

TIME EXTENSION APPLICATION FORM

Personal Health Information Privacy and Access Act (PHIPPA)

Instructions

Individuals who make an access to information requests or a request for correction of personal health information are entitled to a timely response to their requests. However, the *Act* recognizes that, in certain circumstances, custodians of personal health information may not be able to meet the statutory time limit of 30 business days to provide a response. When these circumstances arise, s. 10(6) of the *Act* allows custodians to take up to an additional 30 business days to respond to a request. In the additional 30 business days is still not sufficient, a further time extension may be granted with the permission of the Office of the Ombud. A custodian cannot self-extend the deadline to process a request for correction. If the custodian cannot respond within 30 business days, s.15(4) allows a custodian to apply to the Office of the Ombud if more time is required.

Before requesting a time extension from this office, we strongly encourage custodians to contact the applicant to discuss the request and the reasons why the custodian is encountering difficulties in meeting the statutory time limit to respond to the request.

To submit a time extension request to our office

Please submit this application form **no later than 10 business days before the statutory time limit** to respond to the access or correction request. Please ensure that you provide sufficient details and necessary information in support of this application so that this office is in a better position to approve your time extension application.

Please send this completed form and supporting documentation to our office:

- by email: ombud@ombudnb.ca
- by fax: 506.453.5599
- by regular mail: OMBUD NB, PO Box 6000, Fredericton, NB E3B 5H1

Should you wish to receive more information or if you have questions relating to this form, please contact our office at (506) 453-2789 or 1-888-465-1100 (toll-free).

CONTACT INFORMATION

Name of custodian:	
Name and title of contact person:	
Address:	
Telephone Number:	Alternate Number:
Email:	

FOR TIME EXTENSION APPLICATIONS INVOLVING ACCESS REQUESTS

Details of access request <i>Please attach: a copy of the access request AND a copy of extension letter sent to applicant</i>
Date access request was received:
30-business day time limit for response:
60-business day time limit for response, if applicable:
How much additional time is being sought to complete processing the request?
Status of access request
Is the search for the requested information completed at this time? <input type="radio"/> Yes <input type="radio"/> No
Approximate number of pages of relevant records searched at this time, or anticipated to be searched:
Is the processing of the relevant records completed at this time? <input type="radio"/> Yes <input type="radio"/> No
Has the custodian issued a partial response to the applicant at this time? <input type="radio"/> Yes <input type="radio"/> No

Has any other custodian been consulted at this time?

☐ Yes ☐ No

Have any third parties been notified at this time?

☐ Yes ☐ No

Do portions of the records require translation?

☐ Yes ☐ No

FOR TIME EXTENSION APPLICATIONS INVOLVING CORRECTION REQUESTS

Details of correction request

Please attach: a copy of the correction request AND a copy of extension letter sent to applicant

Date correction request was received:

30-business day time limit for response:

How much additional time is being sought to complete processing the request?

Status of correction request

Is the search for the records in which a correction is requested completed at this time?

☐ Yes ☐ No

Is the processing of the records in which a correction is requested completed at this time?

☐ Yes ☐ No

GROUND S FOR TIME EXTENSION APPLICATION

Please indicate and complete details for all that apply.

See also additional comments section, if needed, on p. 14

Reason 1 – the individual making the request does not give enough detail to enable the custodian to identify a requested record – 10(6)(a) *Provide additional information on p.5*

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Reason 2 – the individual making the request does not respond to a request for clarification by the custodian as soon as practicable – 10(6)(b) *Provide additional information on p.6*

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Reason 3 – the relevant provisions of the individual's record are being translated for a unilingual physician treating the individual if the record is in an official language the physician cannot understand – 10(6)(c) *Provide additional information on p.7*

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Reason 4 – a large number of records is requested or must be searched or responding within the time period set out in subsection (1) – 10(6)(d) *Provide additional information on p.8*

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Reason 5 – would interfere unreasonably with the operations of the custodian – 10(6)(d) *Provide additional information on p.9-10*

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Reason 6 – time is needed to notify and receive representations from a third party before permitting the personal health information to be examined or copied – 10(6)(e) *Provide additional information on p.11*

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Reason 7 – time is needed to consult with another custodian before permitting the personal health information to be examined or copied – 10(6)(e) *Provide additional information on p.12*

