



Order P25-08

NORTHSHORE MEDICAL HUB

Allison J. Shamas
Adjudicator

November 19, 2025

CanLII Cite: 2025 BCIPC 105
Quicklaw Cite: [2025] B.C.I.P.C.D. No. 105

Summary: An individual complained that the fee assessed by an organization for processing their access request was not a minimal fee as required by s. 32(2) of the *Personal Information Protection Act*. The adjudicator found that the fee did not comply with s. 32(2) and ordered the organization to reduce the fee and provide a refund to the individual.

Statutes Considered: *Personal Information Protection Act*, SBC 2003, c 63, ss. 32(2), 32(3), 36(2), 52(3)(c), and 52(4).

INTRODUCTION

[1] This inquiry concerns a complaint by an individual about a fee imposed by an organization to respond to their access request under the *Personal Information Protection Act* (PIPA).

[2] The individual (complainant) requested access to their medical records from the NorthShore Medical Hub (the organization). The organization charged the complainant a fee of \$375.00 to respond to the request. The complainant paid the fee but reserved the right to make a complaint to the Office of the Information and Privacy Commissioner (OIPC) about the fee. The organization released the records to the complainant. The complainant filed a complaint with the OIPC about the fee. Mediation did not resolve the complaint, and it proceeded to this inquiry.

[3] For the reasons set out below, I find that the fee imposed by the organization does not comply with s. 32(2) of PIPA, and I order the organization to reduce the fee and refund the overpayment to the individual.

PRELIMINARY MATTER

[4] The organization did not file a submission in this inquiry. However, in the circumstances discussed below, I am satisfied that it is fair to proceed without the participation of the organization.

[5] The organization participated in the OIPC's investigation of the fee complaint, which concluded roughly one month ago.¹ During that investigation, the investigator communicated with the organization using the email address and telephone number the OIPC has on file for the organization.² The OIPC Registrar of Inquiries (Registrar) sent the notice of inquiry which includes the schedule for submissions to the email address the organization provided. The complainant also sent their inquiry submission to that same email address.

[6] In addition, the Registrar wrote to the organization twice after its submission was due to remind it of the deadline and request its submission. In the second email, the Registrar explained that if the organization did not provide a submission, the adjudicator would not have the benefit of its views when making their order. The Registrar also called the organization at the telephone number the organization provided but the phone was not answered.³ Although its submission was due on October 31, 2025, to date the organization has not filed a submission or responded to the Registrar's emails or call.⁴

[7] As a quasi-judicial decision-making body, that decides matters affecting the rights and interests of the parties, the OIPC is required to ensure procedural fairness in its inquiry processes. It is a fundamental principle of procedural fairness that a party has the right to know the opposing party's case and respond to it. In the circumstances set out above, I am satisfied the organization had ample notice and opportunity to provide submissions about the matters at issue in this inquiry. Therefore, I find that it is fair to proceed without the participation of the organization.

ISSUE

[8] The issue before me is whether the fee imposed by the organization complies with s. 32(2) of PIPA. PIPA does not establish who has the burden of proof under s. 32(2). Past orders make clear that in this circumstance, each party must provide argument and evidence to justify its position.⁵

¹ Investigator's fact report, Registrar notes and emails.

² Organization's contact information is found in the OIPC contact list.

³ See Registrar notes and emails.

⁴ The notice of inquiry provides that the organization's submission was due on October 31, 2025.

⁵ See for example Order P10-03, 2010 BCIPC 48 (CanLII) at para 5 and Order P23-03, 2023 BCIPC 36 (CanLII) at para 9.

DISCUSSION

Is the fee “minimal” – s. 32(2)

[9] Section 32(2) permits organizations to charge a “minimal” fee for providing an individual access to their personal information.

[10] PIPA does not define the term “minimal” or provide guidance about what fees may be charged.⁶ Previous PIPA orders hold that a minimal fee is based on the actual, necessary costs that would be incurred to respond to a request,⁷ and explain that a minimal fee is associated with the actual cost of locating, retrieving and producing a record, preparing a record for disclosure, and providing a copy of the record (including shipping and handling if the record is not sent electronically).⁸ Past orders also make clear that a fee that generates revenue is not a minimal fee within the meaning of s. 32(2).⁹

[11] Past orders have also clarified that a minimal fee will not always cover all the costs associated with responding to an access request.¹⁰ In this regard, past orders have interpreted the phrase “minimal fee for access” in s. 32(2) as limited to costs incurred in providing access, not costs associated with severing records, reasoning that severing is an activity that denies rather than provides access.¹¹

Parties’ submissions

[12] While the organization did not provide submissions, the fee assessment letter (Fee Letter) it sent to the complainant states that the complainant’s medical records total 169 pages and that the fee for providing the records is based on the *Doctors of BC Guide - fees for uninsured services* (Guide) which provides as follows:

