

Information and Privacy Commissioner,
Ontario, Canada



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

PHIPA DECISION 322

Complaint HA25-00284

Cachet Medical Centre

December 23, 2025

Summary: The complainant asked Cachet Medical Centre for their personal health information records. The clinic issued a \$209 fee for one hundred 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 \$50. They order the clinic to provide the complainant with a refund of \$159.

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] On May 12, 2025, the complainant, through their representative (the representative), asked Cachet Medical Centre (the clinic) for access under the *Personal Health Information Protection Act* (the *Act* or PHIPA) to the complainant's personal health records for a specific one-year period.

[2] On June 6, 2025, the clinic issued a fee invoice for \$209 for 100 pages of records. The complainant's representative paid the fee to obtain the records.

[3] On July 16, 2025, the representative asked the Information and Privacy Commissioner of Ontario (IPC) to review the fee.

[4] I asked the clinic to confirm the total number of pages for this request and provided guidance on fees under the *Act*.¹ I then asked if the clinic would revise its fees based on the guidance provided. The clinic advised that the additional fees charged on the invoice may cover the time the clinic took to respond to this complaint. I advised the clinic that it was not permitted to charge the complainant for time taken to respond to the IPC about this complaint under the *Act*.

[5] The clinic was again asked to confirm the total number of pages for this request, provide a breakdown of the fee and advise whether it would revise its fee. I asked for a response by November 4, 2025.

[6] On November 21, 2025, I decided to conduct an expedited review and issued a Notice of Expedited Review, requesting representations from the clinic on the issue of fee.

[7] The clinic did not provide any representations on the issue of fee.²

[8] In this decision, I do not uphold the clinic's fee and find that the fee should be \$50. I order the clinic to provide the complainant with a refund of \$159.

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*,³ and
- the clinic, which operates a group practice of health care practitioners, is a *health information custodian* as defined in section 3(1) of the *Act*.⁴

Issue: Should the clinic's fee of \$209 for the records be upheld?

[10] The *Act* contains provisions about the payment of fees by a requester. Sections

¹ 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*.

² The clinic responded that the complainant did not consent to the complaint filed on their behalf. However, the representative provided the IPC with a signed authorization form, consenting to the complaint being filed on their behalf.

³ *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*.

⁴ *Health information custodian* is defined as a health care practitioner or a person who operates a group practice of health care practitioners.

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.⁵

[11] 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 [a 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 clinic 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*.⁶

[13] 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.

[14] 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)⁷ 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:

⁵ As of the date of this decision, there is no PHIPA regulation that prescribes fees for access.

⁶ Orders HO-009, HO-014 and PHIPA Decision 17.

⁷ [Notice of Proposed Regulation under PHIPA](#), published in Ontario Gazette Vol 139-10 (March 11, 2006).

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.
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 1⁸ 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.

⁸ Table 1 of the 2006 framework is in the appendix at the end of this decision.

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

[15] 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 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.

[16] 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

[17] 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

[18] 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.

[19] 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.⁹ 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.¹⁰

Analysis and Findings

[20] I do not uphold the clinic's fee of \$209. I find that the total fee should be \$50.

[21] 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

⁹ PHIPA Decision 111.

¹⁰ PHIPA Decision 111.

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, preparing a response and/or the records and the first 15 minutes of reviewing 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.

[22] The clinic is charging the complainant \$209 for 100 pages of records. The first 20 pages of the records fall within the \$30 set fee outlined in the 2006 framework, with the remaining 80 pages being subject to \$0.25 per page, namely, \$20. The clinic has not provided me with any details about the nature of the 100 pages of records, or any explanation about its review of them. Accordingly, I have no evidence before me that justifies an additional fee for reviewing the records beyond the first 15 minutes of review.

[23] In addition, the 2006 framework does not permit the clinic to charge the complainant fees for responding to a complaint filed by the complainant with the IPC.

[24] Based on the above and the 2006 framework, I find that the clinic's fee of \$209 exceeds the amount of reasonable cost recovery under the *Act* and that the total fee should be \$50. I will order the clinic to provide the complainant with a refund of \$159.

ORDER:

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

1. I do not uphold the clinic's fee of \$209, and I find that it should be \$50.
2. I order the clinic to provide the complainant (through their representative) with a refund of \$159 by **January 12, 2026**.
3. To verify compliance, the clinic shall provide me with documentation by email to confirm that the refund has been issued by **January 12, 2026**.

Original Signed by: _____

Alline Haddad
Case Lead

December 23, 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