Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: HCS/088/2016]

On Jun. 22, 2016, the Department of Health and Community Services received your request for access to the following records:

“A copy of all correspondence related to access request HCS 048 2016”

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Health and Community Services to provide access to some of the requested information.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

- Section 29 – Policy Advice or Recommendations
- Section 30 – Legal Advice
- Section 40 – Personal Privacy
- Section 41 – Disclosure of House of Assembly Service and Statutory Office Record

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal. The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement’s website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at (709) 729-7010 or by email at vanessamacey@gov.nl.ca.

Sincerely,

Vanessa Macey
ATIPP Coordinator
You have a new ATIPP request.

**Filing Details**

**Confirmation Code:** GU3AJY

**Date Submitted:** April 7th 2016

**Requestor Details**

<table>
<thead>
<tr>
<th>Name:</th>
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<tbody>
<tr>
<td>Email:</td>
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<td>Daytime Phone:</td>
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<td>Fax:</td>
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<td>Mailing Address:</td>
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**Request Details**

<table>
<thead>
<tr>
<th>Request Type:</th>
<th>General Information</th>
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<tr>
<td>Department:</td>
<td>Health and Community Services</td>
</tr>
<tr>
<td>Description:</td>
<td>All MCP billings listed by physician for either calendar year 2015 or fiscal year 2015-16 in electronic format (excel or csv preferred)</td>
</tr>
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</table>
Good Morning;

The Department received a new ATIPPA request for the following:

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

Larry Alteen and Michelle Jewer have been identified as the ADM primes overseeing records for these requests. Please provide all relevant records by no later than Tuesday, April 12th, 2016. Please note, the Department will conduct consultations on this request with appropriate individuals/stakeholders, as needed. If you wish to discuss this request further please do not hesitate to contact me.

Sincerely,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelapower@gov.nl.ca
Angela,

Some qualifiers are:

1. FFS physicians are considered private entrepreneurs who incur office related expenses in order to practice medicine. These expenses include the rental of office space, administrative staff, office equipment and supplies, malpractice insurance, etc.
2. Office based expenses can vary significantly between specialist groups.
3. FFS income includes that earned for participating in the provision of 24/7 on call services to facilities and communities.
4. FFS physicians typical work week is in excess of 40 hours excluding on call services.

We can chat some more about this but I would agree that having this posted on our own website with our own controls makes some sense.

L

From: Power, Angela
Sent: Thursday, April 14, 2016 2:57 PM
To: Alteen, Larry <LarryAlteen@gov.nl.ca>
Subject: RE: FFS

Larry;

I'd like to chat with you about this so that we are prepared to respond to inquiries. What are the qualifiers here that we need to take into account or acknowledge in the preparation of release?

Sincerely,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelpower@gov.nl.ca
In knew I sent this to someone just was not you.

L

From: Alteen, Larry
Sent: Thursday, April 7, 2016 3:11 PM
To: Jewer, Michelle N. <MichelleJewer@gov.nl.ca>
Cc: Maher, Tony <TonyMaher@gov.nl.ca>
Subject: FW: FFS

FYI.

The only thing not included is CMPA rebate.

We can discuss.

L

From: Owens, Coleen J.
Sent: Thursday, April 7, 2016 2:21 PM
To: Alteen, Larry <LarryAlteen@gov.nl.ca>; Bennett, Brian D (HCS) <BrianDBennett@gov.nl.ca>
Subject: RE: FFS

As Requested.
Names to be included.
By Specialty, Descending Income Order

Coleen J. Owens
Planning and Evaluation Division
Department of Health & Community Services
3rd Floor, West Block, Confederation Bldg
Phone: (709) 729-3698
Fax: (709) 729-5238

From: Alteen, Larry
Sent: Thursday, April 07, 2016 1:52 PM
To: Owens, Coleen J.; Bennett, Brian D (HCS)
Subject: RE: FFS

Good start.

Need the names and want it in descending order of payments for each specialty.

L
Does not include CMPA, advances.
Includes On Call, Bonuses, Retention, CSF, Specialty Corrections, APP.

Forward if suitable.

**Coleen J. Owens**

---

**From:** Alteen, Larry  
**Sent:** Thursday, April 07, 2016 12:41 PM  
**To:** Owens, Coleen J.; Bennett, Brian D (HCS)  
**Cc:** Jewer, Michelle N.  
**Subject:** FFS  
**Importance:** High

Coleen,

I need you to generate a list of MCP payments by physician (by specialty) made in fiscal year 2015-16 (will include APP physicians, any FFS bonuses, on call, etc.). I will need to know if there are any payments that are not included.

When you have this done I will need to review with Brian and you.

This is of high priority!! (let me know when this might be completed)

L

**Larry Alteen MD.**  
Medical Consultant  
Department of Health and Community Services  
1st Floor West Block  
Confederation Building  
St. John’s, NL  
A1B 4J6

Email: larryalteen@gov.nl.ca  
Phone: 709-729-1574
Vanessa;

Can you draft an OIPC extension letter for HCS-048-2016 based on the volume of third party notices/records that we have to provide?

Thanks,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelapower@gov.nl.ca
I am just meeting with Gerri Smith and should be free in 30 minutes or so. I plan to stay until the weather clears!! Might be in for a long day.

From: Power, Angela  
Sent: Wednesday, April 20, 2016 1:29 PM  
To: Alteen, Larry <LarryAlteen@gov.nl.ca>  
Subject: RE: ATIPPA - FFS Physicians

Larry;

You still want to meet? I noticed they shut down confed. building, but I am still here.

Sincerely,

Angela Power  |  Manager of Privacy and Information Security & (Interim) ATIPPA Coordinator  
Department of Health and Community Services  
Government of Newfoundland & Labrador  
709.729.7007 (t)  |  709.725-2752 (c)  
angelapower@gov.nl.ca

-----Original Appointment-----  
From: Alteen, Larry  
Sent: Wednesday, April 20, 2016 5:59 AM  
To: Alteen, Larry; Power, Angela; Bennett, Brian D (HCS)  
Subject: ATIPPA - FFS Physicians  
When: Wednesday, April 20, 2016 2:00 PM-2:30 PM (UTC-03:30) Newfoundland.  
Where: Larry's Office
Angela; Removed at the request of the applicant

The advisory letter for this file is due today. I’ve drafted one up for you to send to the applicant, please edit as required.

Just a reminder if you haven’t already, to submit the time extension request to the OIPC.

Regards,

Vanessa Macey | ATIPP Facilitator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (i)
VanessaMacey@gov.nl.ca
Yes, Bev was the one who requested this. This was completed in consultation/participation with Larry Alteen and Chantelle MacDonald-Newhook.

Thank you,

Angela Power | Manager of Privacy and Information Security & (Interim) ATIPPA Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelapower@gov.nl.ca

-----Original Message-----
From: Power, Elaine
Sent: Thursday, April 21, 2016 4:08 PM
To: Power, Angela
Subject: RE: HP TRIM DOCUMENT : DOC-25938 : Decision Note - FFS Physician Notification on ATIPPA Request HCS-048-2016_04212016

Normally you would print a copy and your Director and then ADM would review and approve. I guess because it was at Bev's request it will just need her approval? I will print a paper copy and put it in to her.

Elaine

Elaine Power
Secretary to Deputy Minister
Department of Health and Community Services Main Floor, West Block, Confederation Building P.O. Box 8700
St. John's, NL A1B 4J6
Phone: (709) 729-3125 Fax: (709) 729-0121
Email: epower@gov.nl.ca

-----Original Message-----
From: Power, Angela
Sent: Thursday, April 21, 2016 4:01 PM
To: Power, Elaine
Subject: HP TRIM DOCUMENT : DOC-25938 : Decision Note - FFS Physician Notification on ATIPPA Request HCS-048-2016_04212016

Elaine;

This BN was developed for the Minister at Bev's request. How should I send it to her for review? As always, we need a quick turnaround and decision from the Minister on this as we are on tight ATIPPA timelines. We are happy to make edits based upon Bev's review and feedback before it goes to the Minister.

