

Information and Privacy Commissioner,
Ontario, Canada



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

PHIPA DECISION 330

Complaint HA25-00135

A hospital

January 29, 2026

Summary: The complainant sought a review of a hospital's decision to refuse her request to correct records of her personal health information documenting relating to her admission. The hospital refused the correction request under the good faith professional opinions exception in section 55(9)(b) to the duty to correct in section 55(8) of the *Personal Health Information Protection Act*.

The adjudicator finds that the hospital has responded adequately to the complaint and that no review is warranted under section 57(4)(a). She dismisses the complaint without conducting a review.

Statutes Considered: *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A, sections 57(3), 57(4)(a), 55(8), 55(9)(b) and 55(11).

BACKGROUND:

[1] This matter arises from an individual's complaint about a hospital's refusal to correct a record of her personal health information. The following reasons set out my decision not to conduct a review of the complaint under the *Personal Health Information Protection Act, 2004 (PHIPA)*.

[2] The complainant submitted a request to the hospital in 2024 to correct records relating to her involuntary admission. The correction request detailed proposed corrections that included the addition, removal or revision of information.

[3] The hospital issued a decision denying the correction request. The decision consisted of a physician's handwritten notes on a form and did not reference specific provisions of *PHIPA*.

[4] The complainant filed a complaint about the decision with the Information and Privacy Commissioner of Ontario (IPC). The IPC attempted to mediate the complaint. During mediation, the complainant claimed that the hospital relied on allegations made by police that the complainant said pertained to someone else. She also took the position that the hospital had failed to conduct an appropriate assessment, and that the records are therefore factually incorrect and damaging.

[5] The hospital subsequently issued a revised decision, relying on section 55(9)(b) of *PHIPA* as the basis for refusing to make the requested corrections. The hospital also confirmed that it attached the complainant's Statement of Disagreement to the record.¹

[6] No further mediation was possible, and the complaint was transferred to the adjudication stage of the complaint process, where an adjudicator may conduct a review. After reviewing the materials in the complaint file, I wrote to the complainant setting out my preliminary assessment that a review of the complaint was not warranted under *PHIPA*. I explained the legislative provisions governing correction requests and outlined my preliminary assessment that:

- the hospital's refusal was based on section 55(9)(b), which permits a custodian to refuse a correction request if the information at issue consists of a professional opinion or observation made in good faith;
- the information the appellant sought to correct, including assessments and notations made by hospital staff, consisted of professional opinions or observations;
- there was no evidence to rebut the presumption that the professional opinions or observations in the records were made in good faith; and,
- the hospital had complied with its obligations under section 55(11) by attaching the complainant's Statement of Disagreement to the record.

[7] I invited the complainant to provide submissions if she disagreed with my preliminary assessment, and informed her that, if I did not receive any submissions by a specified date, I would issue a decision based on my preliminary assessment. The complainant did not make any representations by the deadline.

¹ Section 55(11) of *PHIPA* gives individuals whose correction request has been refused the right to require the custodian to attach a Statement of Disagreement to the record, which sets out the individual's disagreement with any information contained in the record, and which may itself contain the requested corrections.

DISCUSSION:

[8] Section 55(8) of *PHIPA* requires a health information custodian to correct personal information when the individual demonstrates that the record is inaccurate or incomplete for the purposes for which it is used, and provides the necessary information to enable the custodian to make the correction.

[9] However, section 55(9)(b) states that a custodian is not required to correct a record if the information consists of a professional opinion or observation made in good faith.

[10] Under section 57(3), the IPC may review the subject-matter of a complaint if satisfied that there are reasonable grounds to do so. Section 57(4)(a) also permits the IPC to decline to review a complainant if the custodian has responded adequately.

[11] The information at issue includes staff observations, checklist entries, and summaries of the complainant's presentation and communications during her admission. This information qualifies as professional opinions or observations, made by healthcare professionals applying their professional judgment in the course of her care.

[12] The burden to demonstrate that such opinions or observations were not made in good faith rests with the complainant. In this case, there is no evidence before me to support a finding that the opinions or observations were made with serious carelessness, recklessness or intent to harm.² Accordingly, the presumption of good faith is not rebutted.

[13] The complainant's disagreement with the content of the records is not sufficient to displace the requirements in section 55(9)(b). Correction requests are not intended for individuals to substitute their views for a professional opinion or observation made in good faith, even if they believe it to be incorrect.

[14] Moreover, the hospital met its obligation under section 55(11) by attaching the complainant's Statement of Disagreement to the record, allowing the complainant to formally record her disagreement.

[15] Based on the above, I am satisfied that the hospital responded adequately within the meaning of section 57(4)(a). I am not satisfied that there are reasonable grounds to proceed with a review under section 57(3).

[16] For these reasons, and in the absence of submissions from the complainant opposing my preliminary assessment, I find that no review of this complaint is warranted under section 57(3) of the *Act*, and that the hospital has responded adequately to the correction request in accordance with section 57(4)(a).

² See *Finney v Barreau du Québec*, [2004] 2 SCR 17, 2004 SCC 36 (CanLII).

NO REVIEW:

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

Original Signed By: _____ January 29, 2026
Jessica Kowalski
Adjudicator