**** A00095 Review of paper or EMR records by physician (for medical/legal purposes or transfer of patient records). - per 15 minutes or portion thereof \$ 117.00 NOTES: i) The fee for this service can be adjusted at the physician's discretion based on the time and extent of physician involvement and secretarial and other direct or indirect costs such as cost of supplies to produce an electronic copy. ii) This fee is for review of the paper or EMR file only. iii) Photocopying paper records may be charged in

⁶ This is in contrast to s. 75 of the public sector legislations, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 (FIPPA) which sets out how fees under FIPPA are to be calculated, and the *Freedom of Information and Protection of Privacy Regulation*, BC Reg 323/93, which provides a schedule of “maximum” fees.

⁷ Order P08-02, 2008 CanLII 30215 (BC IPC) at paras 38-39; Order P08-03, 2009 CanLII 65712.

⁸ Order P08-02, 2008 CanLII 30215 (BC IPC) at para. 39; Order P21-03, 2021 BCIPC 11 at para 61.

⁹ Order P21-03, 2021 BCIPC 11 at para 61.

¹⁰ Order P08-02, 2008 CanLII 30215 (BC IPC), at paras 41-42.

¹¹ Order P21-03, 2021 BCIPC 11 (CanLII) at para 62.

addition. iv) At the physician's discretion, an additional \$1.45 per page for paper copies is billable for large and/or complex charts.

[13] The letter explains that based on the Guide, the organization assessed a fee of \$125/15 minutes for a total of \$375 for 45 minutes of work.

[14] The complainant says that absent a breakdown of the costs the organization incurred in providing access to their medical records, the organization has failed to establish that the fee it imposed was minimal. The complainant also argues that if the records were not prepared by a physician, but instead by a medical office assistant, it was not appropriate for the organization to charge a fee based on a physician's rate for uninsured services.

Findings and analysis

[15] I find that the fee assessed by the organization is not a "minimal" fee within the meaning of s. 32(2) of PIPA.

[16] The organization imposed a fee of \$375.00 for what it estimated as 45 minutes of work. This is a rate of \$500.00 per hour. The fee, and in particular the substantial hourly rate imposed by the organization, raises real questions about whether it generated revenue for the organization, and therefore, in my view requires justification from the organization.

[17] In this case, the organization did not provide any information about what activities it was required to perform to give the complainant access to their personal information, what those activities cost, who performed them, or what that individual's wage rate was. It is also not clear from the Fee Letter whether the 45 minutes of work included activities which deny rather than provide access. In not providing this information, the organization has failed to explain how its fee assessment connects to the actual, necessary costs that it incurred in responding to the request.

[18] The only information available to me about how the organization decided on the fee is found in its reference to the Guide in the Fee Letter. For the reasons below, I find that the Fee Letter does not provide sufficient justification that the fee the organization imposed is minimal. First, there is no information before me about what Doctors of BC is or whether the statements in the Fee Letter accurately reflect what is in the Guide. Second, the organization does not say that the fees in the Guide comply with s. 32(2) of PIPA, and I have no information about its position in this regard. Finally, regardless of what the Guide is, whether the organization's letter faithfully reproduces it, or the organization's position, the Guide is not an authoritative source as to what is a minimal fee under PIPA and more is required to establish the fee imposed by the organization is a minimal fee

in this case.¹² As above, there is insufficient evidence or information before me to support a finding that the fee the organization charged is a minimal fee within the meaning of PIPA.

[19] Based on the evidence presented to me, I am not satisfied that the fee the organization charged the complainant was based on the actual, necessary costs required to provide access to the complainant's medical records. Accordingly, I find that the fee is not a minimal fee within the meaning of s. 32(2).

[20] Having found that the fee is not minimal, the next question is what is the appropriate remedy?

What is the appropriate remedy - s. 52(3)(c)

[21] Section 52(3) authorizes the commissioner to “confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances.” As I will explain below, in the circumstances of this inquiry, I find that the appropriate remedy is to reduce the fee to \$73.23 and order the organization to refund the balance (\$301.77) to the complainant. To arrive at this determination, I considered three questions:

1. What is the appropriate remedial approach in this case?
2. What constitutes a minimal fee in this case?
3. Is that minimal fee “appropriate in the circumstances”?

What is the appropriate remedial approach?

