

June 22nd, 2016

mcp newsletter

16-06

To: All Physicians

Re: Request for access to information under Part II of the *Access to Information and Protection of Privacy Act (ATIPPA)* [Our File #: HCS/048/2016]

On April 7th, 2016 the Department of Health and Community Services (the Department) received a request under the *Access to Information and Protection of Privacy Act (ATIPPA)* as follows:

“All MCP billings listed by physician for either calendar year 2015 or fiscal year 2015-16 in electronic format (excel or csv preferred).”

The records to be released include MCP billings for over 1400 physicians who provided services in Newfoundland and Labrador throughout the 2015 calendar year. Specifically, the records include specialty, physician name, and the total fee for service billing amounts for all physicians who had MCP billings for 2015 calendar year. As a fictitious example:

Specialty Group	Surname	Given	Total
General Practice	Doe	Jane	\$300,555.00
Anaesthesia	Smith	John	\$454,555.00
Internal Medicine	Doe	Jane	\$562,555.00
Radiology	Smith	John	\$649,555.00

Note: The above amounts indicate total billings and do not take into account the physician's overhead, such as office space, staff salaries, transcription services, equipment, etc...

On May 27, 2016, we provided you with written notice on the Department's **intention** to release the requested records. After a careful review of submissions received in response to the Department's third party notice, we can now advise that there were no submissions made which met the three part test under ATIPPA section 39(1) (disclosure harmful to the business interests of a third party). However, the Department has determined, based upon submissions received under section 40 (disclosure harmful to personal privacy), that the release of the requested records would be an unreasonable invasion of physicians' privacy. While the Department has received a number of submissions that have consented to the disclosure of the requested records, the Department believes the section 40 submissions should be applied equally to all physicians.

We are therefore providing you with written notice (“third party notice”) that the Department **will not** release the requested records.

Please be advised that the applicant may still appeal this decision with the Information and Privacy Commissioner regarding the Department's decision to refuse access to the requested responsive records OR may appeal directly to the Supreme Court Trial Division within 15 business days of the date of this letter.

The ATIPPA legislation may be viewed online at <http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm>.

If you have any further questions or wish to discuss this request, please contact the undersigned by telephone at 709-729-7010 or by email at HCSATIPP@gov.nl.ca.

Sincerely,

Vanessa Macey
ATIPP Coordinator

A handwritten signature in blue ink that reads "Vanessa Macey".

/Encl.

Cc: NLMA
OIPC