

Privacy & FOI

Hamilton Health Sciences
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Hamilton, ON L8P 1A2
Tel. 905.521.2100 75126
FOI@hhsc.ca

December 5, 2018

DELIVERED VIA EMAIL ONLY

[REDACTED]

RE: Vladislav Bukshtynov Access Request

Dear [REDACTED]

Your client's access request under the *Freedom of Information and Protection of Privacy Act* (hereafter, 'the Act') was received by our office August 28, 2018 for the following:

"All information on any medical treatment (ER/surgery/doctor's visit, etc.) provided by all affiliated HHS hospitals and clinics as a result of any injuries and associated incidents that occurred at David Bradley Athletic Centre of McMaster University dated from January 1, 2007 until present.

To be included into the requested records: (a) date of injury/incident, (b) type of injury/incident, (c) location of injury/incident, (d) type of treatment/department, (e) short narrative for injury/treatment. Any type of personal information protected under FIPPA is NOT requested."

On September 5th, 2018 your client was sent a letter stating the request for access to the above information was being denied under section 8 (1) of the *Personal Health Information and Protection Act (PHIPA)* as the request sought records containing personal health information (PHI) of a patient are withheld from disclosure as these records are governed by PHIPA and are outside the scope of FIPPA:

8. (1) Subject to subsection (2), the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act do not apply to personal health information in the custody or under the control of a health information custodian unless this Act specifies otherwise. 2007, c. 10, Sched. H, s. 4.

On November 6, 2018 our office received a confirmation of complaint from the Information and Privacy Commissioner pertaining to the above FOI request.

Calls between yourself, Joseph Sommer, Mediator (IPC), and Lianne Varey, Freedom of Information Specialist (HHS) took place on November 9, 2018 and December 5, 2018 in order to provide further clarification on the denial. During those discussions you were advised that the data requested does not exist within HHS' records under FIPPA. Indeed, HHS does not maintain a document or collection of information that would allow us to identify injuries and/or incidents associated with the particular location identified.



Should you have any questions, please contact The Privacy and Freedom of Information Office at 905-521-2100 extension 75126.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Wang'.

Freedom of Information Specialist, Privacy and Freedom of Information Office
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