Thank you in advance,

Angela

----- < HP TRIM Record Information > -----
In knew I sent this to someone just was not you.

L

FYI.

The only thing not included is CMPA rebate.

We can discuss.

L

From: Alteen, Larry
Sent: Thursday, April 14, 2016 2:42 PM
To: Power, Angela
Cc: Jewer, Michelle N.
Subject: FW: FFS

From: Alteen, Larry
Sent: Thursday, April 7, 2016 3:11 PM
To: Jewer, Michelle N. <MichelleJewer@gov.nl.ca>
Cc: Maher, Tony <tonymaher@gov.nl.ca>
Subject: FW: FFS

From: Owens, Coleen J.
Sent: Thursday, April 7, 2016 2:21 PM
To: Alteen, Larry <LarryAlteen@gov.nl.ca>; Bennett, Brian D (HCS) <BrianOBennett@gov.nl.ca>
Subject: RE: FFS

Following pages removed- Same e-mail as previous pages
Elaine;

The attached Information Note is now ready for Bev's approval. This is the newest version of the previous BN that went to her last week. (I've replaced the previous DOC to put it in the proper TRIM folder).

Let me know if you have any questions/comments.

Sincerely,

Angela

----------< HP TRIM Record Information >--------

Record Number :  BN-2016-00171
Title : Information Note - FFS Physician Notice on ATIPPA Request HCS-048-2016
Larry;

Has the Information Note been processed and sent to Bev? I'd like to ensure we begin notifying physician as soon as possible.

Sincerely,

Angela Power | Manager of Privacy and Information Security & (Interim) ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelapower@gov.nl.ca

-----Original Message-----
From: Power, Angela
Sent: Friday, May 06, 2016 4:23 PM
To: Alteen, Larry; MacDonald Newhook, Chantelle
Subject: HP TRIM Briefing Note : BN-2016-00171 : Information Note - FFS Physician Notice on ATIPPA Request HCS-048-2016

All;

Final edits discussed attached. Let me know if there is anything else and we can have Stephanie add a
routing slip and provide to Bev.

Thank you,

Angela

------< HP TRIM Record Information >------

Record Number : BN-2016-00171
Title : Information Note - FFS Physician Notice on ATIPPA Request HCS-048-2016
Stephanie;

I spoke with Larry and his final suggestions have been incorporated. I will bring back the routing slips to you in a moment.

Thanks,

Angela

--------< HP TRIM Record Information >--------

Record Number : BN-2016-00171
Title : Information Note - FFS Physician Notice on ATIPPA Request HCS-048-2016
Angela,

I have not talked with the NLMA. Can do on Monday and we can meet on Monday at 8:30 am.

L

Sent from my BlackBerry 10 smartphone on the Bell network.

Larry;

As you may have seen this morning, the Minister has signed off on the Information Note. I would like to schedule a quick meeting for Monday morning to discuss next steps. Is 8:30am too early to meet? (I spoke with Connie to schedule time, but your calendar seems booked from 9am to later in the day). Chantelle, would 8:30 work for you?

Also, have you spoken with NLMA? If not, feel free to let me know who the best person is to contact and I can get things moving. *(This is due on next week on Thursday, May 19th. I have given the OIPC a heads up that we may require an extension).*

Sincerely,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelapower@gov.nl.ca

Larry;

Have you had a chat with the NLMA re: physician notice/next steps?
Let me know when you have a moment to discuss,

**Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator**
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelpower@gov.nl.ca
Duly noted. We should have a brief chat. Are you both available at 1pm?

Also, I haven’t heard back from Ed yet.

Sincerely,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angela.power@gov.nl.ca

From: Alteen, Larry
Sent: Tuesday, May 17, 2016 12:30 PM
To: Power, Angela
Subject: FW: Memo to FFS physicians re ATTIPA request

FYI.

Larry

On the notice period and time to appeal, we feel strongly that FFS physicians should have the same window to appeal as salaried. Upon review of the memo to Western Health employees, we noted that employees had a 15-day period in which to appeal. Therefore, FFS physicians should be given at least 15 days in which they may choose to file an appeal to the release of their name and gross annual billings.

Thanks,
From: [Redacted]
Sent: Tuesday, May 17, 2016 10:33 AM
To: 'Alteen, Larry' <LarryAlteen@gov.nl.ca>
Cc: [Redacted]
Subject: RE: Memo to FFS physicians re ATTIPA request

Larry,

Could Angela also provide us with a copy of the Privacy Commissioner's opinion/response to the ATTIPA request for FFS billings by individual physician?

Thanks

[Redacted]

Newfoundland and Labrador Medical Association
*Accredited Business Communicator*

From: Alteen, Larry [mailto:LarryAlteen@gov.nl.ca]
Sent: Monday, May 16, 2016 8:23 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Memo to FFS physicians re ATTIPA request

[Redacted]

Angela expects to have this finalized by tomorrow afternoon. Should have it over to you then.

[Redacted]

From: [Redacted]
Sent: Monday, May 16, 2016 3:59 PM
To: 'Alteen, Larry' <LarryAlteen@gov.nl.ca>
Cc: [Redacted]
Subject: Memo to FFS physicians re ATTIPA request

Hi Larry

Just wondering if we'll be getting the memo before end of day?

Thanks

[Redacted]
“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
As per your request.

Coleen J. Owens

I would wondering if you would be able to provide the FFS average salaries by specialty. Let me know if you have any questions.

Sincerely,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelapower@gov.nl.ca

In knew I sent this to someone just was not you.

FYI.

The only thing not included is CMPA rebate.
From: Alteen, Larry
To: Power, Angela
Subject: Fw: Letter to Physicians with MCP Billings in 2015
Date: Friday, May 27, 2016 5:40:58 AM

Angela,

You may be aware of this already.

L

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Davis, Paulette <paulettedavis@gov.nl.ca>
Sent: Thursday, May 26, 2016 9:33 AM
To: Alteen, Larry
Subject: RE: Letter to Physicians with MCP Billings in 2015

That was my thought...just wanted to confirm. This will go out tomorrow and will be posted on the web as well. Thanks and enjoy your holiday.

Paulette Davis
Manager of Medical Affairs and Training
Dept of Health and Community Services
Audit and Claims Integrity
709-292-4003
709-292-4053 (fax)
paulettedavis@gov.nl.ca

From: Alteen, Larry
Sent: Thursday, May 26, 2016 10:02 AM
To: Davis, Paulette
Cc: Power, Angela
Subject: Re: Letter to Physicians with MCP Billings in 2015

It will need to go to all physicians as some salaried will bill on call (through MCP). As this is pertaining to billings from last year we are trying to reach those physicians who billed into MCP last year for any service and had payments made to them.

L

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Davis, Paulette
Sent: Thursday, May 26, 2016 9:03 AM
To: Alteen, Larry
Subject: RE: Letter to Physicians with MCP Billings in 2015

Hi Larry;
Can you confirm what group this needs to go out to. Our categories are FFS physicians, ALL physicians, Salaried Physicians. Not sure if you want it to go out to FFS physicians or ALL physicians (which would include salaried)

Thanks

Paulette Davis
Manager of Medical Affairs and Training
Dept of Health and Community Services
Audit and Claims Integrity
709-292-4003
709-292-4053 (fax)
paulletdavis@gov.nl.ca

From: Alteen, Larry
Sent: Wednesday, May 25, 2016 9:29 PM
To: Davis, Paulette
Cc: Power, Angela
Subject: Letter to Physicians with MCP Billings in 2015

Paulette,

As discussed this is the letter that we need sent out to all physicians who had any MCP payments made to them in 2015. The letter is dated for this Friday based on our conversation. Can you confirm that this will go out on Friday?

