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RICHARD ANTHONY BREAKENRIDGE,

Applicant,

v.

**RÉGIE DE L'ASSURANCE-MALADIE DU
QUÉBEC,**

Respondent.

THE REQUEST FOR REVIEW

Mr. Richard Anthony Breakenridge requested from the Régie de l'assurance-maladie du Québec (the "Régie") in a letter dated August 20, 2001 and received by the public body:

All medical records including billings records surrounding
Régie de l'assurance-maladie du Québec concerning:

Richard Anthony Breakenridge

Held under the following Régie de l'assurance maladie du
Québec file number(s):

[...]

Mr. Breakenridge gave a file number, the address of a family member and a social insurance number. On September 28, 2001, the Régie answered and sent Mr. Breakenridge a list of all medical services listed in its records for the time period mentioned. On October 29, 2001, the Régie sent the applicant another letter, following up on a telephone conversation between the applicant and its personnel, explaining why it could not give out further information. On November 27, 2001, Mr. Breakenridge requested that the Commission d'accès à l'information review this response.

THE RESPONSE OF THE CITY

The Régie explained, at the request of the Commission in a letter dated August 6, 2002, the reasons why it could not give further information to Mr. Breakenridge. These reasons can be resumed as follows. Articles 63 and 64 of the *Health Insurance Act*¹ set out a special regime for the protection of personal information held by the Régie in the course of administering the remuneration of the services provided for under the Act:

63. The members, officers and employees of the Board and the members and employees of a revisory committee established under section 41 and of a council of arbitration contemplated by section 54 shall not reveal, otherwise than in accordance with article 308 of the Code of Civil Procedure, information obtained for the carrying out of this Act.

64. A person who has furnished or received a service insured by the Board, his advocate or his representative duly authorized by or acting for him under the law may have access, notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), only to the following information:

- (a) the date on which the service was furnished;
- (b) the name and address of the person who furnished the service;
- (c) the sums paid by the Board for the service and the name of the persons to whom they were paid.

The Board shall be required to disclose such information to the Minister of Revenue of Québec or to the Minister of Revenue of Canada, to the extent that such communication is necessary for the administration of an Act whose administration is under the responsibility of either of them, whenever he makes application to it therefor and it must disclose to the Minister of National Health and Social Welfare the information which it has obtained for the carrying out of this Act, whenever he makes application to it therefor, but it shall disclose such information only to such extent as is required for the purposes of the carrying out of the Canada Health Act (Revised Statutes of Canada, 1985, chapter C-6). In such cases, section 63 shall not apply to the members of the Board or to the officers and employees thereof authorized by it to disclose the information contemplated in this paragraph.

¹ R.S.Q., c. A-29.

The Board must, in the cases, conditions and circumstances and for the services determined by regulation, transmit to every insured person for whom it has paid insured services a statement giving

- (a) the name of the health professional, of the institution, of the laboratory or of any person having furnished the services;
- (b) the dates on which the services were furnished;
- (c) the cost of each provision of service received by an insured person; and
- (d) the total sum thus paid for such services.

The Board is bound to verify periodically, using sampling techniques, whether the insured services of which it has assumed the cost have in fact been furnished.

The Régie then submitted that further information might be obtained from the different establishments where health and social services are dispensed but that it only held an administrative file on assured persons.

THE DECISION

The position of the Régie was clearly stated by the person responsible for access to information who is also a lawyer. This uncontradicted testimony clearly explains why further information will not be forthcoming from this public body which must respect the terms of the law applicable to its management of information.

CONSEQUENTLY, THE COMMISSION:

DISMISSES the application and **CLOSES** the file.

JENNIFER STODDART
Commissioner

Montreal, October 11, 2002

M^e André-Gaétan Corneau
Attorney for Respondent