[22] As noted above, s. 52(3) is a discretionary provision that authorizes the commissioner to “confirm, excuse or reduce a fee, or order a refund, in the appropriate circumstances.” Past orders have exercised this discretion in a variety of ways, including by providing guidance and requiring the organization to revise and reissue its fee estimate,¹³ and by ordering the organization to reduce the fee by a specified amount and refund the balance.¹⁴

[23] In the circumstances of this inquiry, I find that it is appropriate to reduce the fee and require the organization to refund the balance to the complainant. I make this determination because in this inquiry, the records at issue are sufficiently defined to enable me to determine an appropriate minimal fee; the organization's decision not to participate causes me concern that it may not

¹² While not critical to my decision, I also observe that the Doctors of BC guidance contemplates adjusting the fee based on who performed the work, and that the organization charged more than the suggested hourly rate which is \$117.00/15 minutes of work.

¹³ Order P21-03, 2021 BCIPC 11 (CanLII) and Order P23-03, 2023 BCIPC 36 (CanLII).

¹⁴ Order P08-04, 2008 CanLII 65713 (BC IPC) at para 34 and Order P08-03, 2008 CanLII 65712 (BC IPC) at para 47.

comply with a direction to revise a fee estimate; and the complainant has already paid the non-compliant fee.

What constitutes a minimal fee

[24] In identifying a minimal fee, I am guided by the approach in past orders and the evidence and argument before me.

[25] Past orders define a minimal fee as one that compensates the organization for the actual, necessary costs of providing access,¹⁵ and identify the following tasks and costs needed to respond to an access request: locating and retrieving the records; printing or copying and shipping if the records are not sent electronically; time and hourly rate of the person who performs the work; and any printing and shipping costs.

[26] The complainant says the costs of providing access in this case were photocopying costs, and the pay of the person who spent the time doing the work. They submit that an appropriate minimal fee is \$73.23 calculated based on a medical office assistant paid a rate of \$20.00/hour spending one minute per page for 169 pages to perform the tasks required to provide access, plus \$0.10 per page for photocopying. The complainant's calculation is as follows: 169 minutes x \$20 per hour + 169 pages x \$0.10 per page = \$73.23.

[27] For the reasons discussed above, I do not find the information in the organization's Fee Letter helpful in determining an appropriate minimal fee.

[28] **Photocopying fees:** The complainant suggests a per page photocopying fee of \$0.10. The organization does not dispute this estimate. A number of recent orders hold that a photocopying charge of \$0.10 per page is a minimal fee within the meaning of s. 32(2),¹⁶ reasoning that a fee of \$0.10 is minimal in light of the maximum photocopying charge of \$0.25 available under the *Freedom of Information and Protection of Privacy Act Regulation*.¹⁷ I agree with the approach taken in past orders, and I find that \$0.10 per page photocopying fee is minimal.

[29] **Time:** The complainant submits that the time required to perform the necessary tasks should be calculated based on a rate of 1 minute per page. This approach would yield a time estimate of 169 minutes or 2 hours and 49 minutes to complete the tasks required to provide access. In past orders, adjudicators have accepted rates of 0.4 minutes per page,¹⁸ 0.5 minutes per page,¹⁹ and 1

¹⁵ As discussed above, a minimal fee should not include compensation for tasks that deny access.

¹⁶ Order P21-04, 2021 BCIPC 20 (CanLII) at para 44 and Order P21-03, 2021 BCIPC 11 (CanLII) at para 67.

¹⁷ BC Reg 155/2012, Schedule 1, Schedule of Maximum Fees, item 1(ix).

¹⁸ Order P21-04, 2021 BCIPC 20 (CanLII) at para 43.

¹⁹ Order P08-02, 2008 CanLII 30215 (BC IPC) at para 45.

minute per page as minimal,²⁰ but have held that 1.2 minutes per page was not minimal,²¹ and commented that 2.4 and 4.7 minutes per page were “generous to say the least.”²² These time estimates vary based on the nature of the records at issue and the evidence each organization provided about what tasks it was required to perform to respond to the request.

[30] The 1 minute per page rate proposed by the complainant falls on the high end of the range established by past orders. It is not clear to me why providing the complainant access to their own medical record would require 2 hours and 49 minutes of work. In my view, the task of providing a patient with their own medical record should be relatively straightforward.

[31] However, I do not have evidence about the nature of the tasks the organization was required to provide access in this case. The rate proposed by the complainant is within a reasonable range. The organization did not respond to the complainant’s submission about time, and in any event the complainant’s time estimate is considerably more favourable to the organization than the one it provided in its Fee Letter. Given the evidence and argument before me, I accept that a rate of 1 minute per page is minimal.

[32] **Rate of Pay:** Finally, the complainant submits that a rate of \$20.00/hour is an appropriate wage rate for the individual best situated to perform the tasks required to perform the tasks required to provide access to their medical record.