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Reason 8 – the individual requests records that relate to a proceeding commenced by a Notice of Action or a Notice of Application – 10(6)(f) *Provide additional information on p.13*

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REASON 1 – Failure to provide sufficient detail – 10(6)(a)

This provision applies when an applicant does not provide sufficient detail in the request to enable a custodian to identify a requested record. To “clarify” a request is to make clear what the applicant is seeking so that the custodian is able to identify the requested record. To “narrow” means to reduce the scope of the request, i.e. decrease the number of records requested/timeframe of the request. If the custodian can identify the requested records, but is seeking to narrow the scope of the request, the custodian cannot apply for a time extension under this provision. When applying under this provision, the custodian must explain why more detail is required to identify a record.

Please explain the difficulty with the wording of the request or why the request is not clear:

What attempts were made to clarify the request with the applicant?

Please describe the number of attempts, the dates of the attempts and provide copies of any communications with the applicant

What date was the request was clarified?

REASON 2 – Applicant did not respond to request for clarification as soon as practicable – 10(6)(b)

This provision applies when a custodian has asked the applicant, in writing, to clarify a request and the applicant has not responded to the custodian as soon as practicable. To “clarify” a request is to make clear what the applicant is seeking so that the custodian can identify the requested record. To “narrow” means to reduce the scope of the request (i.e. decrease the number of records requested). If the custodian can identify the requested record, but is seeking to narrow the scope of the request, the custodian cannot apply for a time extension under this provision.

If a request for clarification was made in writing and the applicant does not respond within 20 business days after receiving the request, the custodian may deem the request abandoned and need not apply for a time extension.

When applying under this provision, the custodian must explain why it requires additional clarification from the applicant to process the request.

Please explain why the custodian required clarification of the request from the applicant:

When was the applicant contacted, in writing, to obtain clarifications?

Please include all dates and provide copies of any written communications with the applicant

When did the applicant provide a response to the custodian’s request for clarification?

Please include all dates and provide copies of any written communications with the applicant

REASON 3 – Translation of records – 10(6)(c)

This provision applies when a custodian to whom the Official Languages Act applies considers it appropriate to translate or cause to be translated the relevant provisions of an individual's record containing personal health information for the purpose of a unilingual physician treating the individual if the record is in an official language the physician cannot understand. When applying this provision, the custodian must explain why the records require translation.

When did the custodian decide the records required translation?
When were the records sent to translation?
How many pages of records require translation?
What date did the translation service provide for completion of the translation?

REASON 4 – Large number of records requested or to be searched – 10(6)(d)

This provision applies when a large number of records have been requested or must be searched.

Approximate total number of pages of relevant records:
Approximate number of pages of physical records searched:
Approximate number of pages of electronic records searched:
How does the volume of this request compare with average request volume?
Do records need to be searched outside of the custodian's premises? If so, where? <i>For example: archives</i>
<p>Has the search been completed at this time?</p> <p><input type="radio"/> Yes <input type="radio"/> No If yes, when was it completed? If not:</p> <p>Approximate number of pages already searched:</p> <p>Amount of time spent to date searching electronic records:</p> <p>Amount of time spent to date searching physical records:</p> <p>Total amount of time to date spent performing search:</p> <p>Approximate additional time required to search electronic records:</p> <p>Approximate additional time required to search physical records:</p> <p>Approximate time required to perform the search:</p>
<p>What steps were taken to conduct the search?</p> <p><i>Please provide as many details as possible</i></p>

REASON 5 – Unreasonable interference with custodian’s operations – 10(6)(d)

This provision applies when the nature of the request is such that responding within the time period set out in s. 10(1) of the Act would interfere unreasonably with the operations of a custodian.

Keep in mind that the following factors are not relevant:

- *The custodian does not maintain sufficient resources*
- *Long term or systemic problems*
- *Internal processes (e.g. delays in sign-offs)*
- *Personal commitments*
- *Pre-planned events (e.g. retirements, vacations)*
- *Previous time extension taken and no work done on file*

The determination of what constitutes an unreasonable interference in the operation of a custodian rests on an objective assessment of the facts. What constitutes an unreasonable interference will vary depending on the size and nature of the custodian.

