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Privacy obstacles frustrate daughter seeking answers about father's death

The daughter of a man who died in hospital asked a health authority for a copy of his medical records so she could try to unravel what seemed to her the mysterious circumstances of his death. The health authority denied the request, telling her that “neither you nor your brother were listed as contacts on the medical record or listed in the will.” It seemed to her outrageous that the next of kin of the deceased could be so brusquely denied access to a parent’s medical information, so she asked our office to review the health authority’s response.

Section 5 of the *Freedom of Information and Protection of Privacy Act* (FIPPA) addresses the question of who may act for a deceased individual in filing an access-to-information request. Application must be made by an “appropriate person,” as defined in s. 5(1), which specifies that the nearest relative of the deceased is an “appropriate person” only if there is no committee (under the *Patients Property Act*) or personal representative acting for the deceased. In the instance at hand, the “appropriate person” was the executor of the will, who lived in another province – someone the daughter had never even heard of.

After discussing the difficulty with us, the health authority offered to contact the executor, who voiced no objection to the release of the records to the daughter, thus leading to a resolution of the matter.