

REQUESTING RECORDS OF DECEASED INDIVIDUALS

Privacy rights after death under FIPPA

Under British Columbia's *Freedom of Information and Protection of Privacy Act*, an individual's privacy rights continue past death. Public bodies may be required to deny access to personal information about deceased individuals in many situations.

Why are these records requested? Common scenarios

Estate management

Managing legal and financial affairs of the deceased.



Healthcare history

Learning about medical care received.



Legal proceedings

Court cases where the deceased's records are relevant



Closure

Records may help in navigating grieving process and finding closure.



Two ways to request records of deceased

Acting on behalf of deceased

Applicant must demonstrate they are an **appropriate person** acting to benefit the deceased individual, to further the deceased individual's own goals or objectives, or acting in the deceased individual's best interests.

Third party request

A standard freedom of information (FOI) request that anyone can make. Applicants do not need to be acting on behalf of the deceased individual.

Who can act on behalf of deceased individuals?

'Appropriate persons' are (in priority order):

For deceased adults:

- Committee under *Patients Property Act* for the deceased
- Personal representative of deceased
- Nearest relative of deceased

For deceased minors

- Personal representative of deceased
- Guardian immediately before death
- Nearest relative of deceased

Third-party requests for deceased individuals' records

Likely to be denied

In most cases, public bodies are likely to deny access to the deceased's personal information on the basis of S. 22 of FIPPA (disclosure harmful to personal privacy).

Time may be a factor

An individual's privacy rights diminish over time and this may be a factor in cases where records 20 or more years older are requested.

What do I do if my request is rejected?

Request OIPC Review

You can request our office to review a decision to deny access to records.



BC Vital Statistics

Request a death certificate or death registration.



Legal proceedings

It may be possible to obtain some information via court proceedings.



BC Archives

For historical or archival information.