In addition I understand that this will be on the MCP website under newsletters to physicians.

Thanks

Larry

Larry Alteen MD.
Medical Consultant
Department of Health and Community Services
1st Floor West Block
Confederation Building
St. John’s, NL
A1B 4J6

Email: larryalteen@gov.nl.ca
Phone: 709-729-1574
Please let me know if you've sent the letter or not.

Original Message-----

From: [Redacted]
Sent: Friday, May 27, 2016 10:07 AM
To: Power, Angela <AngelaPower@gov.nl.ca>
Subject: Re: ATIPPA Request - Third Party Notice please read and reply

Angela not at my desk. Available on cell at [Redacted]

Sent from my iPhone

> On May 26, 2016, at 7:30 PM, [Redacted]@nlma.nl.ca> wrote:

> 
>
> 
>
> Sent from my iPad
>
> Angela,
>
> We still have concerns that you have not identified two distinct phases of notice, the first of 15 days to respond with consent or not to release and, if there is objection, 15 days to provide feedback. Further the onus is on the department to explain why you believe the Act permits the disclosure.

> 
>
>
> >> On May 26, 2016, at 9:57 AM, Power, Angela <AngelaPower@gov.nl.ca> wrote:

> >> 
>
> >> 
>
> >> Attached is the revised copy of the letter. Regarding your points below, we appreciate the feedback and understand and accept items #1 and #2 below. We have also modified the date to reflect our Friday mail-out and the use of the word 'evidence' throughout the letter.

> >> As discussed, the Department will be proceeding to send this letter out to all physicians in our MCP system tomorrow and will be posting it under the MCP Provider website: http://www.health.gov.nl.ca/health/mcp/providers/. We also appreciate your assistance in sending out the attached letter to your membership via email distribution. Feel free to connect with me if you wish to discuss this further.

> >> Sincerely,

> >> Angela Power | Manager of Privacy and Information Security & ATIPPA
> >> Coordinator Department of Health and Community Services Government of
> >> Newfoundland & Labrador
From: [Name redacted]@nlma.nl.ca

Sent: Wednesday, May 25, 2016 8:19 AM

To: Power, Angela
Cc: MacDonald Newhook, Chantelle; Alteen, Larry

Subject: RE: ATIPPA Request - Third Party Notice

Good morning Angela:

We have reviewed your May 24th email asking us to send the Department's letter to all physicians on the NLMA distribution list. We have several points to make about this request:

1. We cannot guarantee that our distribution of this letter will reach every person that may be the subject of information release by the Government, and therefore we cannot take responsibility for the requirement on Government to use "every reasonable effort" to notify these physicians as third parties.

2. As this letter will go out to a broader group of physicians than only those who have FFS billings, we will include a message that this letter is intended for physicians who submitted FFS billings during 2015. We will direct any physician to your attention who may require a clarification on whether they are on the list.

We are surprised that the government's notice of intent to release the information combines the request for consent (Section 19.1) as well as the advisory regarding a complaint to the Commissioner (Section 19.5). It seems to us that the Act requires these actions as two separate steps. Section 19.5 states that an advisory on how to file a complaint with the Commissioner will be provided if the third party does not consent to the disclosure. As the Department does not know yet if the third parties are consenting to this action, we question whether it is appropriate to move right away to the 15 day stage for filing a complaint. Furthermore, the Department's letter does not include the reasons for the decision to disclose, which is a requirement of the Act if a third party does not consent to a disclosure. Knowing the reasons for the Department's decision to disclose would be a critical ingredient in making a decision on whether or not to file a complaint to the Commissioner.

We are also concerned that the Department's letter asks physicians to provide the Department with evidence under sections 39 and 40 as to why the information should not be disclosed. There is no requirement under ATIPPA to provide the Department with evidence, and there is no requirement to have evidence when declining to provide consent.

Based on points 3 and 4 we ask you to review whether the letter is consistent with the Act.

I will call you to discuss these issues.
I apologize for the delay. Attached is the letter we would like to send out to all physicians on the NLMA email distribution list. Please let me know if you have any questions or would like to discuss further.

Thank you for your assistance.

Sincerely,

Angela Power | Manager of Privacy and Information Security & ATIPP
Coordinator Department of Health and Community Services Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelapower@gov.nl.ca

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"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."

<Physician Notice_ATIPPA_HCS-048-2016_FINAL_05262016.pdf>
Hi Angela;

The letter is sent for mail out and also posted on the web.

Have a great weekend 😊

Paulette Davis  
Manager of Medical Affairs and Training  
Dept of Health and Community Services  
Audit and Claims Integrity  
709-292-4003  
709-292-4053 (fax)  
paulettedavis@gov.nl.ca

From: Power, Angela  
Sent: Friday, May 27, 2016 12:45 PM  
To: Davis, Paulette  
Subject: RE: Letter to Physicians with MCP Billings in 2015

Paulette;

Has the letter been sent?

I look forward to hearing from you,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator  
Department of Health and Community Services  
Government of Newfoundland & Labrador  
709.729.7007 (t) | 709.725-2752 (c)  
angelapower@gov.nl.ca

From: Davis, Paulette  
Sent: Thursday, May 26, 2016 9:44 AM  
To: Power, Angela  
Subject: RE: Letter to Physicians with MCP Billings in 2015

Hi Angela;

Is there any way we can have the word document for this newsletter, we need to insert the numbering.

Thanks
Paulette Davis  
Manager of Medical Affairs and Training  
Dept of Health and Community Services  
Audit and Claims Integrity  
709-292-4003  
709-292-4053 (fax)  
paulleterravia@gmail.com  

From: Power, Angela  
Sent: Thursday, May 26, 2016 9:41 AM  
To: Davis, Paulette  
Cc: Alteen, Larry  
Subject: RE: Letter to Physicians with MCP Billings in 2015  

Paulette;  

Please use the attached letter instead of the one Larry sent to you yesterday as we had to make a minor change. Feel free to touch base if you have any questions/comments or wish to discuss this further.  

Thank you,  

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator  
Department of Health and Community Services  
Government of Newfoundland & Labrador  
709.729.7007 (t) | 709.725-2752 (c)  
angelapower@gov.nl.ca  

From: Alteen, Larry  
Sent: Wednesday, May 25, 2016 9:29 PM  
To: Davis, Paulette  
Cc: Power, Angela  
Subject: Letter to Physicians with MCP Billings in 2015  

Paulette,  

As discussed this is the letter that we need sent out to all physicians who had any MCP payments made to them in 2015. The letter is dated for this Friday based on our conversation. Can you confirm that this will go out on Friday?  

In addition I understand that this will be on the MCP website under newsletters to physicians.  

Thanks  

Larry  

Larry Alteen MD.  
Medical Consultant
Department of Health and Community Services
1st Floor West Block
Confederation Building
St. John's, NL
A1B 4J6

Email: larryalteen@gov.nl.ca
Phone: 709-729-1574
Angela;

As a follow up with our conversation, please see the attached link released by NLMA regarding this ATIPPA request http://www.nlma.nl.ca/FileManager/Presidents-Letter/docs/2016/2016.05.27_NLMA_to_contest_release_of_individual_FFS_billings_-_FINAL.pdf

If the physician you inquired on behalf of does not consent to the release of their information, please contact me at my information below as well as the e-mail address for NLMA provided in the letter.

Sincerely,

Vanessa Macey | ATIPP Facilitator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
VanessaMacey@gov.nl.ca
Thanks Angela. 

Sent from my BlackBerry 10 smartphone on the Bell network.

All;

I wanted to let you know that the Department has received 56 emails from physicians, all appearing to be opposed to the release of the FFS physician billing information. There have also been 3 phone calls inquiring on what they may do to express concern.

Vanessa, Mike and Deanne are all briefed on the current status of this request and have access to the HCSATIPP email inbox. If you need me for anything you can reach me.

