHIPA ss. 52-53; OMA <i>Uninsured Services</i> guide	48 minutes @ \$150/hr prorated	\$120
Clerical data-handling & secure release	Staff wages	Flat rate	\$30
Total			\$200.70 (\$201)

[7] I provided the clinic with additional general guidance<sup>1</sup> and asked whether it would revise its fee based on this guidance. No further response was received.

[8] Attempts to resolve this matter informally were not successful. I decided to conduct a review and issued a Notice of Expedited Review, requesting representations from the clinic. In response, the clinic advised that it had already responded to my inquiries about its fees. I determined that I did not require representations from the complainant.

[9] In this decision, I do not uphold the clinic's fees and I find that the fees exceed the amount of reasonable cost recovery under the *Act*. I order the clinic to reduce its fees to \$47.25.

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<sup>1</sup> The clinic was provided with a copy of [the 2006 framework](#) published by the Ministry of Health and Long-Term Care, which the IPC has referenced in multiple decisions when reviewing reasonable cost recovery of personal health records under the *Act*.

## DISCUSSION:

### Preliminary issues

[10] Based on the information before me in this complaint, I am satisfied that:

- the requested records are records of personal health information, as defined in sections 2 and 4 of the *Act*;<sup>2</sup> and
- the clinic, who operates a group practice of health care practitioners, is a health information custodian as defined in section 3(1) of the *Act*.<sup>3</sup>

### Issue: Should the clinic's fee of \$201 for the records be upheld?

[11] The *Act* contains provisions about the payment of fees by a requester. Sections 54(10) and (11) of the *Act* allow a health information custodian to charge a fee for access, after giving an estimate. These sections state:

54(10) A health information custodian that makes a record of personal health information or a part of it available to an individual under this Part or provides a copy of it to an individual under clause (1)(a) may charge the individual a fee for that purpose if the custodian first gives the individual an estimate of the fee.

54(11) The amount of the fee shall not exceed the prescribed amount or the amount of reasonable cost recovery, if no amount is prescribed.<sup>4</sup>

[12] The issue of the validity of a fee charged under the *Act* is reviewed in PHIPA Decision 17. That decision states that the fee provisions at sections 54(10) and (11) of the *Act* are discretionary and they "confer a discretion on the [custodian] to charge an individual who requests access to records of [their] own personal health information a fee for access that cannot exceed the 'prescribed amount,' if one exists, or the 'amount of reasonable cost recovery.'"

[13] As there are currently no prescribed fee amounts under the *Act*, in this review, I must determine whether the fee charged by the pharmacy exceeds the "amount of reasonable cost recovery" as contemplated by section 54(11) of the *Act*. The "amount of reasonable cost recovery" is not defined in the *Act*. However, the IPC has previously

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<sup>2</sup> *Personal health information* is defined as identifying information about an individual if the information relates to physical or mental health of the individual or to the providing of health care to the individual under sections 4(1)(a) and (b) of the *Act*.

<sup>3</sup> *Health information custodian* is defined as a health care practitioner or a person who operates a group practice of health care practitioners.

<sup>4</sup> As of the date of this decision, there is no PHIPA regulation that prescribes fees for access.

considered the meaning of this phrase for the purposes of the fee provisions in the *Act*.<sup>5</sup>

[14] Applying the purposive approach to statutory interpretation, the IPC has concluded that the phrase “reasonable cost recovery” in the *Act* does not mean “actual cost recovery”, or full recovery of all the costs borne by a custodian in fulfilling a request for access to an individual’s own personal health information. The IPC has also concluded that the use of the word “reasonably” to describe cost recovery suggests that costs should not be excessive, and that, as a whole, section 54(11) must be interpreted in a manner that avoids creating a financial barrier to the important purpose of the *Act* - to grant a right of access to one’s own personal health information.

[15] These past IPC orders/decisions concluded that a fee scheme set out in a proposed regulation to the *Act*, published by the Minister of Health and Long-Term Care in 2006 (the 2006 framework)<sup>6</sup> though never adopted, provides the best framework for determining the amount of “reasonable cost recovery” under the *Act*. The 2006 framework adopted in those orders/decisions and in this review reads as follows:

25.1(1) For the purposes of subsection 54(11) of the *Act*, the amount of the fee that may be charged to an individual shall not exceed \$30 for any or all of the following:

1. Receipt and clarification, if necessary, of a request for a record.
2. Providing an estimate of the fee that will be payable under subsection 54(1) of *PHIPA* in connection with the request.
3. Locating and retrieving the record.
4. Review of the contents of the record for not more than 15 minutes by the health information custodian or an agent of the custodian to determine if the record contains personal health information to which access may be refused.
5. Preparation of a response letter to the individual.
6. preparation of the record for photocopying, printing or electronic transfer.
7. Photocopying the record to a maximum of the first 20 pages or printing the record, if it is stored in electronic form, to a maximum of the first 20 pages, excluding the printing of photographs from photographs stored in electronic form.

