

Ministry of Health  
Ministry of Long-  
Term Care

Access, Privacy & Corporate  
Information  
Corporate Services Division  
99 Adesso Drive, Floor 1  
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Ministère de la Santé Ministère des  
Soins de longue durée

Accès à l'information, protection de la  
vie privée et l'information ministérielle  
Division des services ministériels  
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Concord, ON L4K 3C7

Téléphone : 416-327-7040  
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Our File – Notre référence  
A-2020-00024 / RK

Your File – Votre référence

February 27, 2020

Mr. Vladislav Bukshtynov

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mr. Bukshtynov:

I am replying to your access request made under the *Freedom of Information and Protection of Privacy Act (the Act)* for the following information:

Therefore, I am request the following:

1. All information (complete and unredacted records) related to Hamilton Paramedic Services attendances at the David Braley Athletic Centre at McMaster University since its opening in 2007 until the end of 2017. The requested records are to be limited to the following cases (problem description).

- (a) trauma - blunt/assault,
- (b) fracture/dislocation,
- (c) fall,

and when the patients were delivered by EMS to the identified HHS or SJHH facilities (see Tab. 4 (HHS) and 5 (SJHH), attached).

2. In order to protect any type of personal information (protected under PHIPA) the requested records are to be sent directly to

(a) Hamilton Health Sciences (36 records, Tab. 4) Privacy & Freedom of Information Office Hamilton Health Sciences  
100 King St. West, Suite 2300 Hamilton, ON L8P 1A2  
ph: (905) 521-2100 x75126  
email: FOI@hhsc.ca

(b) St. Joseph's Healthcare Hamilton (9 records, Tab. 5)  
Privacy Office St. Joseph's Healthcare Hamilton 50 Charlton Ave. E.

Hamilton, ON L8N 4A6  
ph: (905) 522-1155 x32875  
email: privacy@stjoes.ca

The FOI Offices of HHS and SJHH will be notified on the requested data to be sent directly from your Office. As the issue of public safety is the main concern raised in my both previous and current requests, your kind cooperation is very much appreciated.

This is to inform you that the decision has been made and access is denied to the records requested. Alison Blair, Assistant Deputy Minister, Emergency Health Services, is responsible for this decision.

The Ministry of Health-Emergency Health Program Management and Delivery Branch (EHPMDB) clarifies that an unauthorized access to or disclosure of personal information to anyone other than the individual to whom the personal record pertains without consent of the same or court order, including the hospitals/offices mentioned on the request, would be classified as a privacy breach. The *Freedom of Information and Protection of Privacy Act* (FIPPA) s.21(1)(f), states: "A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except, if the disclosure does not constitute an unjustified invasion of personal privacy."

The Ministry, as custodian of the record, must ensure the confidentiality, security and integrity of the information collected and created for the solemnly reason of providing health care to the patient. The requested records would also be considered and contain Personal Health Information and protected by the *Personal Health Information Protection Act* (PHIPA). Section 52(3) states: "if a record is not a record dedicated primarily to personal health information about the individual requesting access, the individual has a right of access only to the portion of personal health information about the individual in the record that can reasonably be severed from the record for the purpose of providing access."

You may request a review of this decision by the Information and Privacy Commissioner 2 Bloor Street East, Suite 1400, Toronto ON M4W 1A8. Please note that you have 30 days from the date of this letter to request a review. In the event that you do seek a review, please provide the Commissioner's Office with:

1. The request file number: A-2020-00024 / RK
2. A copy of this decision letter.
3. A copy of your original request.
4. A cheque or money order in the amount of \$25.00 payable to the Minister of Finance.

If you have any questions, please contact me at 416-327-2362.

Sincerely,



Rachel Kukulewich  
Consultant, Access and Privacy

Enclosure



## ***The Freedom of Information and Protection of Privacy Act***

### **Exemptions**

#### **Personal privacy**

**21 (1)** A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

(f) if the disclosure does not constitute an unjustified invasion of personal privacy.

R.S.O. 1990, c. F.31, s. 21 (1).

#### **Personal Health Information Act (PHIPA)**

**52 (3)** Despite subsection (1), if a record is not a record dedicated primarily to personal health information about the individual requesting access, the individual has a right of access only to the portion of personal health information about the individual in the record that can reasonably be severed from the record for the purpose of providing access. 2004, c. 3, Sched. A, s. 52 (3).