



OFFICE OF THE
INFORMATION and PRIVACY COMMISSIONER
for Prince Edward Island

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| Decision No. | D-26-001 |
| OIPC File No. | C/25/00207 |
| Public Body | Health PEI |
| Public Body Ref. Nos. | Access reference 2025-85, review reference 2025-128 |
| Statute and Sections for Review | <i>Freedom of Information and Protection of Privacy Act</i> , R.S.P.E.I. 1988, Cap. F-15.1, sections 5(2) and 64.1 <i>Freedom of Information and Protection of Privacy Act Regulations</i> , section 14 <i>Adult Protection Act</i> , R.S.P.E.I. 1988, Cap. A-5, section 30 |
| Decision-Maker | Denise N. Doiron, Information and Privacy Commissioner |
| Date of Decision | January 9, 2026 |

Summary:

Health PEI refused to give the Applicant access to information contained in adult protection records relating to the Applicant's parent. The Commissioner refused to conduct a review because it is plain and obvious that nearly all the information contained in the adult protection records is protected under the *Adult Protection Act*. The Commissioner is not conducting a review of whether the protections under the *Adult Protection Act* apply to the Applicant's name. Even if Health PEI was authorized to disclose it, it is not reasonable to require Health PEI to sever all pages of the responsive records, to only disclose the Applicant's name.

Access Request and Health PEI's Response:

[1] The Applicant asked Health PEI for:

Any and all records, emails, phone records, case management, notes, etc with my name, [Applicant's name], in them in relation to Adult Protection and Home Care.
Time Frame: 2020-2025 (up to present)

[2] Adult protection is one of the services delivered through the Home Care Program of Health PEI, a public body under the *Freedom of Information and Protection of Privacy Act* ("FOIPP Act").

[3] After receiving the access request, Health PEI contacted the Applicant to clarify their access request and explain that if the Applicant was asking for health records of the Applicant or someone else, an access request under the *FOIPP Act* was not the appropriate avenue for making that kind of request.

[4] In response to the clarification request, the Applicant stated:

Essentially, my late [parent], [parent's name], was a client of Home Care. I dealt with the nurses, in [parent's] home, at the hospital and over the phone. At one point, there was concern for [parent's] well being at home and [parent] was referred to adult protection. I was interviewed and I am looking for those and any other records in relation to my involvement with home care and adult protection.

Also originally, back in 2021, [parent's] children contacted Adult Protection with concerns – if my name at any point was referenced then, I would also like those records.

Essentially, not medical records, but surrounding care, and reference to me.

[5] Health PEI refused the Applicant access to the requested records. In their decision letter, Health PEI advised the Applicant that all records responsive to their access request related to adult protection and explained that section 14 of the *FOIPP Act Regulations* states that the provisions within the *Adult Protection Act* prevail over the *FOIPP Act*.

[6] Health PEI also advised the Applicant that they cannot disclose these records unless one of the exceptions of section 30 of the *Adult Protection Act* applies. Health PEI's position was that none of the exceptions set out in section 30 of the *Adult Protection Act* applied, so they were not authorized to disclose the requested records to the Applicant.

Request for Review:

[7] The Applicant requested a review of Health PEI's decision to refuse access, stating in part:

I requested any and all references to myself in regards to my late [parent]. I was not asking for any information about [parent], nor the outcomes of the investigation – just information about myself.

The Applicant disagreed with Health PEI's position that Health PEI could not disclose the requested information under the *Adult Protection Act*, stating their belief that they could consent to Health PEI disclosing information to them under subsection 30(b) of the *Adult Protection Act*, and Health PEI would then be authorized to disclose the records.

[8] Not all requests for review proceed to an inquiry. I must do a preliminary assessment and consider whether to conduct a review.

Analysis:

[9] The *FOIPP Act* generally governs protection of privacy and access to information in the custody or under the control of public bodies. Sometimes other legislation has provisions about privacy/confidentiality or access to information, and those provisions are not always consistent with the provision of the *FOIPP Act*. Subsection 5(2) states that where there is an inconsistency or conflict between the *FOIPP Act* and another enactment, the *FOIPP Act* provisions will prevail, unless another Act or a regulation under the *FOIPP Act* expressly states that the other Act or regulation, or a provision of it, prevails despite the *FOIPP Act*.