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<sup>5</sup> Orders HO-009, HO-014 and PHIPA Decision 17.

<sup>6</sup> [Notice of Proposed Regulation under PHIPA](#), published in Ontario Gazette Vol 139-10 (11 March 2006).

8. Packaging of the photocopied or printed copy of the record for shipping or faxing.

9. If the record is stored in electronic form, electronically transmitting a copy of the electronic record instead of printing a copy of the record and shipping or faxing the printed copy.

10. The cost of faxing a copy of the record to a fax number in Ontario or mailing a copy of the record by ordinary mail to an address in Canada.

11. Supervising the individual's examination of the original record for not more than 15 minutes.

(2) In addition to the fee charged under subsection (1), fees for the services set out in Column 1 of Table 1<sup>7</sup> shall not, for the purposes of subsection 54(11) of PHIPA, exceed the amounts set out opposite the service in Column 2 of the Table.

### ***Application of the 2006 framework and the \$30 set fee***

[16] In applying the 2006 framework, a custodian must first consider the set fee of \$30 set out in section 25.1(1) of the 2006 framework. Included in that \$30 charge are fees for several listed administrative tasks involved in processing the request, such as the first 15 minutes of review by the custodian to determine if the record contains personal health information to which access may be refused, and photocopying or printing of the first 20 pages of the responsive records. It also includes costs incurred for packaging the photocopied or printed copy of the record for shipping and for mailing a copy of the record by ordinary mail to an address in Canada.

[17] Section 25.1(2) of the 2006 framework references Table 1 which, as previously indicated, sets out fees that a custodian is permitted to charge, over and above the set \$30 fee, for several defined tasks. These include fees for making the records available to the requester on various mediums and fees for review.

### ***Reasonable cost recovery for photocopying the records***

[18] As set out in the 2006 framework, the fee for photocopying the first 20 pages of the complainant's records of personal health information is accounted for in the \$30 set fee. Under Item 1 of Table 1 of the 2006 framework, the custodian is permitted to charge \$0.25 per page for photocopying beyond those first 20 pages.

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<sup>7</sup> Table 1 of the 2006 framework is in the appendix at the end of this decision.

### ***Reasonable cost recovery for reviewing the records***

[19] Under the 2006 framework, the custodian is entitled to charge \$45 for every 15 minutes of review after the first 15 minutes, which is accounted for in the set fee of \$30. Under Item 12 of Table 1 of the 2006 framework, the custodian is entitled to charge \$45 for every 15 minutes of review after the first 15 minutes.

[20] Not every type of record containing personal health information subject to the Act requires the same amount of review time. For records with standard, predictable content requiring only a straightforward review, a review time of five seconds per page has been determined to be appropriate.<sup>8</sup> For other records, which by their nature may contain information to which access may be refused and require a more detailed and lengthy review, a review time of two minutes per page has been determined to be appropriate.<sup>9</sup>

### ***Clinic's position***

[21] During informal dispute resolution, the clinic maintained that its fee was reasonable and fully compliant with the *Act* because section 54(11) permits custodians to charge fees that reasonably reflect the cost of providing access, and no fixed tariff is prescribed under the regulation. The clinic also indicated that its fee was correct because the complainant's file required 48 minutes of professional time to "assess, sever third-party information, and ensure clinical accuracy". However, it did not provide any explanation as to why the records required this duration of review time. The clinic further indicated that the copying charge of \$0.30 per page is supported by an internal cost analysis and falls well within the range approved in other IPC orders. The clinic did not provide any orders/decision to support this position.

### ***Analysis and findings***

[22] I do not uphold the clinic's fee of \$201. For the reasons below, I find that the total fee should be \$47.25.

[23] As noted above, previous IPC orders/decisions have held that the 2006 framework provides the best method for determining the amount of "reasonable cost recovery" under the *Act*. The 2006 framework allows custodians to charge a set fee of \$30 for various administrative tasks involved in processing requests. This includes locating and retrieving the records and preparing a response and/or the records.

[24] The clinic is charging a flat rate of \$30 for "clerical data-handling & secure release" based on "staff wages". It has not provided me with any information about the nature of this fee. I also note that such a fee is encompassed by the set fee of \$30. Accordingly, I find that the clinic is not able to charge the complainant an additional

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<sup>8</sup> PHIPA Decision 111

<sup>9</sup> PHIPA Decision 111

separate flat rate fee of \$30 for administrative tasks, and that any administrative tasks are to be included in the set fee of \$30, not added as additional costs.

