

Information and Privacy Commissioner,
Ontario, Canada



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

PHIPA DECISION 308

Complaint HA24-00244

A named hospital

October 30, 2025

Summary: Under *PHIPA*, the complainant asked a hospital to correct a record documenting his visits to the hospital over a number of years, asserting that one of the listed dates is inaccurate. He complained to the IPC about the hospital's refusal to make his requested correction.

The adjudicator declines to conduct a review of the matter under *PHIPA*. She finds that the complainant's evidence does not establish that the duty to correct in section 55(8) of *PHIPA* applies, and there is thus no useful purpose in reviewing the complaint about the hospital's refusal to correct. She is also satisfied that the hospital responded adequately to the complaint. She dismisses the complaint.

Statutes Considered: *Personal Health Information Protection Act, 2004*, SO 2004, c 3, Sched A, sections 2 (definitions); 3; 4 (definition of "personal health information"); 55(1), (8), and (11); and 57(3) and (4).

OVERVIEW:

[1] This decision concerns a hospital's refusal to make a complainant's requested changes to a record documenting his visits to the hospital over a number of years. The complainant says the record contains an incorrect entry for a hospital visit in 1999 (by citing the wrong month for the visit), and he asked the hospital to change the entry to reflect the correct month. The hospital refused the request on the basis the complainant had not established a duty to correct the record under section 55(8) of the *Personal Health Information Protection Act, 2004* (*PHIPA*). The complainant was dissatisfied with

the hospital's decision, and filed this complaint with the Office of the Information and Privacy Commissioner of Ontario (IPC).

[2] As the parties were unable to resolve the complaint at mediation, the file was moved to the adjudication stage for a determination of whether the circumstances warrant a review under *PHIPA*. After considering all the information before me, I formed the preliminary view that this complaint should not proceed to a review under *PHIPA*.

[3] I informed the complainant of the reasons for my preliminary view, and I invited him to make submissions on my preliminary view before any final decision on the matter. The complainant provided submissions, which I have considered.

[4] In the discussion that follows, I explain why I have decided this matter does not warrant a review under *PHIPA*. I dismiss the complaint.

DISCUSSION:

[5] Section 55 of *PHIPA* addresses corrections to records of personal health information. Section 55(1) sets out the right to request a correction. It states:

If a health information custodian has granted an individual access to a record of his or her personal health information and if the individual believes that the record is inaccurate or incomplete for the purposes for which the custodian has collected, uses or has used the information, the individual may request in writing that the custodian correct the record.

[6] The hospital in this complaint is a "health information custodian" within the meaning of *PHIPA*.¹

[7] "Personal health information" includes identifying information about an individual that relates to the physical or mental health of the individual, and to the providing of health care to the individual.² The record at issue in this complaint is a log containing dates and other details of the complainant's visits to the hospital to receive health care. This information qualifies as the complainant's personal health information within the meaning of that term in *PHIPA*.

[8] Lastly, there is no dispute that the hospital granted the complainant access under *PHIPA* to the record, and that the complainant may make a request for correction to the record under *PHIPA*.³

¹ More specifically, the "person who operates" the hospital is the health information custodian, within the meaning of paragraph 4.i of section 3(1) of *PHIPA*.

² Paragraphs (a) and (b) of the definition of "personal health information" at section 4(1) of *PHIPA*. "Health care" is further defined at section 2.

³ Sections 52 and 55 of *PHIPA*.

[9] As a result, the rights and duties in section 55 of *PHIPA* apply to the complainant's request to the hospital. The complaint is an allegation that the hospital improperly refused the complainant's correction request despite his evidence about inaccuracy in the record.

Should the complaint proceed to a review under *PHIPA*?

[10] Sections 57(3) and (4) of *PHIPA* set out the IPC's authority to review or not to review a complaint. These sections state, in part:

(3) If the Commissioner does not take an action described in clause (1) (b) or (c) [which relate to attempts at settlement], or if the Commissioner takes an action described in one of those clauses but no settlement is effected within the time period specified, the Commissioner may review the subject-matter of a complaint made under this Act if satisfied that there are reasonable grounds to do so.

(4) The Commissioner may decide not to review the subject-matter of the complaint for whatever reason the Commissioner considers proper, including if satisfied that,

(a) the person about which the complaint is made has responded adequately to the complaint[.]

