



OFFICE OF THE
INFORMATION and PRIVACY COMMISSIONER
for Prince Edward Island

Decision No.	D-26-006
OIPC File No.	C/26/00031
Custodian	Health PEI
Statute	<i>Health Information Act</i>
Decision-Maker	Maria C. MacDonald, Deputy Commissioner
Date of Decision	April 20, 2026

SUMMARY

An individual made a privacy complaint to our office about their neighbour. Their neighbour is a volunteer at Health PEI and wrote a letter to the Complainant that mentions the Complainant's personal health information. The Deputy Commissioner found that, in these circumstances, there was not enough evidence to warrant an investigation into whether Health PEI complied with the *Health Information Act*.

BACKGROUND and COMPLAINT

- [1] A neighbour wrote to the Complainant¹ to try to address the Complainant and their dogs being aggressive. The Complainant made a complaint to our office about several issues, most of which are not within our office's jurisdiction. We do not have the jurisdiction to review complaints about the neighbour's camera, or allegations of harassment, intimidation, misuse of authority, property interference, suppressing recovery activities, or discrimination.
- [2] In one paragraph of the letter, the neighbour described the Complainant's medical condition in one word and mentioned that the neighbour visited the Complainant in the

¹ Two Complainants signed the original email, but the *Health Information Act* only permits an individual or their representative to complain about protection of their own personal health information. I will only refer to the Complainant who has the medical condition.

hospital. One of the complaints was “Medical privacy breach: Unauthorized reference to my [medical condition] and [the neighbour visited the Complainant in the hospital]”.

[3] Commissioner Denise N. Doiron delegated this file to me.

ANALYSIS

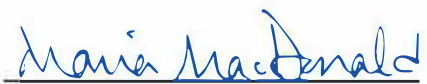
- [4] Not all requests for review proceed to an inquiry. Section 62 of the *Health Information Act* authorizes us to refuse to conduct a review if the circumstances warrant a refusal. When we receive a complaint, we consider whether a review is warranted. We need reasonable grounds to believe there may have been a violation of the *Health Information Act*. The threshold for reasonable grounds is low but must be more than speculation or assertion.
- [5] I accept that the neighbour knew that the Complainant had a medical condition and was in the hospital, and that this is the Complainant’s personal health information. Volunteers are part of Health PEI and must comply with the *Health Information Act*, but they are also members of the community. The *Health Information Act* does not prohibit anyone from referring to personal health information they learned in their capacity as a private citizen. How the neighbour learned the personal health information is important. I invited the Complainant to contact us if they had any evidence that the neighbour accessed their personal health information inappropriately. The Complainant responded with a few emails and gave us a copy of their neighbour’s letter.
- [6] The Complainant believes that the Manager of Volunteer Services at Health PEI (the “Manager”) confirmed a violation of the *Health Information Act* occurred. The Complainant forwarded an email exchange between them and the Manager, but the email exchange did not include any such confirmation. The Manager briefly described privacy and confidentiality safeguards including confidentiality agreements, privacy and confidentiality training which is reinforced on an ongoing basis through a volunteer newsletter, refresher notes, in-service seminars, and regular communication.
- [7] The email chain referred to other correspondence between the Manager and the Complainant that I did not have, so I asked the Access and Privacy office at Health PEI. They advised me that they were aware of the allegation, but they have no reason to believe that the volunteer/neighbour accessed or disclosed personal health information. The neighbour does not have access to electronic or hard copy health records through their volunteer role.
- [8] The Complainant writes about their health journey openly and broadly on various forums on the internet, including posting on a Facebook group with 80,000 members that is visible to anyone. The Complainant repeatedly publicly discloses their medical condition and has mentioned their hospital admissions among other more detailed personal health information. It is reasonable to expect that the Complainant’s broad online disclosures will be read by others, including their neighbours or mutual acquaintances. The neighbour may

have learned about the Complainant's medical condition and hospital stays in their capacity as a neighbour and private citizen from the Complainant, the Complainant's family, or mutual acquaintances.

- [9] When considering whether a review is warranted, I considered the following:
- a. The neighbour is a volunteer at the hospital;
 - b. The neighbour knew the Complainant's medical condition and that they were in the hospital;
 - c. The Complainant makes broad public disclosures of their medical condition and hospitalizations;
 - d. The volunteer does not have access to health records; and
 - e. Health PEI trains their volunteers on their privacy obligations.
- [10] Custodians of personal health information must make reasonable safeguards to protect personal health information, even when an individual publishes the same information. The Complainant's self-disclosures do not lessen this statutory obligation, but it certainly muddies the waters about how their neighbour learned the personal health information.
- [11] The neighbour's volunteer work and mere knowledge of this personal health information do not persuade me that an investigation is warranted.
- [12] The Complainant did not give any reasonable grounds to believe that Health PEI may have contravened the *Health Information Act*.

DECISION

- [13] Section 62 of the *Health Information Act* gives our office the authority to refuse to conduct an inquiry if the circumstances warrant.
- [14] The circumstances do not warrant an investigation into whether Health PEI complied with the *Health Information Act*.
- [15] As an inquiry is not warranted, I am refusing to conduct an inquiry under section 62 of the *Health Information Act*.



Maria C. MacDonald
Deputy Commissioner