

An Act Respecting Health Services and Social Services

Confidential - Art.19

The record of a user is confidential and no person may have access to it except with the consent of the user or the person qualified to give consent on his behalf. Information contained in a user's record may, however, be communicated without the user's consent (order of a court, for the purposes of the Public Health Act...).

Assistance - Art.25

Where an institution provides a user with information of a medical or social nature concerning him that is contained in his record, it shall, at the request of the user, provide him with the assistance of a qualified professional to help him to understand the information.

The same applies to the holder of parental authority, the tutor, the curator, the mandatary or any person who may give consent to care on behalf of a user.

Refuse access - Art.50-52 (An act respecting Access...)

The person in charge must give the reasons for any refusal to disclose information, and indicate the provision of the Act on which the denial is based. The decision must be accompanied by the text of the provision on which the refusal is based, where applicable, and a notice of the proceeding for review provided for in Division III of Chapter IV, indicating in particular the time limit within which it may be exercised. On failure to give effect to a request for access within the applicable time limit, the person in charge is deemed to have denied access to the document.

An Act Respecting Access to documents Held by public bodies and the protection of personal information

Prescribe time - Art.98

The person in charge must give effect to a request for release or correction promptly, and not later than twenty days after receiving it.

If the person in charge believes the request cannot be processed within the time prescribed in the first paragraph without impeding the normal course of operations of the public body, he may, before the expiry of the time limit, extend the limit by not over ten days. He must then notify the applicant thereof by mail within the time limit provided in the first paragraph.

Reproduction charges - Art.11

The person requesting information is responsible for reproduction fees. The amount and the terms of payment of the fee are prescribed by government regulation. A public body which intends to charge a fee under this section shall, before transcribing, reproducing or transmitting a document, inform the applicant of the approximate amount that will be charged to him.

For further information, contact the Medical Records Department, Monday to Friday, from 8am to 4pm, at (514) 762-3002 or visit our web site at www.douglas.qc.ca - Access to information request.



www.douglas.qc.ca



Practical Guide Concerning Access to Information



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Access to a user's record (14 years of age or over)

Art. 17

Every user 14 years of age or over has right of access to his record. However, the institution may deny him access to it temporarily if, on the advice of his attending physician or the physician designated by the executive director of the institution, communication of the record or any part thereof would likely be seriously prejudicial to the user's health. In that case, the institution, on the recommendation of the physician, shall determine the time at which the record or the part thereof to which access has been denied can be communicated to the user, and notify him thereof.

Third person – art.18

No user is entitled to be informed of the existence or be given communication of information concerning him furnished by a third person which is contained in his record, where knowledge of the existence or the communication thereof would make it possible to identify the third person, unless that person has agreed in writing to the disclosure of the information and of its source to the user. The first paragraph does not apply where the information was furnished by a health or social services professional or by an employee of an institution in the performance of his duties.

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Access to a user's record (under 14 years of age)

Art.21

A user under 14 years of age is not entitled to be given communication of information concerning him that is contained in his record. The holder of parental authority is entitled to have access to the record of a user who is a minor. However, an institution shall refuse to give the holder of parental authority access to the record of a user who is a minor where:

- 1) the user is under 14 years of age, an intervention within the meaning of section 2.3 of the Youth Protection Act (chapter P-34.1) has been made in his regard or a decision respecting him has been made under the said Act, and the institution, after consulting the director of youth protection, determines that communication of the record of the user to the holder of parental authority will or could be prejudicial to the health of the user;
- 2) the user is 14 years of age or over and, after being consulted by the institution, refuses to allow his record to be communicated to the holder of parental authority and the institution determines that communication of the record of the user to the holder of parental authority will or could be prejudicial to the health of the user.

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Access to a user's record (user's representatives)

Art.22

The tutor, curator, mandatary or the person who may give his consent to care for a user is entitled to have access to the information contained in the record of the user to the extent that such communication is necessary for the exercise of that power. Any person who attests under oath that he intends to apply for the institution or review of protective supervision for a user or the homologation of a mandate given by the user for the eventuality of his inability, is entitled to have access to the information contained in the medical and psychosocial assessment of the user, if the assessment determines that the user is unable to care for himself and administer his property.

Heirs and legal representatives of a deceased user - art.23

The heirs, legatees by particular title and legal representatives of a deceased user are entitled to be given communication of information contained in his record to the extent that such communication is necessary for the exercise of their rights in such capacity. The spouse, ascendants or direct descendants of a deceased user are entitled to be given communication of information relating to the cause of death of the user. Persons related by blood to a deceased user may be given communication of information contained in his record to the extent that such communication is necessary to verify the existence of a genetic or hereditary disease.