



## Prince Edward Island

### Legislative Assembly

Information and  
Privacy Commissioner  
PO Box 2000, Charlottetown PE  
Canada C1A 7N8

## Île-du-Prince-Édouard

### Assemblée législative

Commissaire à l'information et  
à la protection de la vie privée  
C.P. 2000, Charlottetown PE  
Canada C1A 7N8

PRIVATE AND CONFIDENTIAL

November 29, 2024

Lea Bryden  
CEO  
Medical Society of Prince Edward Island  
P.O. Box 40009  
RPO West Royalty  
Charlottetown, PE C1E 0J2

Via Email

Dear Lea Bryden,

**Re: Fees recommended for patients' access to medical records**

I am the Information and Privacy Commissioner for Prince Edward Island and, as part of my mandate, I have responsibility for ensuring compliance with the *Health Information Act* and its Regulations. Although the Medical Society is not a "custodian" under the legislation, your organization provides guidance for physicians (who are custodians) to assist them with various aspects of their professional lives. It is in this vein that I am writing to you today.

Yesterday, during the course of investigating an access to information complaint regarding a patient's access to their medical record, it was brought to our attention that the Medical Society has guidelines for its members regarding fees a physician may charge their patients for access to the patient's medical records. The information provided to us caused us some concern that the fees being recommended by the Medical Society may not be in compliance with the *Health Information Act* and its Regulations. Yesterday afternoon, I spoke by telephone with your Office Manager, Donna Lamont, who confirmed that the Medical Society has guidance for its members on such fees, and indicated the fees are \$45 for the first 20 pages and \$0.50 per page thereafter.

As stated above, physicians are health information custodians under the *Health Information Act*. Section 80 of the *Health Information Act* permits a custodian to charge an individual a fee to receive a copy of their medical record, but any such fee must be in accordance with the Regulations. Section 8 of the *Health Information Act* Regulations sets out the maximum fees permitted to copy or ship a record, but also states that any such fees cannot exceed the actual cost of the service to the physician. There is a Schedule of Fees in the Regulations that specifies what fees are permitted, and the maximum amounts permitted. For your ease of reference, I am attaching a copy of the *Health Information Act* Regulations.

The Schedule of Fees in the *Health Information Act* Regulations specifies that the maximum fee that can be charged for a paper copy (photocopy or computer printout) of a medical record is \$0.25 per page. If the records are not copied or printed to paper, but rather are saved/copied to

a USB, DVD, CD, etc., or emailed, the maximum allowable fee is the actual cost to the custodian, and the per-page fee is not applicable. Please be aware that there is no fee authorized for the time spent preparing the record.

Based on the above information, the Medical Society's guidelines for physicians regarding fees that are allowable for providing patients with access to their medical records is not in compliance with the *Health Information Act* and its Regulations.

While we understand that your members are each responsible for ensuring they are informed of their obligations and are complying with any legislative requirements, we are also aware that your membership relies on your guidance to assist them with understanding their obligations. If your membership relies on your guidance in this matter, and are charging patients the fees you have set out for access to their records, it will be putting your members in a position of being in violation of the *Health Information Act* and its Regulations.

For this reason, we urge you to address this situation as soon as possible and amend your guidelines to bring them in line with the *Health Information Act* and its Regulations, to ensure your members are complying with their obligations under the legislation and its regulations.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact our office. Our main telephone number is 902-368-4099, and our email address is [infoprivacy@assembly.pe.ca](mailto:infoprivacy@assembly.pe.ca).

Sincerely,



Denise N. Doiron  
Information and Privacy Commissioner

Attachment: *Health Information Act* Regulations (9 pages)

c. Donna Lamont, Office Manager