

Information and Privacy Commissioner,
Ontario, Canada



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

PHIPA DECISION 314

Complaint HA25-00219

Royal City Pharmacy

November 27, 2025

Summary: The complainant asked Royal City Pharmacy for their pharmacy records. The pharmacy issued a \$100 fee invoice for ten pages of records. The complainant paid the fees to obtain the records and then requested a review of the fees. In this decision, the decision-maker does not uphold the fee and finds that it should be \$30. They order the pharmacy to provide the complainant with a refund of \$70.

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

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

OVERVIEW:

[1] The complainant (through their representative) asked Royal City Pharmacy (the pharmacy) for access under the *Personal Health Information Protection Act, 2004* (the *Act* or PHIPA) to their pharmacy records.

[2] The pharmacy issued a fee invoice for \$100.¹

[3] The complainant paid the fee and subsequently received ten pages of records.

[4] The complainant asked the Information and Privacy Commissioner of Ontario (IPC)

¹ The total fee was \$113.00 (\$100 + HST).

to review the fee.

[5] I discussed the matter with the pharmacy and provided guidance on fees under the *Act*. The pharmacy was asked to confirm the total number of pages for this request, provide a breakdown of the fee, and whether it would revise its fee based on the guidance.

[6] The pharmacy did engage in discussions but attempts to resolve this matter informally were unsuccessful.

[7] I decided to conduct a review and issued a Notice of Expedited Review, requesting representations from the pharmacy. I determined that I did not require representations from the complainant.

[8] In this decision, I do not uphold the pharmacy's fee and find that it should be \$30. I order the pharmacy to provide the complainant with a refund of \$70.

DISCUSSION:

Preliminary issues

[9] 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*;² and
- the pharmacy is a *health information custodian* as defined in paragraph 4 of section 3(1) of the *Act*.³

Issue: Should the pharmacy's fee for the records be upheld?

[10] The *Act* contains provisions about the payment of fees by a requester. Sections 54(10) and (11) of the *Act* allow a health information pharmacy 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

² *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*.

³ *Health information custodian* is defined as a person who operates a pharmacy within the meaning of the *Drug and Pharmacies Regulation Act*.

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.⁴

[11] The issue of the validity of a fee charged under the *Act* is reviewed in PHIPA Decision 17. That decision held 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.’”

[12] 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 considered the meaning of this phrase for the purposes of the fee provisions in the *Act*.⁵ 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.

[13] 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),⁶ 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.

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

⁵ Orders HO-009, HO-014 and PHIPA Decision 17.

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

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.
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 1⁷ 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

[14] 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 the \$30 charge are fees for several listed administrative tasks involved in processing the request, such as the first 15 minutes of review by a 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

⁷ See the appendix at the end of this decision.

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.

[15] 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

[16] 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, a custodian is permitted to charge \$0.25 per page for photocopying beyond those first 20 pages.

Reasonable cost recovery for reviewing the records

[17] Under Item 12 of Table 1 of the 2006 framework, a 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.

[18] Not every type of record containing personal health information subject to *PHIPA* requires the same amount of time for review. 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.⁸ 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.⁹

Pharmacy's representations

[19] In response to the Notice of Expedited Review,¹⁰ the pharmacy advised that the \$100 fee is both reasonable as well as consistent with standard practice across Ontario and that the fee reflects the time, labor, and administrative costs involved.

[20] The pharmacy stated that for the pharmacist to complete the task, it took 45 minutes, which includes eligibility of the representative's office to receive the records, locating and retrieving the records, calling the representative to provide an estimated fee, a response letter with the invoice, and printing/reviewing the record for faxing/emailing.

[21] The pharmacy mentions its consideration of the pharmacist's hourly wage, the monthly cost of its computer program, and related IT services.

⁸ PHIPA Decision 111.

⁹ PHIPA Decision 111.

¹⁰ While I have reviewed the representations in full, only the relevant portions are summarized here.

Analysis and findings

[22] I do not uphold the pharmacy's fee of \$100. I find that the total fee should be \$30.

[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. As a result, any administrative tasks that are set out in the 2006 framework are to be included in the set fee of \$30 and not added as additional costs.

[24] The pharmacy is charging the complainant \$100 for ten pages of records. These ten pages fall within the first 20 pages set out in the \$30 set fee and no additional fees regarding making and/or providing copies of the records should apply.

[25] Despite the pharmacy's claim that it may charge for certain administrative tasks encompassed in the 45 minutes to complete the request, clarifying, locating, retrieving, preparing, and providing copies of ten pages of records by fax/email fall within the \$30 set fee. Fees for receipt, clarification, and providing an estimate also fall within the \$30 set fee, and no additional fees should be accrued for these activities.

[26] The pharmacy has not provided me with any details about the nature of the ten pages of records or its review of the contents. Accordingly, I have no evidence before me that the requested records require anything more than a straightforward review beyond the initial 15 minutes.

[27] Based on the above and the 2006 framework, I find that the pharmacy's fee exceeds the amount of reasonable cost recovery under the *Act* and that the total fee should be \$30. I will order the pharmacy to provide the complainant with a refund of \$70.¹¹

ORDER:

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

1. I do not uphold the pharmacy's fee of \$100 and find it should be \$30.
2. I order the pharmacy to provide the complainant (through their representative) with a refund for \$70 by **December 11, 2025**.

¹¹ An adjustment for HST may be required.

3. To verify compliance, the pharmacy shall provide me with documentation by email to confirm that the refund has been issued to the complainant by **December 11, 2025**.

Original Signed by: _____

Michael Cusato
Case Lead

November 27, 2025

APPENDIX

TABLE 1

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" × 5"	\$10
	ii. measuring 5" × 7"	\$13
	iii. measuring 8" × 10"	\$19
	iv. measuring 11" × 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