[25] The clinic is also charging \$50.70 to print/photocopy 89 pages of records. The clinic is charging \$0.30 for each additional page over the first 20 pages of records, when it should only be charging \$0.25 per additional page according to the 2006 framework. While the clinic maintains that the copying charge of \$0.30 per page is supported by an internal cost analysis and falls within the range approved in other IPC orders, it has not provided me with any information to support this position. Accordingly, I find that the fee for photocopying 89 pages of records should be \$47.25, being \$30 for the first 20 pages of records and an additional \$17.25 for the additional 69 pages of records at a rate of \$0.25 per page.

[26] The clinic is further charging \$120 for 48 minutes to review the requested records, which amounts to a review time of 32.4 seconds per page.<sup>10</sup> PHIPA Decision 111 states that for standard, predictable content, a review time of five seconds per page is appropriate, while for records that may be refused and require a more detailed and lengthy review, a review time of two minutes per page may be appropriate.

[27] The clinic has not provided me with any details about the nature of the 89 pages of records or the nature of its review of the records. It has not indicated whether the 89 pages of records, or part of them, may be refused or require severances. I have no evidence before me that the requested records require anything more than a straightforward review, let alone a review time of 32.4 second per page. Based on a review time of five seconds per page, the total review time for 89 pages of records would be approximately 7.42 minutes. Even with a review time of ten seconds per page, the total review time for 89 pages of records would be approximately 14.83 minutes. Accordingly, a review time beyond the initial 15 minutes for the 89 pages of records would appear to be excessive in the circumstances of this complaint.

[28] Accordingly, I find that it is reasonable to conclude that the 89 pages of responsive records would require only a straightforward review of five seconds per page and that its review of 89 pages of records is encompassed in the first 15 minutes of review that is part of the set fee of \$30. This means that the clinic is unable to charge any additional fees for reviewing the 89 pages of responsive records.

[29] Based on the above and the 2006 framework, I find that the \$201 fee exceeds the amount of reasonable cost recovery under the *Act* and that the total fee should be reduced from \$201 to \$47.25. I will order the clinic to reduce its fees to \$47.25.

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<sup>10</sup> The clinic uses a rate of \$150 per hour, which appears to be from the Ontario Medical Association's [\*Physician's Guide to Uninsured Services\*](#). Under the *Act* and based on previous IPC orders and decisions, the 2006 framework applies when reviewing fees charged for providing access to one's own personal health information under the *Act*.

**ORDER:**

For the foregoing reasons, pursuant to section 61(1) of the *Act*:

1. I order the clinic to issue a revised fee invoice and reduce its fees from \$201 to \$47.25.
2. If any of the responsive records are available electronically and are transferrable without being scanned or photocopied, I order the clinic to further reduce its fee by \$0.25 per page for records after the first 20 pages.

Original Signed By: \_\_\_\_\_

Alline Haddad  
Case Lead

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August 18, 2025



## APPENDIX

**Table 1 of the 2006 framework**

ITEM	COLUMN 1	COLUMN 2
1.	For making and providing photocopies or computer printouts of a record	25 cents for each page after the first 20 pages
2.	For making and providing a paper copy of a record from microfilm or microfiche	50 cents per page
3.	For making and providing a floppy disk or a compact disk containing a copy of a record stored in electronic form	\$10
4.	For making and providing a microfiche copy of a record stored on microfiche	50 cents per sheet
5.	For making and providing a copy of a microfilm of a record stored on microfilm that is,	
	i. 16mm	\$25 per reel
	ii. 35mm	\$32 per reel
6.	For printing a photograph from a negative or from a photograph stored in electronic form, per print,	
	i. measuring 4" x 5"	\$10
	ii. measuring 5" x 7"	\$13
	iii. measuring 8" x 10"	\$19
	iv. measuring 11" x 20"	\$26
7.	For making and providing a copy of a 35mm slide	\$2
8.	For making and providing a copy of an audio cassette	\$5
9.	For making and providing a copy of a ¼", ½", or 8mm video cassette,	
	i. that is one hour or less in length	\$20

	ii. that is more than one hour but not more than two hours in length	\$25
10.	For making and providing a copy of a ¾" video cassette,	
	i. that is not more than 30 minutes in length	\$18
	ii. that is more than 30 minutes in length	\$23
11.	For producing a record stored on medical film, including x-ray, CT and MRI films	\$5 per film
12.	For the review by a health information custodian or an agent of the custodian of the contents of a record to determine if the record contains personal health information to which access or disclosure may or shall be refused	\$45 for every 15 minutes after the first 15 minutes
13.	For supervising examination of original records	\$6.75 for every 15 minutes