Sincerely,

Angela Power | Manager of Privacy and Information Security & ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7007 (t) | 709.725-2752 (c)
angelanpower@gov.nl.ca
We would need a full working day to print and mail out....

Paulette Davis
Manager of Medical Affairs and Training
Dept of Health and Community Services
Audit and Claims Integrity
709-292-4003
709-292-4053 (fax)
paulettedavis@gov.nl.ca

From: Macey, Vanessa
Sent: Wednesday, June 08, 2016 12:09 PM
To: Davis, Paulette
Cc: Maher, Tony
Subject: RE: Letter for MCP

Paulette;

Sounds good. Ideally, how many days prior to June 17, 2016 would you require the letter.

Regards,

Vanessa Macey | ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
VanessaMacey@gov.nl.ca

From: Davis, Paulette
Sent: Wednesday, June 08, 2016 12:05 PM
To: Macey, Vanessa
Cc: Maher, Tony
Subject: RE: Letter for MCP

Hi Vanessa;

Once the draft newsletter is done, it will need to be circulated to myself and Tony Maher for review. Once final draft is completed you can forward the newsletter to me for logging and numbering. I will then proceed with mail out and webposting.

Thanks

Paulette Davis
Paulette;

As per our conversation and with respect to the recent letter that was sent by Angela to be disbursed to Fee for Service physicians, the Department will need to send a follow up letter on June 17, 2016 to the same individuals who were previously notified.

Please let me know what procedure we should follow.

Regards,

Vanessa Macey
ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
VanessaMacey@gov.nl.ca
Thanks Vanessa. We will distribute this to members through our usual communications channels on Wednesday.

Attached is the Departments final response to the third parties as a follow up to the previous letter that was sent on May 27. We plan to have this letter disbursed to physicians by end of day tomorrow.

I apologize for the delay. Please let me know if you have any questions or would like to discuss further.

Sincerely,

Vanessa Macey | ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
709.725.2752(c)
VanessaMacey@gov.nl.ca

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this
Hi Larry;

We logged the newsletter and numbered it 16-06. This is now gone for print and mail out as well as web posting.

Thanks

Paulette Davis  
Manager of Medical Affairs and Training  
Dept of Health and Community Services  
Audit and Claims Integrity  
709-292-4003  
709-292-4053 (fax)  
paulettedavis@gov.nl.ca

Folks,

This letter has been vetted through legal and signed off by DM. I would not suggest that any changes be made unless you have identified something of significant concern. We are just using the mail out ability of MCP to get this to physicians.

L

Hi:

Attached is a newsletter from the ATIPP coordinator. Please review before mail out.

Thanks

Paulette Davis  
Manager of Medical Affairs and Training
Dept of Health and Community Services  
Audit and Claims Integrity  
709-292-4003  
709-292-4053 (fax)  
paulleddavis@gov.nl.ca

From: Macey, Vanessa  
Sent: Tuesday, June 21, 2016 3:45 PM  
To: Davis, Paulette  
Cc: Maher, Tony  
Subject: FW: Letter for MCP

Paulette;

My apologies, the last letter did not have a signature included. Please see the attached which includes my signature.

Regards,

Vanessa Macey | ATIPP Coordinator  
Department of Health and Community Services  
Government of Newfoundland & Labrador  
709.729.7010 (t)  
709.725.2752(c)  
VanessaMacey@gov.nl.ca

From: Macey, Vanessa  
Sent: Tuesday, June 21, 2016 3:39 PM  
To: Davis, Paulette  
Cc: Maher, Tony  
Subject: RE: Letter for MCP

Paulette;

Please see the attached letter to be disbursed to FFS physicians by end of day tomorrow.

I apologize for the delay.

Feel free to contact me if you have any questions or concerns.

Regards,

Vanessa Macey | ATIPP Coordinator  
Department of Health and Community Services  
Government of Newfoundland & Labrador  
709.729.7010 (t)  
709.725.2752(c)  
VanessaMacey@gov.nl.ca
From: Macey, Vanessa
Sent: Tuesday, June 21, 2016 11:41 AM
To: Davis, Paulette
Cc: Maher, Tony
Subject: RE: Letter for MCP

Paulette;

The department will require a mail out for Fee For Service Physicians (as previously done) for tomorrow June 22, 2016.

I plan to have it to you shortly.

Regards,

Vanessa Macey | ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
709.725.2752(c)
VanessaMacey@gov.nl.ca

From: Macey, Vanessa
Sent: Friday, June 17, 2016 3:13 PM
To: Davis, Paulette
Cc: Maher, Tony
Subject: RE: Letter for MCP

Will do.

Same to you!

Vanessa Macey | ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
VanessaMacey@gov.nl.ca

From: Davis, Paulette
Sent: Friday, June 17, 2016 3:13 PM
To: Macey, Vanessa
Cc: Maher, Tony
Subject: RE: Letter for MCP

Ok, if you need assistance in the future please don’t hesitate to contact me.

Have a great weekend

Paulette Davis
Manager of Medical Affairs and Training
Dept of Health and Community Services
Audit and Claims Integrity
709-292-4003
709-292-4053 (fax)
paulettedavis@gov.nl.ca

From: Macey, Vanessa
Sent: Friday, June 17, 2016 3:11 PM
To: Davis, Paulette
Cc: Maher, Tony
Subject: RE: Letter for MCP

Paulette;

I just wanted to inform you that we will no longer be proceeding with the mail out.

Thanks for your assistance.

Sincerely,

Vanessa Macey | ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
VanessaMacey@gov.nl.ca

From: Davis, Paulette
Sent: Wednesday, June 08, 2016 12:05 PM
To: Macey, Vanessa
Cc: Maher, Tony
Subject: RE: Letter for MCP

Hi Vanessa;

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Thanks
Dear Paulette,

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Please let me know what procedure we should follow.

Regards,

Vanessa Macey
ATIPP Coordinator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
VanessaMacey@gov.nl.ca
Hi Vanessa,

As a follow up to our chat with Brian, below is a good background.

Mike

MICHAEL BANNISTER | Director of Information Management
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.3421 (t) | michaelbannister@gov.nl.ca

Hi Mike —

As you requested in our recent meeting, below are some details regarding the initial interactions between Fee-For-Service (FFS) physicians and the Department of Health and Community Services (HCS).

By way of background, physicians in Newfoundland and Labrador (NL) are paid in one of three different ways:

1. FFS - Payments are made for each service performed by the physician;

2. Salary - Physicians are considered employees of the Regional Health Authorities and are paid a salary set through the Memorandum of Agreement between Government and the Newfoundland and Labrador Medical Association (NLMA); and

3. Alternate Payment Plan (APP) - The amount in payments the physician receives is supported by individual contracts which are based on block funding arrangements. This payment method contains elements of the FFS and salary payment methods.

FFS physicians bill the NL Care Plan (MCP) for services rendered. MCP is administered by HCS and is a comprehensive plan of medical care insurance designed to cover the cost of physician services for bona fide residents of the province.
You inquired what the administrative and legal arrangement between FFS physicians and HCS was. You specifically inquired whether FFS physicians signed an any sort of agreement with HCS in order to bill MCP for services rendered. The answer to this latter question is no, there is no agreement between FFS physicians and HCS that is executed by the parties prior to FFS physicians being able to bill MCP for services—FFS physicians must be registered as vendors in our billing system (i.e., Oracle mainframe) prior to HCS being able to process payment, but this is an administrative rather than a legal process.

The following is a summary of the provider registration process within the Physician Services Division (PSD), Department of Health and Community Services (HCS):

1. Physicians complete a Provider Registration Form in order to be entered into PSD’s billing system as a vendor. The Provider Registration Form created by HCS. PSD receives a completed provider registration form in any one of several ways: directly from the physician, from a contact within an RHA, or from a physician’s billing service provider. PSD may receive a registration form days, or sometimes weeks in advance of a physician’s practice start date. PSD will hold the registration form until such time as we receive a notification of license from the College of Physicians and Surgeons of Newfoundland and Labrador (CPSNL) — more on this at 2, below.

