

President's Letter

September 23, 2016



**Christopher Cox,
MD, FRCS, FACS
President**

Privacy Commissioner recommends release of all FFS MCP billings

Dear Colleagues:

On September 22, the NLMA received a letter from the Office of the Information and Privacy Commissioner (OIPC), indicating that the Commissioner has recommended that all MCP billings listed by physician name and specialty for either calendar year 2015 or fiscal year 2015-16 should be disclosed and released to the applicant requesting the information. In this case the applicant is CBC Newfoundland and Labrador.

As we reported to you in earlier President's Letters, the Department of Health and Community Services received an access to information request in April 2016 for the release of this information. The Department sent a notice to all fee-for-service physicians in May advising that it intended to release their MCP billing records along with their names. Many physicians filed complaints with the Department and the Office of the Information and Privacy Commissioner (OIPC) to contest the release of this information. The NLMA also filed a submission with the Department and the Commissioner because it was our opinion that the *Access to Information and Protection of Privacy Act, 2015 (ATIPPA, 2015)* legislation did not address FFS circumstances. Following those submissions, the Department reversed its original decision and elected not to release the information. As a result, a complaint was filed with the OIPC by the CBC (the applicant) to appeal the Department's decision.

The Department and the NLMA subsequently filed separate submissions with the OIPC to contest the release of this information. Submissions from individual FFS physicians were also considered by the Commissioner. In the end, the Commissioner ruled in favour of the applicant's request. The Commissioner's full *Report A-2016-019* can be viewed [here](#).

If the Department of Health and Community Services decides to challenge the Commissioner's recommendations, it must file an appeal to the Supreme Court of Newfoundland and Labrador, Trial Division within ten days. If the Department, instead, decides not to appeal to the court, the NLMA has the option to make an appeal on its own.

The NLMA is now reviewing the Commissioner's detailed report with our legal counsel. Following the government's decision, the NLMA will determine the Association's next course of action. We will keep members apprised of our decision over the coming days.

Regards,



Christopher Cox, MD, FRCS, FACS
President



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