

## Requests for Health Records: Frequently Asked Questions

### 1. How do I request a copy of my health records?

All requests must be submitted in writing via the [Authorization for the Release of Health Records form](#). Please fill the form out completely, as we need this information to process your request. Information and tips for completing the form is available in the [Authorization Form Instructions](#). Once the form is complete, please mail or fax it to each hospital/facility you are requesting records from. Contact information is listed on page 3 and 4 of the authorization form.

### 2. Who can sign the authorization form?

In most cases, it is essential that the patient who is the subject of the requested records sign the authorization form. As a public body, hospitals in BC are bound by the *Freedom of Information and Protection of Privacy Act* (FOI/PA) and require written, informed consent before disclosing personal information. Unless an exception to this rule applies (as outlined below), please ensure that your authorization has been signed by the patient. Otherwise, we will be unable to grant your request.

### 3. What if the patient is a minor?

The patient's authorization is required if the patient is 12 or over and is actively involved in decisions about health care or has provided consent for care.

Consent from the patient's guardian is required if:

- the patient is under 12 years of age; or
- under 19 years of age and not actively involved in decisions about health care

A guardian is a person who has been appointed by court order, under a legal agreement, or a parent who has lived with or regularly cared for the child.

Please note that Section 40 of the Family Law Act states that a child's guardian may exercise all guardian responsibilities as long as they do so in consultation with the child's other guardian(s), unless consultation would be unreasonable or inappropriate in the circumstances.

Please provide the authorization form, signed by a guardian and include confirmation that the requestor is the patient's guardian (this may consist of a copy of the court order or agreement, or a letter from a professional such as a physician, lawyer or teacher), and an explanation of the reasons for the request.

### 4. What if the patient is incapable of giving consent?

If an adult patient is incapable of giving consent, any of the following, acting within the scope of their duties or powers, may provide authorization on behalf of an adult:

- **Committee** appointed by court order (where records are required to carry out committee's duties)
- Person acting under a **Power of Attorney** (where records are required for financial or legal matters)
- **Litigation Guardian** (where records are required for litigation)
- **Representative** under a Representation Agreement (where records are required to carry out representative's duties)

The request must be made on behalf of the patient and in the patient's best interests. Please provide the Authorization for the Release of Health Records form, signed by the person providing authorization; documentation of the person's legal authority; and an explanation of the reasons for the request.

## 5. What if the patient is deceased?

A person does not lose his or her rights to privacy after death. In situations where a family member or personal representative requests records concerning a deceased person, we must have as much information as possible to determine whether the request is in the deceased's best interest and whether the disclosure of any information would be an unreasonable invasion of the deceased's privacy. Please provide the following:

- the Authorization for the Release of Health Records form, signed by the executor or administrator of the deceased's estate, or the deceased's nearest relative;
- Any documentation concerning the appointment of an executor or administrator; or documentation providing proof of relationship to the deceased (e.g. birth certificate);
- A full explanation of the reason for the request.

All requests for records of deceased persons are assessed on a case-by-case basis. We may be unable to disclose some or all of a record.

## 6. How long will it take to receive my records?

Due to the volume of requests we receive for health records, requests can take up to 30 working days to process.

## 7. How can I inquire as to the status of my request?

Inquiries can be directed to the Release of Information Office at the hospital/facility you are requesting records from. Please see contact information on the authorization form.

## 8. What happens if I don't pick up my records?

Please contact the Release of Information Office to make other arrangements. Documents not picked up will be destroyed after six months.