2. The CPSNL — which regulates the practice of medicine in NL in the public interest — the sends out notifications of license or locum license generally no more than two days in advance of a physician’s practice start date. PSD only completes a physician’s MCP registration once a notification of license is received from the College as it stands as verification that a physician has a valid license to practice medicine in NL. This avoids having a physician logged in the mainframe as a provider who may have not been issued a license (we do not have the ability to remove a record from mainframe once entered).

3. Provider Registration Forms are reviewed to ensure they are completed correctly. If they are not, we correspond with physicians to obtain accurate or additional information.

4. No registrations are completed without the College notification and the banking details. This latter requirement originates from the Department of Finance, GNL.

5. Once all information is received, physicians are registered in our mainframe and are issued a provider billing number. This is a system-specific unique identifier.

Following the foregoing, physicians may begin submitting claims to MCP for compensation for insured medical services rendered on a FFS basis.

Larry, anything to add?

Mike, get in touch if you need anything further.

Best;
BRIAN BENNETT, B.A., LL.B. | Manager of Physician Services
Physician Services Division
Department of Health and Community Services
Government of Newfoundland & Labrador
P.O. Box 8700
St. John’s, NL A1B 4J6
(709) 729-3148 (t) | (709) 729-5238 (f) | BrianDBennett@gov.nl.ca
Information Note
Department of Health and Community Services

Title: ATIPPA Request for 2015 Fee for Service Physician Billings

Issue: On April 7, 2016 the Department received an ATIPPA request for "All MCP billings listed by physician for either calendar year 2015 or fiscal year 2015-16 in electronic format." The Department is now moving forward with formal third party notice under ATIPPA to Fee for Service (FFS) physicians.

Background and Current Status:
- The Access to Information and Protection of Privacy Act (ATIPPA), 2015 applies to all public bodies, including government departments, agencies, health boards, school boards and municipalities.

- The purpose of the ATIPPA is to provide the public with the right of access to records; and to protect the privacy of individuals whose personal information is collected, used and disclosed by public bodies.

- On April 7, 2016 the Department received an ATIPPA request for the following records, "All MCP billings listed by physician for either calendar year 2015 or fiscal year 2015-16 in electronic format." The original due date for the release was May 5, 2016. The Office of the Information and Privacy Commissioner (OIPC) has provided the Department with a time extension to May 19, 2016.

- The Department has previously contemplated releasing physician billings as a part of the Open Government Initiative, but to date has not released such records or data to the public.

- On March 8, 2016 the Department was notified that Human Resources Secretariat received an ATIPPA request for the following information, "The name, job title and corresponding total taxable income for the 2015 tax year for all Government of Newfoundland and Labrador employees administered by Human Resources Secretariat earning more than $100,000." Notably, many Agencies, Boards and Commissions, such as the Regional Health Authorities, Nalcor and others, received identical ATIPPA requests.

- Human Resources Secretariat did not provide third party notice to employees prior to releasing the records, although Departments were given a memo prior to the information being released.

- The Newfoundland and Labrador Teacher's Association, the Registered Nurses Union, CUPE, and NAPE have filed a total of six applications with the Supreme Court Trial Division, challenging the release of employee names attached to job titles and taxable income. The basis of their arguments is that although the release of job titles and taxable income of their members (public sector employees) does not constitute an unreasonable invasion of personal privacy, that the disclosure of the names of such individuals, when combined with personal information such as their job titles and taxable income is a presumed unreasonable invasion of personal privacy and not permitted under ATIPPA. The Supreme Court Trial Division will hear arguments November 14th through 17th, 2016.
Analysis:

- The records containing names, total billing amounts by physician, by specialty, have been retrieved for calendar year 2015. There are a total of 1407 FFS physicians listed.

- The ATIPP Office, Office of Public Engagement was consulted and advised that if a public body has reason to believe that the release of information may be an unreasonable invasion of privacy under section 40 or meet the three-part test where disclosure would be harmful to a third party business under section 39, then notification to the affected parties is required under section 19 of ATIPPA, 2015. However, if the public body does not believe that the release of information would be an unreasonable invasion of privacy or believes that it does not meet the three-part test where disclosure would be harmful to third party business, a public body is not required to notify the affected parties under the legislation.
• The purpose of the third party notice is to afford FFS physicians and/or the NLMA on behalf of its members, the opportunity, in accordance with the Act, to make representations to HCS about requested disclosure of records. The onus will be on FFS physicians or the NLMA on behalf of its members to provide sufficient evidence that the information should be withheld under s.39 (Disclosure harmful to business interests of a third party) or s.40 (Disclosure harmful to personal privacy) of ATIPPA.

• The NLMA has been made aware that the Department has received an ATIPPA request.

• The NLMA has contact information for all members/physicians in the province. HCS may leverage contact information held by MCP physician services and the NLMA to provide third party notice to all FFS physicians.

Action Being Taken:
• The Department will engage the NLMA and determine the best approach to provide third party notice to individual FFS physicians. If necessary, the CPSNL will be consulted.

• The Department will work with JPS to provide sufficient third party notice under ATIPPA. Both the content and mechanism for the notice will be considered.

• The feedback stemming from the third party notice from FFS physicians or the NLMA acting on their behalf of its members will provide the Department with the necessary information to make an informed decision under ATIPPA as to whether or not the information/records should be released or are exempt from disclosure.

Prepared/Approved by: L. Alteen/C. MacDonald Newhook/A. Power/B. Clarke
Ministerial Approval: Received from Hon. John Haggie, MD
May 6, 2016
May 24th, 2016

Dear Physician;

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

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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...

In accordance with Section 19 of ATIPPA, we are providing you with written notice (“third party notice”) of the Department’s intention to release the requested records. Within 15 business days of the date of this letter you may:

1. Notify the Department that you consent to the release of the records, which includes your personal and/or business information. To provide consent please email the Department (HCSATIPP@gov.nl.ca) indicating you consent to the release.

2. Provide the Department with evidence under ATIPPA sections 39 or 40 demonstrating why the records should NOT be released. To provide evidence as indicated above, email the Department at HCSATIPP@gov.nl.ca. If you are unable to provide sufficient evidence, the Department must release the record(s).

3. Regardless whether or not you provide evidence to the Department, you may also file a complaint with the Information and Privacy Commissioner regarding the Department’s decision to release the responsive records OR appeal directly to the Supreme Court Trial Division. A complaint to the Privacy Commissioner or an appeal to the Trial Division must be made in
writing within 15 business days of the date of this letter. The address and contact information of the Office of the Information and Privacy Commissioner is as follows:

**Office of the Information and Privacy Commissioner**
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

Sections 19, 39 and 40 are attached and may be viewed online at [http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm](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 709-729-7007 or by email at HCSATIPP@gov.nl.ca.

Sincerely,

[Signature]

Angela Power
Manager of Privacy and ATIPP Coordinator

/Encl.
Cc: NLMA
ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT, 2015 SNL:2015

c. A-1.2

Available online at http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm

Excerpts:

Third party notification

19.(1) Where the head of a public body intends to grant access to a record or part of a record that the head has reason to believe contains information that might be excepted from disclosure under section 39 or 40, the head shall make every reasonable effort to notify the third party.

(2) The time to notify a third party does not suspend the period of time referred to in subsection 16(1).

(3) The head of the public body may provide or describe to the third party the content of the record or part of the record for which access is requested.

(4) The third party may consent to the disclosure of the record or part of the record.

