

Information and Privacy Commissioner,
Ontario, Canada



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

PHIPA DECISION 332

Complaint HA25-00352

Dr. Niall O'sullivan

March 19, 2026

Summary: On February 10, 2025, the complainant asked their doctor for access to their personal health information. The complainant complained because the doctor failed to respond to the request within the prescribed time limit. The decision-maker finds that the doctor is deemed to have refused the complainant's access request and orders him to respond to the request.

Statutes Considered: *Personal Health Information Protection Act, 2004*, as amended, sections 54(2) and 54(7).

BACKGROUND:

[1] On February 10, 2025, the complainant asked Dr. Niall O'sullivan (the doctor) for access under the *Personal Health Information Protection Act, 2024* (the *Act*) to their own personal health information.

[2] On August 24, 2025, the complainant complained to the Information and Privacy Commissioner of Ontario (the IPC) as the doctor failed to respond to their access request within 30 days. File HA25-00352 was opened.

[3] The doctor is retired; however, the website of the College of Physicians and Surgeons of Ontario (CPSO) provides an email address for former patients wishing to receive their medical information from the doctor (the email address). The complainant's request of February 10, 2025, was sent to the email address. The IPC is also aware that the doctor has responded to another email sent to the email address.

[4] On January 14, 2026, I sent an email to the doctor using the email address to discuss this complaint and determine if the records had been released to the complainant. I advised the doctor that I would issue a Notice of Expedited Review if I did not receive a response by January 21, 2026. I did not receive a response.

[5] On February 12, 2026, I issued a Notice of Expedited Review, encouraging the doctor to respond to the complainant's access request by February 26, 2026.

[6] I did not receive a response by February 26, 2026. As of today, no response has been provided by the doctor to the complainant's access request.

[7] Considering the above and to ensure that there are no further delays in processing this request, I will order the doctor to respond to the complainant's access request.

DISCUSSION:

Preliminary Issues:

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

- the requested records contain "personal health information", as defined in sections 2 and 4 of the *Act*; and
- the doctor is a health care practitioner within the meaning of section 2 of the *Act*¹ and therefore, is a *health information custodian* within the meaning of section 3(1) of the *Act*².

Issue: Is the doctor in a deemed refusal situation pursuant to section 54(7) of the *Act*?

[9] Under section 54(8) of the *Act*, if a health information custodian refuses or is deemed to have refused an access request, the burden of proof in respect of the refusal lies on the health information custodian.

[10] Section 54(2) of the *Act* outlines the time parameters for a custodian to respond to an access request:

(2) Subject to subsection (3), the health information custodian shall give the response required by clause (1) (a), (b), (c) or (d) as soon as possible in the circumstances but no later than 30 days after receiving the request.

[11] Section 54(7) of the *Act* outlines the circumstances that give rise to a deemed

¹ Health care practitioner is defined as "a person who is a member within the meaning of the Regulated Health Professions Act, 1991 and who provides health care".

² Health information custodian is defined as a health care practitioner.

refusal:

(7) If the health information custodian does not respond to the request within the time limit or before the extension, if any, expires, the custodian shall be deemed to have refused the individual's request for access.

[12] As of today, the doctor has not responded to the complainant's access request despite the filing of a complaint with the IPC, and my decision to conduct an expedited review and issue of a Notice of Expedited Review, encouraging him to do so by February 26, 2026. I note here that this will be the third decision I have issued against the doctor.³

[13] Therefore, I find that the doctor is deemed to have refused the complainant's access request under section 57(4) of the *Act*.

[14] Accordingly, I will order the doctor to respond to the complainant's access request.

ORDER:

Pursuant to section 61(1) of the *Act*:

1. I order the doctor to respond to the complainant's access request in accordance with the *Act* and without re course to a time extension, by **April 2, 2026**.
2. To verify compliance, the doctor shall provide me by email with a copy of the response referred to in provision 1 by April 2, 2026.

Original Signed by: _____
Kelley Sherwood
Case Lead

_____ March 19, 2026

³ See IPC PHIPA Decisions 289 and 292.