

**From:** [Heather Predham](#)  
**To:** [Marian Crowley;](#)  
**Subject:** March 1, 2005  
**Date:** March-16-07 3:33:10 PM  
**Attachments:** [Quinn ATIPP response Mar 07.doc](#)

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March 16, 2007

Mr. Mark Quinn  
Canadian Broadcasting Corporation  
P.O. Box 12010, Station A  
St. John's, NL  
A1B 3T8

Dear Mr. Quinn:

**Re: Your request to access to information under Part II of the Access to Information and Protection of Privacy Act.**

This is to confirm that, on February 15, 2007 Eastern Health received your request for access to the following records/information:

- The results of the hormone receptor tests in this province that were sent for retesting from 1997 to the present.
- ...the original result of the first test and the result for each re-test...the percentage changes that were found.
- In each case: What percentage of hormone receptor positivity did the original test show? What result did the retest find?
- I am not requesting the names of patients or any information that might identify them.

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Access to the records and/or information contained within the records has been refused in accordance with the following mandatory exception to disclosure, as specified in the *Access to Information and Protection of Privacy Act*:

Section 30(1) provides that "*The head of a public body shall refuse to disclose personal information to an applicant.*"

- Personal Information is defined in Section 2(o) as "*recorded information about an identifiable individual, including*
  - (i) *the individual's name, address or telephone number,*
  - (ii) *the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,*
  - (iii) *the individual's age, sex, sexual orientation, marital status or family status,*
  - (iv) *an identifying number, symbol or other particular assigned to the individual,*
  - (v) *the individual's fingerprints, blood type or inheritable characteristics,*
  - (vi) ***information about the individual's health care status or history, including a physical or mental disability,***

- (vii) *information about the individual's educational, financial, criminal or employment status or history,*
- (viii) *the opinions of a person about the individual, and*
- (ix) *the individual's personal views or opinions."*

The individual results of each patient's hormone receptor tests are considered to be the personal information of these individuals. The results are recorded in percentage of positivity, and we cannot therefore provide the specifics that you requested. It is the position of Eastern Health that the test results could potentially lead to the identity of the patients.

For your information, an affidavit outlining a summary of the results of the ER/PR testing has been filed in the Registry of the Supreme Court of Newfoundland. This is available to the public; the case number is **2006 01 T 2966 CP**.

Section 43 of the *Act* provides that you may ask the Information and Privacy Commissioner to review this refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the receipt of this letter or within a longer period that may be allowed by the Commissioner. The address and contact information is as follows:

Information and Privacy Commissioner  
P.O. Box 8700  
St. John's, NL  
A1B 4J6  
Telephone: (709) 729-6309  
Facsimile: (709) 729-6500  
E-mail: [oipec@gov.nl.ca](mailto:oipec@gov.nl.ca)

In the event that you choose to appeal to the Supreme Court, you must do so within 30 days of the receipt of this letter. Section 60 of the *Act* sets out the process to be followed when filing such an appeal.

If you have any further questions, please feel free to contact the undersigned at 777-8025, or email at [marian.crowley@easternhealth.ca](mailto:marian.crowley@easternhealth.ca).

Sincerely,

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Marian Crowley  
Access and Privacy Coordinator