(5) Where the head of a public body decides to grant access to a record or part of a record and the third party does not consent to the disclosure, the head shall inform the third party in writing:

(a) of the reasons for the decision and the provision of this Act on which the decision is based;

(b) of the content of the record or part of the record for which access is to be given;

(c) that the applicant will be given access to the record or part of the record unless the third party, not later than 15 business days after the head of the public body informs the third party of this decision, files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53; and

(d) how to file a complaint or pursue an appeal.

(6) Where the head of a public body decides to grant access and the third party does not consent to the disclosure, the head shall, in a final response to an applicant, state that the applicant will be given access to the record or part of the record on the completion of the period of 15 business days referred to in subsection (5), unless a third party files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53.

(7) The head of the public body shall not give access to the record or part of the record until

(a) he or she receives confirmation from the third party or the commissioner that the third party has exhausted any recourse under this Act or has decided not to file a complaint or commence an appeal; or

(b) a court order has been issued confirming the decision of the public body.

(8) The head of the public body shall advise the applicant as to the status of a complaint filed or an appeal commenced by the third party.

(9) The third party and the head of the public body shall communicate with one another under this Part through the coordinator.

Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information
(a) that would reveal

   (i) trade secrets of a third party, or

   (ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

   (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

   (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

   (iii) result in undue financial loss or gain to any person, or

   (iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

(2) The head of a public body shall refuse to disclose to an applicant information that was obtained on a tax return, gathered for the purpose of determining tax liability or collecting a tax, or royalty information submitted on royalty returns, except where that information is non-identifying aggregate royalty information.

(3) Subsections (1) and (2) do not apply where

(a) the third party consents to the disclosure; or

(b) the information is in a record that is in the custody or control of the Provincial Archives of Newfoundland and Labrador or the archives of a public body and that has been in existence for 50 years or more.

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;
(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(ii) personal information that is supplied in support of the application for the benefit, or

(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether
(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

2015 cA-1, 2 s40
May 27th, 2016

Dear Physician;

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]

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*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.*

In accordance with Section 19 of ATIPPA, we are providing you with written notice ("third party notice") of the Department’s intention to release the requested records. **Within 15 business days of the date of this letter** you may:

1. Notify the Department that you consent to the release of the records, which includes your personal and/or business information. To provide consent please email the Department (HCSATIPP@gov.nl.ca) indicating you consent to the release.

2. Provide the Department with a submission under ATIPPA sections 39 or 40 demonstrating why the records should NOT be released. To provide information or a submission as indicated above, email the Department at HCSATIPP@gov.nl.ca. If the requirements of sections 39 or 40 are not met, the Department must release the record(s).

3. Regardless whether or not you provide a submission to the Department, you may also file a complaint with the Information and Privacy Commissioner regarding the Department’s decision to release the responsive records OR appeal directly to the Supreme Court Trial Division. A complaint to the Privacy Commissioner or an appeal to the Trial Division must be made in
writing within 15 business days of the date of this letter. The address and contact information of the Office of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John's, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

Sections 19, 39 and 40 are attached and 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,

[Signature]

A. Power on behalf of Vanessa Macey
ATIPP Facilitator

/Encl.
Cc: NLMA
ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT, 2015 SNL2015  
c. A-1.2

Available online at http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm

Excerpts:

Third party notification

19(1) Where the head of a public body intends to grant access to a record or part of a record that the head has reason to believe contains information that might be excepted from disclosure under section 39 or 40, the head shall make every reasonable effort to notify the third party.

(2) The time to notify a third party does not suspend the period of time referred to in subsection 16(1).

(3) The head of the public body may provide or describe to the third party the content of the record or part of the record for which access is requested.

(4) The third party may consent to the disclosure of the record or part of the record.

(5) Where the head of a public body decides to grant access to a record or part of a record and the third party does not consent to the disclosure, the head shall inform the third party in writing:

(a) of the reasons for the decision and the provision of this Act on which the decision is based;

(b) of the content of the record or part of the record for which access is to be given;

(c) that the applicant will be given access to the record or part of the record unless the third party, not later than 15 business days after the head of the public body informs the third party of this decision, files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53; and

(d) how to file a complaint or pursue an appeal.

(6) Where the head of a public body decides to grant access and the third party does not consent to the disclosure, the head shall, in a final response to an applicant, state that the applicant will be given access to the record or part of the record on the completion of the period of 15 business days referred to in subsection (5), unless a third party files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53.

(7) The head of the public body shall not give access to the record or part of the record until

(a) he or she receives confirmation from the third party or the commissioner that the third party has exhausted any recourse under this Act or has decided not to file a complaint or commence an appeal; or

(b) a court order has been issued confirming the decision of the public body.

(8) The head of the public body shall advise the applicant as to the status of a complaint filed or an appeal commenced by the third party.

(9) The third party and the head of the public body shall communicate with one another under this Part through the coordinator.

Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information
(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

(2) The head of a public body shall refuse to disclose to an applicant information that was obtained on a tax return, gathered for the purpose of determining tax liability or collecting a tax, or royalty information submitted on royalty returns, except where that information is non-identifying aggregate royalty information.

(3) Subsections (1) and (2) do not apply where

(a) the third party consents to the disclosure; or

(b) the information is in a record that is in the custody or control of the Provincial Archives of Newfoundland and Labrador or the archives of a public body and that has been in existence for 50 years or more.

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body.
(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(i) personal information that is supplied in support of the application for the benefit, or

(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party to whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether
(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

2015 cA-1.2 s40
# PROVIDER REGISTRATION FORM

**Please Print**

**PAGE 1 OF 2**

**IF YOU ARE:**

- A New Registrant - complete all areas of this form.
- Updating Your Current Registration Information - only complete areas where information has changed. **Provider Number**

## PERSONAL INFORMATION

<table>
<thead>
<tr>
<th>Surname</th>
<th>Given Name and Initial</th>
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<tbody>
<tr>
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<thead>
<tr>
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<th>Female</th>
<th>Date of Birth</th>
<th>Place of Birth</th>
<th>MINC Number</th>
<th>Social Insurance Number</th>
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## PROFESSIONAL INFORMATION

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<tr>
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<th>Date of Graduation with Professional Degree</th>
<th>Professional Category (See Table 2 Attached)</th>
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<tr>
<td></td>
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<tr>
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<th>Practice Start Date</th>
<th>Specialty For Which You Are Licensed To Practice (See Table 5 Attached)</th>
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</tbody>
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<table>
<thead>
<tr>
<th>Email Address</th>
<th>CMPA ID</th>
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## PRACTICE INFORMATION

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<tr>
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<th>Group</th>
<th>Activity Code (See Table 4 Attached)</th>
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<th>Activity Stop Date</th>
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<thead>
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<th>Street/P.O. Box</th>
<th>City/Town</th>
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<thead>
<tr>
<th>Province</th>
<th>Postal Code</th>
<th>Telephone Number (709)</th>
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<tbody>
<tr>
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</tbody>
</table>

## CORRESPONDENCE ADDRESS

(Only if different from Practice Address)

<table>
<thead>
<tr>
<th>Street/P.O. Box</th>
<th>City/Town</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Province</th>
<th>Postal Code</th>
<th>Telephone Number (709)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Please complete over*
**PAYMENT INFORMATION**

In order for all payments to be processed by direct deposit, a copy of a void cheque or official statement from your banking institution is required. *Professional Medical Corporations will also require the associated Canada Revenue Agency Business Number to be included with the account details.*

<table>
<thead>
<tr>
<th>To whom do you Assign Your MCP Payments:</th>
<th>Self</th>
<th>Other*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Other*</td>
<td></td>
<td>Identity # of Other</td>
</tr>
</tbody>
</table>

*Assignment of Payment Agreement form must be completed to assign payment to a different provider.*

I hereby declare and affirm that I understand the content of all forms signed pursuant to this registration as a provider of service under the Newfoundland Medical Care Insurance Act, and that all information provided by me to MCP for purposes of this registration is accurate and true.