<p>How would meeting the time limit unreasonably interfere with the operations of the custodian?</p>
<p>How many active requests is the custodian currently processing?</p>
<p>How does the size and scope of this access or correction request compare to the average requests received by the custodian?</p>
<p>Has the custodian seen an increase in access or correction requests in the past few months?</p> <p> <input type="radio"/> Yes <input type="radio"/> No <i>If yes, please explain</i> </p>
<p>Have staff that are responsible to respond to requests been on an unexpected leave?</p> <p> <input type="radio"/> Yes <input type="radio"/> No </p> <p><i>If yes, does the custodian have an alternate or back-up staff who is able to assist in the processing this access or correction request?</i></p>
<p>How has this access or correction request affected the custodian’s staff’s resources and current workload?</p>

Were staff members reallocated from other activities to respond to the access or correction request?

☐ Yes ☐ No

Did the custodian encounter any computer or technical problems while processing the request?

☐ Yes ☐ No *If yes, please explain*

Are the requested records in an unusual format?

☐ Yes ☐ No *If yes, please explain*

Has responding to the access or correction request affected the custodian's ability to respond in a timely manner to other access requests or other access and privacy related activities?

☐ Yes ☐ No *If yes, please explain*

REASON 6 – Notification of third party – 10(6)(e)

This provision applies when more time is needed to notify a third party before deciding whether or not to grant access to requested records, and the third party's response to the notification could not reasonably be completed within the time limit. The custodian needs to explain why it is necessary to notify the third party in making a decision about access, including how the third party is expected to assist. Note that a "third party" does not include a branch or division of the custodian, or the custodian's internal or external legal counsel.

Who is (are) the third party (parties) requiring notification?
What type of records require third party notification?
Approximate number of pages of records requiring notification:
<p>Have the third parties been notified at this time?</p> <p><input type="radio"/> Yes <input type="radio"/> No</p> <p>If yes, when was the notification letter(s) sent? <i>Please include a copy of the letters</i></p> <p>If no, why not?</p> <p>When does the custodian anticipate notifying the third party (parties)?</p>
Date at which the third party (parties) is to provide representations to the custodian:

REASON 7 – Consultation with another custodian – 10(6)(e)

This provision applies when more time is needed to consult with another custodian before deciding whether or not to grant access to requested records, and the consultation could not reasonably be conducted during the time limit. The custodian needs to explain why it is necessary to consult with another custodian before making a decision about access, including how the other custodian is expected to assist. Note that “another custodian” does not include a branch or division of the custodian, or the custodian’s internal or external legal counsel.

Which other custodians have been or need to be consulted?
Why are the consultations necessary?
Number of pages of records requiring consultation:
Do all relevant records require consultation? <input type="radio"/> Yes <input type="radio"/> No
Have the custodians been consulted at this time? <input type="radio"/> Yes <input type="radio"/> No
If yes, what date did the custodian ask for consultation? <i>Please include a copy of correspondence</i>
If no, why not?
When does the custodian anticipate consulting with other custodians?
How long were the consultations or how long are they likely to take?

REASON 8 – Request for records relating to a court proceeding – 10(6)(f)

This provision applies where an applicant requests records that relate to a proceeding commenced by a Notice of Action or Notice of Application under the Rules of Court. The legal proceeding in question must be ongoing at the time of the custodian's time extension application. This provision does not apply to other kinds of legal proceedings, such as appeal proceedings or proceedings before administrative tribunals such as the Labour and Employment Board or before the Human Rights Commission.

Please note that we do not consider this provision as grounds to put an access request on hold indefinitely. Some matters end up before the courts for years. In our view, if a matter will remain before the courts for an extended period of time, the custodian will need to make a decision about the applicant's access rights to such information in keeping with the exceptions to disclosure found under s. 35 to 48 of the Act.

<p>Date Notice of Action or Notice of Application was filed with the Court: <i>Please attach a copy of the Notice of Action or Notice of Application</i></p>
<p>Is the applicant involved in the proceeding? <input type="radio"/> Yes <input type="radio"/> No</p>
<p>Current status of the proceeding:</p>
<p>Date of actual and/or scheduled hearings before the Court:</p>
<p>Anticipated date of final resolution of the matter:</p>
<p>Please provide explanations as to how the records in question relate to the proceeding and why the custodian wishes to extend the time limit to respond, rather than making a final decision on access rights at this time:</p>

ADDITIONAL COMMENTS

Provide any further details that may assist us in making a decision with regards to this time extension application.