



Information and Privacy  
Commissioner/Ontario

Commissaire à l'information  
et à la protection de la vie privée/Ontario

## **ORDER P-852**

Appeal P-9400444

Ministry of Health



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## **NATURE OF THE APPEAL:**

This is an appeal under the Freedom of Information and Protection of Privacy Act (the Act). The Ministry of Health (the Ministry) received a request for access to information relating to the different version codes assigned to the requester's health card, the reasons why a specific version code was replaced with another one and a list of payments made on her behalf by the Ontario Health Insurance Plan (O.H.I.P.) over the last seven years. The records requested specifically included any documents relating to her visit to the Mississauga O.H.I.P. Office at which time she was assigned a version code that was subsequently changed.

The Ministry identified 41 pages of responsive records and granted access to 19 pages in their entirety. Access was denied to portions of 22 pages (the severed records) on the basis that they contained the personal information of other individuals (section 21(1) of the Act) and were, therefore, not responsive to the request.

The requester appealed the Ministry's decision to deny access to the severed records and claimed that additional records should exist.

During mediation, the appellant confirmed that she did not want access to the personal information of other individuals. The sole issue was whether the search conducted by the Ministry for records responsive to the request was reasonable in the circumstances of this appeal. In that regard, Notices of Inquiry were provided to the appellant and the Ministry. Representations were received from both parties.

In her representations, the appellant stated that while her request was for her own health records, she was not satisfied that the severed records solely contained the billing information of other individuals. Representations were requested and received from the Ministry on this issue.

The issues that I will consider in this order are two-fold:

- whether the records to which access has been denied are responsive to the request, and
- whether the search conducted by the Ministry was reasonable in the circumstances of this appeal.

## **DISCUSSION:**

### **RESPONSIVE RECORDS**

The request is for information about the version codes assigned to the appellant and a list of payments made on the appellant's behalf through O.H.I.P. The appellant has indicated that she does not want access to the personal information of other individuals.

The severed records consist of some 22 pages of computer generated information or printouts. Each page contains the appellant's billing information which has been disclosed and other information which has been severed. The Ministry states that the severed portions of the records contain the billing information of other individuals.

The appellant states that her position is based on information received from a named individual at O.H.I.P. that the system of recording billing information was changed in 1990. Prior to 1990, billing information for each **family** was recorded and contained in one Claim Reference File (CREF). The change resulted in a separate CREF being assigned to each individual. On that basis, the appellant believes that **all** the information contained in her CREF must be information that relates to her.

The Ministry states that the purpose of the CREF is to track payments made by the Ministry for delivery of O.H.I.P.-insured services on behalf of an individual. Under the previous health card system, information for family members was recorded under the Claim Reference File for the principal cardholder. Under the current system, the information pertaining to each individual is entered under that individual's CREF. The Ministry explains that all the information is recorded on microfiche and a printout of an individual's CREF often contains his/her own information on the same page adjacent to the personal information of other individuals.

I have carefully reviewed the information in the severed portions of the records. In my view, it contains billing information that relates to other individuals. None of the information in the severed portions of the records contains any billing information about the appellant. Accordingly, I find that the information in the severed portions of the records is not responsive to the request.

## **REASONABLENESS OF SEARCH**

Where a requester provides sufficient details about the records which he/she is seeking and the Ministry indicates that such records do not exist, it is my responsibility to ensure that the Ministry has made a reasonable search to identify any records which are responsive to the request. The Act does not require the Ministry to provide with absolute certainty that the requested records do not exist. However, in my view, in order to properly discharge its obligations under the Act, the Ministry must provide me with sufficient evidence to show that it has made a **reasonable** effort to identify and locate records responsive to the request.

In its representations, the Ministry indicates that upon receipt of the request, the program advisor assigned to the request met with the requester in order to obtain clarification. The request was then processed and searches were conducted in the Health Insurance Division. Access was granted in full to all of the information requested other than the personal information of other individuals, which was severed from the CREF. No records regarding the change in the version code and the appellant's visit to the Mississauga office were located. The Ministry provided general information about version codes together with a detailed

explanation about each of the version codes that have been assigned to the appellant and the reasons for any changes. The Ministry also prepared and provided to the appellant documents to assist her with the interpretation of the CREF.

The Ministry's representations include two affidavits sworn by the Program Area Co-ordinator, Health Insurance and Related Services Programs, Provider Services Branch and the Manager of the Verification Unit. The two affidavits detail the locations searched and the steps taken in locating the information. The Program Area Co-ordinator states that a search for responsive records was also undertaken in the Mississauga office and that no records responsive to the request were found.

I have carefully reviewed the parties' representations and the affidavits provided by the Ministry. I am satisfied that the search undertaken by the Ministry to locate responsive records was reasonable in the circumstances of this appeal.

**ORDER:**

I uphold the decision of the Ministry.

Original signed by: \_\_\_\_\_  
Mumtaz Jiwan  
Inquiry Officer

\_\_\_\_\_  
January 31, 1995