I acknowledge having reviewed and understand all pertinent information in relation to this registration with MCP, and I agree to abide by all terms and conditions therein contained, which terms and conditions shall form part of this application.

I agree to abide by the Newfoundland Medical Care Insurance Act and Regulations as they apply to the Medical Care Program or Dental Health Program.

Date __________________________ Signature __________________________

**MCP PROVIDER NUMBER**

When all information is received and processed, a six (6) digit Provider Number will be forwarded to you by email. This Provider Number must be identified on all claims submitted to MCP.

**Privacy Notice**

Under the authority of the *Medical Care Insurance Act, 1999*, personal information is collected in order to administer the Medical Care Plan (MCP). This information is kept confidential and handled as required by the *Access to Information and Protection of Privacy Act (ATIPP)*. Any questions or comments can be directed to Brian Bennett, Manager of Physician Services, Department of Health and Community Services, at (709) 729-3148 or BrianDBennett@gov.nl.ca.
June 22nd, 2016

Dear Physician;

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:

<table>
<thead>
<tr>
<th>Specialty Group</th>
<th>Surname</th>
<th>Given</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practice</td>
<td>Doe</td>
<td>Jane</td>
<td>$300,555.00</td>
</tr>
<tr>
<td>Anaesthesia</td>
<td>Smith</td>
<td>John</td>
<td>$454,555.00</td>
</tr>
<tr>
<td>Internal Medicine</td>
<td>Doe</td>
<td>Jane</td>
<td>$562,555.00</td>
</tr>
<tr>
<td>Radiology</td>
<td>Smith</td>
<td>John</td>
<td>$649,555.00</td>
</tr>
</tbody>
</table>

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 ATIPP 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

/Encl.
Cc: NLMA
    OIPC
I do not consent to the release of this information.
I am not hired by gov. So therefore I feel that it would be illegal to release my private information to anyone except revenue Canada.
I do NOT consent to the release of my fee for service income. The NLMA has provided this email address to express our consent or not in this matter.

Sincerely,

Sent from my iPad
From: [Redacted]
To: HCSATIPP
Subject: Release of Personal information
Date: Friday, May 27, 2016 5:57:07 PM

I hereby do NOT consent to any release of personal information including but not limited to my FFS billings

Sent from my iPhone
Dear Sir or Madam,

I wish to inform you I do not wish my billing data to be released publicly for 2015 or any previous years.

The reason I want to do this is that I am in ______, which as a group have rather low incomes overall and high expenses. In rural NL there are very few MUN graduates in Family Medicine. When students read the incomes and see the disparity with specialists billing over 1 million dollars very few will choose the ______ option in career selection only causing further cost in the delivery of health care.

The province now has to supplement physician graduates from MUN with internationally trained physicians for the most part being well trained despite the 80 graduates of MUN/year.

Respectfully yours,
To Whom it may concern,

I formally request that my ffs mcp billing data NOT be released under the recent request for release of this information.

Sincerely

[Redacted]
To Whom It May Concern,

I do NOT give my consent to release my personal income information to the general public. I am a fee for service doctor. I do NOT want my billing information released to the public, as per reasons listed in the complaint letter from the NLMA.

Sincerely,
Hello,

This is to notify you that I do NOT consent for the government to release information regarding my annual earnings as a physician.

Sincerely,

[Redacted]
I would like to formally acknowledge that I do not give consent to release of my personal information of the calendar year of 2015 or any other calendar year as well.

Regards
Dear sir/madam,

Please be advised that I don't consent to share my billing information for the calendar of 2015 as I believe that information is confidential.

Thanks
I do not consent to the release of my FFS billing information
Please be informed that I oppose the publication of individual physicians FFS mcp billings/income. Sincerely,

Sent from my iPad
I hereby notify the Department with this formal submission under ATIPPA sections 39 or 40 that clearly demonstrates why my records should NOT be released. The release of my personal records will be harmful to business of my third party employees. This disclosure is also harmful to my personal and family privacy.

I would insist that these records not be released publicly.

Regards, [Redacted]
I do not consent to have my fee for service billings information for any year released.

Sent from my iPad
Dear Privacy Commissioner,

I write with extreme concern regarding the decision of government to release en masse information regarding fee for service billings of physicians for the 2015 year/2015-2016 financial year. I am frankly outraged over the decision made by the provincial government to violate my right to privacy as it relates to my financial situation.

I am writing today to inform you of my official complaint as it relates to the governments decision. I do not agree with the government’s decision and I do not consent to the release of information regarding my fee for service (FFS) billings.

Simply put, I am not a government employee and I do not provide a service to the government. I am an independent small business person who provides a service to my patients and the general public. The Memorandum of Agreement signed between the NLMA and government is not a government contract for the procurement of services by the government. I am not a salaried employee of the government. In fact, I provide no services to the provincial government of Newfoundland and Labrador. As a result of this, my FFS billings are not eligible for release under the provisions of ATIPPA, 2015.

With regards to ATIPPA, 2015 - section 39 subsection 1 states:

The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

The act states that a request involving my (a third party’s) commercial information is
to be refused to be granted. On this basis alone, the information should not be release. Pursuant to subsection (ii), should one of my employees understand my personal gross income as it relates to my FFS billings, it would harm my ability to negotiate salary with my employees (who, like myself, are not government employees). Furthermore, pursuant to (c) subsections (i) -(IV) inclusive, the release of my and other physicians private FFS billings to the public could harm the position of the NLMA as it relates to negotiations with the government over remuneration for services that we provide to our patients (again, these services are not provided to the government). Per (iii) above, this could result in undue financial loss to myself and my family. I sincerely question whether or not this is in fact the true goal of the individual who requested this information.

Under section 40 of ATIPPA, 2015:

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

The release of my personal income is indeed an unreasonable violation of my personal privacy. My gross income is no one's business but my own and the release of this information is not beneficial to the public good. As a private citizen, my private, non-governmental, non-government salaried income is personal, private, and no one's concern. Again I am not a government employee and do not receive a government salary.

Further to this, section G states that:

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where:

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

As stated already, the NLMA’s Memorandum of Agreement with the provincial government is not a contract to supply goods and services to a public body. As physicians, we provide a service to out patients, not to a government body or on behalf of a government body. I am not an employee of the provincial government. I am not an employee of Eastern Health. I do not have an employee number. I am self-employed.

Paragraph 3 states:

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

I do not consent to the release of this information. As a result, the release of this information is not legal under ATIPPA, 2015.

Paragraph 4 states:
(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

   (g) the personal information consists of the third party's name where
      
      (i) it appears with other personal information about the third party, or
      
      (ii) the disclosure of the name itself would reveal personal information about the third party;

The release of my FFS billings with my name is therefore and unreasonable violation of my privacy as I am not a “third party” and not a government employee.

**Paragraph 5 states:**

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

   (g) the personal information is likely to be inaccurate or unreliable;

   (h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

The release of FFS billings is likely to give the public a false impression of the income of physicians, given that at minimum one third of our income goes towards operating our clinics, paying staff, purchasing supplies, etc. These are not covered by the government (I should be so lucky) as I am an independent small business person and not an employee of the government.

The release of my FFS billings may damage my reputation due to gossip in the general public about my falsely elevated perceived income as there is a perception amongst the public that the total FFS billings are in fact my net income, where as I have already shown that this is not the case. Should I, for example, refuse to contribute to some request from an organization for a monetary contribution, my reputation would suffer as this organization may have false ideas about my actual income. Furthermore, my name and FFS billings could be used as an example in public forums by individuals, including the press and the government, to score political points or argue about the appropriateness of physician billings. As a private citizen I have the right to privacy in these matters and I have a legitimate fear of being subjected to a public loss of reputation over these matters.