[33] Assessments as to what is a minimal rate of pay are highly fact specific and based on the organization’s evidence about who in its organization is best situated to perform the required tasks for the lowest overall charge. While past orders make clear that organizations should consider assigning the work to the lowest paid individual who can perform the work,²³ adjudicators have accepted that it is appropriate to assign the tasks to individuals with higher wage rates where such individuals can process the request more quickly, thereby resulting in the lowest overall charge.²⁴ Past orders have accepted the following wage rates as minimal: between \$0/hour for a school pastor and \$68.48/hour for a school superintendent;²⁵ \$52.88/hour for a payroll and accounting supervisor;²⁶ and

²⁰ Order P21-03, 2021 BCIPC 11 (CanLII) at para 74.

²¹ Order P10-03, 2010 BCIPC 48 (CanLII) at para 32.

²² Order P08-04, 2008 CanLII 65713 (BC IPC) at para 34 and Order P08-03, 2008 CanLII 65712 (BC IPC) at para 47.

²³ Order P23-03, 2021 BCIPC 11 (CanLII) at para 68; Order P21-04, 2021 BCIPC 20 (CanLII) at para 38.

²⁴ Order P21-04, 2021 BCIPC 20 (CanLII) at paras 37 and 38.

²⁵ Order P21-04, 2021 BCIPC 20 (CanLII) at paras 22 and 37.

²⁶ Order P21-03, 2021 BCIPC 11 (CanLII) at para 68.

\$30.00/hour for a director or President of an organization to do the work,²⁷ but not a rate \$180.00/hour calculated at a chiropractors billing rate.²⁸

[34] The \$20.00 rate proposed by the complainant is lower than those accepted in past orders. While I do have some reservations about whether the organization employs anyone capable of performing the required tasks at a rate of \$20.00/hour, there is no evidence or argument before me to dispute the complainant's position. In this regard, I wish to be clear that I do not find the organization's rate of \$500.00/hour to be of any assistance because nothing before me suggests that it bears any connection whatsoever to the rate of pay for the individual at the organization who could perform the required tasks for the lowest overall charge. Moreover, my concerns about the relatively low rate of \$20.00/hour are balanced by my view that the time factor addressed above may be overestimated. Accordingly, I find that in the circumstances of this inquiry, a \$20.00/hour rate is minimal.

[35] For all the reasons noted above, I find that \$73.23 is a minimal fee, in that it compensates the organization for the actual necessary costs of providing access to the complainant's medical records.

Is that minimal fee "appropriate in the circumstances"

[36] Past orders explain that there are circumstances where it may be appropriate to further reduce or excuse a minimal fee. In considering whether to further reduce a minimal fee, past orders consider factors such as:

- the complainant's ability to pay;
- hardship to the organization from reducing or excusing a fee;
- the complainant's ability to obtain the records through some other means;
- the reason for the complainant's request; and
- whether the request is appropriately tailored to ensure that the organization is required to provide only those records which are necessary for the complainant's purposes.²⁹

[37] There is no evidence before me to establish that these (or any other) factors apply. For this reason, I find there is no reason to further reduce or excuse the revised minimal fee of \$73.23.

²⁷ Order P08-02, 2008 CanLII 30215 (BC IPC) at para 49.

²⁸ Order P08-03, 2008 CanLII 65712 (BC IPC) at para 22.

²⁹ See for example Order P21-03, 2021 BCIPC 11 (CanLII) at para 76 and Order P23-03, 2023 BCIPC 36 (CanLII) at para 43.

[38] Before concluding, I wish to comment on my view as to the appropriate analytical approach in considering whether to further reduce a minimal fee in a complaint about s. 32 of PIPA. Past orders suggest that this authority is found in s. 36(2) of PIPA which provides:

(2) Without limiting subsection (1), the commissioner may investigate and attempt to resolve complaints that

(c) a fee required by an organization under this Act is not reasonable,

[39] With respect, I do not agree. It is my view that s. 36(2) concerns the commissioner's power to investigate and mediate a fee complaint, and not the commissioner's power to make orders in an inquiry. Rather, in my view, the commissioner's order making power as it relates to fee disputes is found in s. 52(3) of PIPA, and the commissioner's authority to consider whether a "minimal fee" should be further reduced is found in the words "in appropriate circumstances" in that provision. In my view, these words grant the commissioner a broad power to make orders in fee complaints that correspond to the circumstances of each inquiry, including the power to further reduce a minimal fee "in appropriate circumstances." I hope these statements offer some clarity for future inquiries.

CONCLUSION

[40] For the reasons given above, I make the following orders under ss. 52(3)(c) and 52(4) of PIPA:

1. I hereby reduce the fee for providing access to the complainant's medical records to \$73.23.
2. I order the organization to refund the \$301.77 balance to complainant;
3. I require the organization to provide the Registrar with written evidence of its compliance with item 2, above.

[41] Pursuant to s. 53(1) of PIPA, the organization is required to comply with this order by January 5, 2026.

November 19, 2025

ORIGINAL SIGNED BY

Allison J. Shamas, Adjudicator

OIPC File No.: P25-00841