[10] The *Adult Protection Act* governs adult protection activities and includes provisions regarding confidentiality of information collected during the conduct of those adult protection activities. More specifically:

- (a) subsection 4(3) of the *Adult Protection Act* prohibits anyone from disclosing, or being compelled to disclose, the identity of a person who makes a report about an adult being potentially in need of assistance or protection; and
- (b) section 30 of the *Adult Protection Act* prohibits anyone from disclosing confidential information collected in the administration of the *Adult Protection Act*, except in five specified circumstances. For clarity, these exceptions do not apply to information protected under subsection 4(3).

[11] The *Adult Protection Act* does not have a provision expressly stating its provisions prevail over the *FOIPP Act*. However, subsection 14(c) of the *FOIPP Act Regulations* expressly states that subsection 4(3) and section 30 of the *Adult Protection Act* prevail despite the *FOIPP Act*. This means that Health PEI was required to apply the rules set out in sections 4(3) and 30 of the *Adult Protection Act* when considering whether they were authorized to give the Applicant access to the records they were asking for.

[12] The Applicant was not requesting disclosure of identifying information about anyone who had made a report about their parent potentially having been in need of assistance or protection. Rather, the information they were seeking was information about themselves that they believe appeared within the adult protection records about their parent.

[13] Subsection 30(b) of the *Adult Protection Act* states:

30. Confidentiality

No person employed in the administration of this Act shall disclose confidential information collected in the administration of this Act except, subject to subsection 4(3),

- (a) where authorized by the Minister;
- (b) with the consent of the person or persons to whom the information pertains;

- (c) where required for the administration of [the Adult Protection Act];
- (d) in the course of judicial proceedings under [the Adult Protection Act] or the *Public Trustee Act*; or
- (e) otherwise in accordance with [the Adult Protection Act] or the regulations.

[14] The Applicant asserted that subsection 30(b) of the *Adult Protection Act* authorizes Health PEI to disclose information in their parent's adult protection records to the Applicant if the information is about the Applicant and the Applicant consents to the disclosure.

[15] As is our usual practice, we requested a copy of Health PEI's processing file, including the responsive records. We acknowledged to Health PEI that, in accordance with subsection 4(3) of the *Adult Protection Act*, we cannot compel Health PEI to give us any information that would identify a person who reported their concerns to adult protection. Health PEI gave us a copy of the responsive records but severed any information that would identify a reporting person or entity.

[16] We reviewed the severed records and can confirm that all the unsevered information is confidential information collected in the administration of the *Adult Protection Act*. The Applicant is mentioned in only one paragraph within the responsive records. I considered conducting an inquiry about whether the Applicant has the authority to consent to Health PEI disclosing any information to them under section 30(b) of the *Adult Protection Act*.

[17] However, based on the information in the paragraph, I find that I do not need to make this decision. The Applicant's personal information is limited and is inextricably intertwined with confidential information about someone else, and which was collected in the administration of the *Adult Protection Act*. Health PEI is required to withhold confidential information collected in the administration of the *Adult Protection Act*. Even if I found that the Applicant could consent to Health PEI disclosing the information to them (which I am not finding), the only information that pertains to the Applicant alone is their name, which appears in only one paragraph on one page of the responsive records.

[18] Previous decisions from our office have held that it is not reasonable to require a public body to sever a record when the remaining information would only reveal disconnected snippets, or meaningless information. Even if Health PEI was authorized to disclose the information under section 30(b) of the *Adult Protection Act*, it is not reasonable to require Health PEI to sever the full record, to only disclose the Applicant's name. I am not prepared to conduct a review, when the best-case scenario from the Applicant's perspective is that Health PEI would disclose the Applicant's name on an otherwise completely severed page, within a completely severed record.

Other remarks:

- [19] The Applicant mentions in their request for review that they were interviewed by adult protection employee(s). If so, there is no information about this interview among the unsevered portions of the responsive records.
- [20] The Applicant verbally advised us that they need the information they asked for in their access request for a trial, and that a judge told them they should have access to their parent's full medical record. However, the Applicant did not request their parent's medical records and, in fact, specifically excluded such information from their access request. Therefore, access to the Applicant's parent's medical records is outside of the scope of this request for review, and I make no comment about whether the Applicant is entitled to their parent's personal health information under either the *Health Information Act* or the Court's processes.

Decision:

- [21] Section 64.1(b) of the *FOIPP Act* gives the Commissioner the authority to refuse to conduct an inquiry if, in the opinion of the Commissioner, the circumstances warrant refusing to conduct an inquiry.
- [22] In my opinion, an inquiry is not warranted in the circumstances, and I am refusing to conduct an inquiry under section 64.1(b) of the *FOIPP Act*.


Denise N. Doiron
Information and Privacy Commissioner