

August 25, 2022

Sent to: <kristen@secondstreet.org>

No Hard Copy to Follow

Ms. Kristen Schulz

RE: Freedom of Information Requests

Your requests for the following access to general information under the *Access to Information and Protection of Privacy Act* (the Act) was received by the Northwest Territories Health and Social Services Authority (NTHSSA) by the Quality, Risk and Client Experience Division- Privacy Unit on August 14, 2021, through an email from you:

- *Please provide documentation on the number of requests for the government to pay at least part of the bill for patients to receive planned health care services outside of Canada during the past three fiscal years. For each year, please note the number of requests and the number approved for at least partial funding. If any summary tables exist breaking out the information with more details (type of surgery, reimbursement amount, etc.), please provide them for the most recent fiscal year. (Note: We are seeking data on planned health services abroad, not unplanned cases involving patients abroad who have accidents and suddenly require surgery and other services).*
- *Please provide emails, memos, briefing notes, reports, analysis and other documentation related to patients dying while waiting for surgery or diagnostic scans. The time frame for this request is December 1, 2020, to the present.*
- *Please provide any memos, reports or analysis that examine patient suffering on health care waiting lists – patients going blind due to long waits for cardiac surgery, patients developing health problems while prescribed painkillers for long periods of time while they wait for surgery, patients developing depression, etc. The time frame for this request is June 1, 2020, to the present.*

We regret to inform you that as per your first paragraph request for information and subsequent search resulted that we do not hold any such records within the

Department of NTHSSA for the government to pay for planned healthcare services outside of Canada for funding.

In addition, your second and third paragraph requests for information falls under Quality Review process and critical incident reports are protected documents under s. 25.4 of the *Hospital Insurance and Health and Social Services Administration Act* (the "HIHSSA"). These reports, and the documents supporting a critical incident report, are immune from ATIPP and HIA processes [s. 25.4(2) HIHSSA]. Under s. 25.4 of HIHSSA, no record produced for the purposes of a critical incident investigation can be provided to anyone outside the organization as these initiatives are for internal quality improvement activities.

Section 111 of the HIA provides

1. In this section. "Quality assurance activity", "quality assurance committee" and "quality assurance record" have the definitions assigned to them by Section 13 of the Evidence Act.

- (a) Quality Assurance activity: section 111 (2) subject to subsection (3), a health information custodian shall refuse to disclose to an applicant Proceedings of a quality assurance committee in respect of a quality assurance activity; and*
- (b) Quality assurance records created in respect of a quality assurance activity.*

Release of results: Subsection 3 states that a health information custodian may disclose to an applicant a quality assurance record that consists of results of a recommendations in relation to a quality assurance activity.

Therefore, your requests are outside the jurisdiction of the ATIPP as per section 25.4 of the HIHSSA, the ATIPP and the HIA in support to this conclusion to your second and third paragraph requests.

Under Section 28 of the Access to Information and Protection of Privacy Act, you may ask the Information and Privacy Commissioner to review the fact that records pertinent to the request could not be released. You have 20 business days from the date of this notice to request a review by writing to the Information and Privacy Commissioner at:

Information and Privacy Commissioner for NT (IPC)
P.O. Box 382
Yellowknife, NT, X1A 2N3
(867) 669-0976 or toll free 1-888-521-7088

admin@oipc-nt.ca

If you wish to request a review, please provide the Office of the Commissioner with the following information:

1. The reference number – ATIPP #22-08-001
2. A copy of this letter.
3. A copy of your original request for information that you sent to the NTHSSA
4. The reason why you are requesting a review

Should you have questions, please contact the ATIPP and Health Information Act Coordinator at the address below. Reference ATIPP #22-08-001

ATIPP and Health Information Act Coordinator
Quality, Risk and Client Experience Division, NTHSSA – HQ
Government of Northwest Territories
P.O. Box 1320, Yellowknife NT X1A 2L9
867-767-9106, ext. 40087
NTHSSA_ATIPP@gov.nt.ca

Sincerely,



SD Padma

Padma Suramala
Territorial Risk Manager,
NTHSSA – Quality, Risk and Client
Experience Division

cc: NTHSSA_ATIPP@gov.nt.ca