[11] For the reasons that follow, I find the complaint does not warrant a review under *PHIPA*.

There is no useful purpose served by a review of the complaint about the hospital's refusal to correct

[12] Section 55(8) sets out a duty on the part of a health information custodian to grant a request for correction where certain conditions are met. It states:

The health information custodian shall grant a request for a correction under subsection (1) if the individual demonstrates, to the satisfaction of the custodian, that the record is incomplete or inaccurate for the purposes for which the custodian uses the information and gives the custodian the information necessary to enable the custodian to correct the record.

[13] Thus, for the duty to correct in section 55(8) to apply, the individual seeking correction must:

1. demonstrate, to the satisfaction of the custodian, that the record is "incomplete or inaccurate for the purposes for which the custodian uses the information;" and
2. give the custodian "the information necessary to enable the custodian to correct the record."

[14] The individual seeking correction must meet both requirements to establish the duty in section 55(8).

[15] The hospital refused the complainant's request on the basis he has not met either requirement.

[16] With respect to the first requirement (demonstrate that the record is incomplete or inaccurate), it is important to note that not all personal health information contained in records held by a custodian must be accurate in every respect. Where the custodian is not relying on the information at issue for a purpose requiring the accuracy of the information, the custodian is not required to correct the information.⁴

[17] In this case, the complainant says the record erroneously documents that a hospital visit occurred in August 1999, when it actually occurred in July 1999. The hospital was not satisfied that this discrepancy between the record and the complainant's recollection makes the record "incomplete or inaccurate" for the purposes for which the hospital uses that information. In fact, the hospital indicates that it does not rely on the record's account of an August 1999 visit for any purpose. The hospital's evidence is that it provided the record to the complainant only in response to his access request, and that it does not otherwise retain patient records from 1999 for any purpose, including the provision of care.

[18] Against the hospital's evidence, I have considered the complainant's evidence in support of his claim that the recorded date of the hospital visit is inaccurate. The complainant refers to other documents that he says can verify the date of a workplace accident he experienced. (I understand the complainant to be saying that the accident precipitated the need for the hospital visit, so that the date of the accident is relevant to proving the date of the hospital visit.) The complainant's evidence does not establish that the record at issue is "incomplete or inaccurate" within the meaning of section 55(8).

[19] With respect to the second requirement (give information necessary to enable correction), the hospital says the complainant did not provide sufficient evidence to support his requested correction to the record. While the complainant proposed that the hospital contact various other health information custodians for confirmation of his account about the timing of the hospital visit, I am not persuaded there is any obligation on the hospital to gather this information on his behalf. The wording of section 55(8) makes clear that it is the individual seeking correction who must give the custodian the information necessary to support a requested correction.

[20] I have also considered other evidence the complainant gave the hospital in support of his correction request, including during this complaint process, and his submissions to me in response to my preliminary view of the complaint. This includes the complainant's references to other documents that he says can verify the date of his accident, his

⁴ PHIPA Decision 36, followed in PHIPA Decisions 39, 40, 59, 81, and many others.

allegations about a former employer, an account of his dealings with certain government bodies, and his generalized concerns about the health care he received in 1999. I agree with the hospital's assessment that all this evidence does not amount to "information necessary to enable the custodian to correct the record" in the manner the complainant seeks.

[21] As I find the complainant has not established that the duty to correct in section 55(8) of *PHIPA* applies, I see no useful purpose in reviewing his complaint about the hospital's refusal of his correction request.

[22] It is also my view that the hospital has responded adequately to the complaint about its refusal to make the requested correction. In its decision to the complainant, the hospital explained its reasons for the refusal, and informed him of his right, under section 55(11) of *PHIPA*, to prepare and to have attached to the record a statement of his disagreement in view of the hospital's refusal to correct the record as he wishes. During the mediation stage of the complaint process, the hospital also considered additional evidence the complainant provided in support of his correction request, and explained its reasons for maintaining its refusal to correct. I explained above why I agree with the hospital that the duty to correct in section 55(8) does not apply in the circumstances.

[23] For all these reasons, I decline to review this matter under *PHIPA*. I dismiss the complaint.

NO REVIEW:

For the foregoing reasons, no review of this matter will be conducted under Part VI of the *Act*.

Original Signed by: _____ October 30, 2025
Jenny Ryu
Adjudicator