



Office of the Information and Privacy Commissioner for Nova Scotia

PHIA Fee Fact Sheet

General rule:

Under the *Personal Health Information Act (PHIA)*, a custodian may charge an individual fees for accessing her personal health information including:¹

1. A basic fee of \$30.²
2. Additional fees for activities listed in the regulations. If an activity is listed in the regulations fees may not exceed the prescribed amount.
3. If an activity is not listed in the regulation, the custodian may charge a fee for reasonable cost recovery.³

The regulation also lists circumstances in which no fee may be charged (discussed below).

Basic fees:

The \$30 fee covers all of the following:⁴

- Receiving and clarifying the request;
- Locating and retrieving the record (whether electronic or paper);
- Providing the individual requesting access with a fee estimate;⁵
- The first 15 minutes of reviewing the record to see if information needs to be withheld;⁶
- Severing any information the custodian decides to withhold from the record;
- The first 30 minutes of preparing the record for copying, printing, or electronic transmission;
- Writing the response letter to the individual;
- The first 30 minutes of supervising an individual's examination of the original records;
- Mailing the record by regular mail.

¹ *PHIA* s. 82(1).

² *PHIA* regulation 14.

³ *PHIA* s. 82(2).

⁴ *PHIA* regulation 14.

⁵ *PHIA* s. 82(1) requires a fee estimate be provided before fees are charged.

⁶ *PHIA* s. 72(1) sets out a number of circumstances in which a custodian is authorized to refuse an individual access to his/her own personal health information.

Additional fees:

In addition to the general fee, custodians may also charge specific amounts for each of the following activities:⁷

Activity	Maximum fee
Making photocopies of a record	\$0.20 per page
Preparing a record for photocopying, printing or electronic transmission	\$12.00 for every 30 minutes after the 30 minutes covered by the general fee
Faxing a record	\$0.20 per page
Copying an electronic record to a CD	\$10.00 per request
Making copies from a microfilm or microfiche	\$0.50 per sheet
Making a copy of an audio cassette recording	\$5.00 per cassette
Making and providing a copy of a ¼", ½" or 8 mm video cassette recording 1 hour long or less	\$20.00
Making and providing a copy of a ¼", ½" or 8 mm video cassette recording longer than 1 hour	\$25.00
Making and providing a copy of a ¾" video cassette recording that is 1 hour long or less	\$18.00
Making and providing a copy of a ¾" video cassette recording that is longer than 1 hour	\$23.00
Producing a record stored on medical film, including x-ray, CT, and MRI films	\$5.00 per film
Printing a photograph from a negative or electronic photograph - 4" x 6"	\$10.00
Printing a photograph from a negative or electronic photograph - 5" x 7"	\$13.00
Printing a photograph from a negative or electronic photograph - 8" x 10"	\$19.00
Printing a photograph from a negative or electronic photograph - 11" x 14"	\$26.00
Printing a photograph from a negative or electronic photograph - 18" x 20"	\$32.00
Reviewing the record to see if information needs to be withheld	\$25.00 for every 15 minutes after the 15 minutes covered by the general fee
Supervising an individual's examination of the original records	\$6.00 for every 30 minutes after the 30 minutes covered by the general fee

⁷ PHIA regulation 15.

The *PHIA* regulation also permits custodians to charge certain direct costs and costs related to producing a visit history:

Direct costs:

A custodian may pass along direct costs incurred by the custodian for the following:⁸

- Charges to retrieve a record from and return the record to off-site storage, if an individual requests expedited access to a record for which additional retrieval costs are charged to the custodian;
- Courier costs, if courier delivery is requested by the individual;
- The cost of mailing a record to an address outside Canada;
- Taxes payable on the services provided.

Visit history:

- If a custodian has the ability to produce a visit history, they may produce that visit history at the individual's request for a maximum cost of \$10. The \$30 general fee does not apply.⁹ [Regulation 17(3)].

Fees do not apply:

The fees do not apply to any of the following:¹⁰

- **User activity report:** Where a custodian has an electronic information system, the custodian shall make a record of user activity available at the individual's request, and at no charge to the individual.¹¹
- **New patients:** A request from a regulated health professional who is entitled to personal health information in accordance with a consent¹² given by the individual whose personal health information is the subject of the request;
- **Legal aid representation:** A request made by a solicitor representing a legal aid client;
- **Review Board appearance:** A request from an individual for the purposes of appearing before the Review Board under Section 68 of the *Involuntary Psychiatric Treatment Act*;
- **Police officer:** A search warrant presented by a police officer under section 487 of the Criminal Code (Canada) or a production order presented by a police officer under section 278.7 of the Criminal Code (Canada);
- **Police and probation:** A request by a police officer or probation officer who is entitled to personal health information because the individual whose personal health information is the subject of the request has consented¹³ to disclosure;
- **Investigation by regulatory colleges:** A request from a regulated health-profession body that is using the information for the purposes of regulating the health profession;¹⁴
- **Workers' Compensation:** A request from the Workers' Compensation Board of Nova Scotia.

⁸ *PHIA* regulation 16.

⁹ *PHIA* regulation 17(3).

¹⁰ Items other than the user activity report are set out in *PHIA* regulation 12.

¹¹ *PHIA* s. 63(1), 63(4).

¹² See *PHIA* s. 11(a).

¹³ See *PHIA* s. 11(a).

¹⁴ See *PHIA* s. 38(1)(c).