I hope that I have provided you today with numerous examples of why the release of my private information would be in contravention of ATIPPA, 2015, and therefore an illegal action by the provincial government. I appreciate the hard work of the privacy commissioner and trust that as a private citizen of the province with no governmental ties (employment or otherwise), my privacy will be respected. However, as the government has made a preliminary decision to release this
information, I am currently considering retaining legal counsel for the purposes of engaging in legal action against the government and the office of the privacy commissioner should this situation not be rectified. Believe me when I say that I sincerely hope that I am not forced into such action. However, I have faith that current legislation adequately protects my rights and that the privacy commissioner will indeed work hard to protect them.

Thank you for your time and consideration of my complaint,

Respectfully,

[Signature]

s. 40(1)
To Whom it May Concern

As a FFS physician practicing in NL, I oppose the release of billing records as requested under ATIPPA sections 39 and 40 for 2015 or 2015-16.

I support the NLMA stand that personal information cannot be released under ATIPPA 2015 as the MOA is not a contract for the procurement of services by government. FFS physicians provide services to individual patients and not to government. Therefore FFS billings are not salaries and Government must keep personal information related to FFS physicians confidential.

In addition FFS payments are designed to cover operating expenses, which are variable between physicians. This creates obvious opportunity for public misunderstanding. Therefore Government should not be releasing the individual names of physicians or other identifiable information.

Sincerely

Sent from my BlackBerry 10 smartphone on the TELUS network.
To whom it may concern,

1. I do NOT consent to the release of the records.

2. The NLMA does not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

FFS payments are designed to cover many types of expenses other than a physician’s income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

Please contact me if there is further information required.
To Whom It May Concern,

My name is [REDACTED] and I am a fee-for-service physician in [REDACTED]. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).
To whom it may concern:

I do not consent to have my personal information released as requested.

I do not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Currently FFS physicians provide services to patients, not to Government. Present legislation concerning the MCP system gives a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients, not the Government or health authority. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

Secondly, FFS payments are designed to cover many expenses other than a physician’s income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, etc.. The proportion of overhead expenses carried by a physician varies considerably between doctors, and between specialties and practice locations.

Confusion arises in the public use of FFS data because the total billings of a doctor are often regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

Sincerely,
I do not agree with the plan to release fee for service billing information to the media. I do not see any benefit to the patients and see it as detrimental to potential colleagues who are considering NL as a place to relocate. I feel that most of the population looks on billings as take-home income. This will increase their frustration with the present financial situation. [Redacted]
Please note that I DO NOT consent to the release of my personal information for 2015.
Sincerely,
Hello,
I am emailing to state that I do not provide consent to release my personal information related to my fee for service billings.
Thank you,

Sent from my iPhone
To Whom It May Concern:
I DO NOT give my consent for release of my FFS billings from MCP.

Sent from iPad
I do not consent to my FFS billings being released for 2015 or any year.

Sent from my iPhone
please do not release my personal information for the calendar year 2015 to any outside parties, including the NL and Labrador provincial government.
I am e-mailing to express my opposition to release of information of FFS physicians billings for 2015.
As you are likely aware, the NLMA on our behalf disagrees with release of this information:

The NLMA disagrees with the release of personal information related to MCP FFS billings because ATIPPA, 2015 does not address FFS circumstances.
1. The NLMA does not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

2. FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as astray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

For these reasons, and in consultation with the Board of Directors and our legal counsel, the NLMA will file a complaint with the Information and Privacy Commissioner concerning the Department's proposed release of personal information linked to FFS billings.
I do not want my FFS billings released to the public based on sections 40 that this is harmful to my personal privacy. As outlined by the NLMA, “Our MOA with the government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS are not salaries, and government must keep personal information related to FFS billings confidential”.

I appreciate your cooperation with this request.

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I wish to declare my objection to the publication of MCP payments to physicians on the grounds that these payments are not “salaries”, but represent payments for services to patients, which are offered by physicians as a result of their being in business. MCP Payments, which are designed to cover the overhead of medical practice, and bear no relationship to the gross earnings of physicians, before the cost of maintaining an office, as well as the various taxes which are assessed against the payment to physicians.
May 30, 2016

I, [redacted], do not consent to having my personal information for calendar year 2015 released.

Please consider the environment before printing this e-mail
Hello,
I understand you are considering releasing physician fee for service information. I consider this to be a privacy breech and do not consent to the release of such information. This is a salacious act and one that could lead to malicious actions against physicians, especially in rural areas, where physicians have no anonymity. I ask you to consider against this unnecessary act.

Sent from my iPhone
I consent to release of information.
I do NOT consent to the release of my billings under FFS.
From: [Redacted]  
To: HCSATIPP  
Subject: Request for consent for MCP info Dr. [Redacted]  
Date: Monday, May 30, 2016 5:59:03 PM

I hereby providing consent
Dear sir,
I do not wish to have my personal earning information made public. I cannot see how this is of any benefit to the public.

Sent from my iPhone
Please take this email as a refusal of consent for release of confidential and private information regarding MCP billing.
To whom it may concern;

I oppose the release of individual FFS billings to the public. The NLMA is filing a formal complaint to the head of the public body. Section 39 (7)(a) states that the information cannot be released until it has been confirmed that a complaint will not be filed. s.40(1)
Hello, my name is [redacted] and I am currently a [redacted] physician practicing in Newfoundland and Labrador.

I wish to register a complaint with the Privacy commissioner regarding what I consider to be an (unlawful) pending decision to release fee for service billing information for the 2015-2016 calendar/fiscal year for physicians in Newfoundland and Labrador.

Specifically, I wish to emphatically state that I do not consent to the release of any information pertaining to my name, address, specialty, total and/or partial fee for service billing information for any calendar or fiscal year, including but not limited to the years 2015 and 2016; I also do not consent to the release of any of my personal information pertaining to, but not limited to, the above information.

I consider any release of such information to be a gross breach of not only my privacy by the government, but also of that of my colleagues in the medical profession.

I disagree with this decision for numerous reasons. Firstly, I do not believe that personal information related to fee-for-service billings can be released under the provisions of ATIPPA, 2015. The memorandum of agreement with the provincial government is not a contract with the government for the procurement of services by government, and fee-for-service physicians are not employees of the government of Newfoundland and Labrador. Government legislation regarding the provincial MCP system is designed giving physicians the right to bill for insured services under the MCP system where such services are covered under the provisions of the program, however fee-for-service physicians provide services not to the government of Newfoundland and Labrador, but those individual patients seen by the physician.

Fee-for-service physicians are not provided salaries by the government and are to be considered independent service providers to patients. As such, physicians claiming fee-for-service billings are neither employees of the government nor are fee-for-service billings to be considered salaries by the government. The MCP system provides for an insured services program to patients registered under the system, and Physicians provide services to their patients, making independent claims for insured services provided patients.

This separation between government and physicians is a fundamental cornerstone of patient care; without such separation, health care and services provided to patients are subject to government oversight (and meddling). As such, physicians are self-regulating professionals, and do not provide services to government, but to their patients. Yet, the government now deigns to treat physicians as if they are employees who are paid salaries and who provide services to government.

In simple terms, the government cannot have it both ways. The current legal framework legislates physician independence, and unless the government also plans to accept legal responsibility for the medical decisions by physicians providing care
(to their patients, not government), they cannot act unilaterally in treating physician billings as 'salaries of employees who provide services by/to/or for the government'.

Secondly, fee-for-service billings are designed to cover many expenses incurred by an independently practicing physician. As fee-for-service physicians are not government employees, they are not provided with any remuneration by government for costs incurred in the operation of an independent medical practice. The amounts billed by physicians reflect not only physician income, but also overhead costs. This often includes rent for clinic space, salaries for staff employed by individual physicians, office equipment, stationary, electronic devices, furniture, heat, light, cleaning supplies, appliances, in addition to a myriad of medical equipment and supplies. All of the above consumes an extremely large amount of physician fee-for-service billings. It is for this reason that insured services are set at their current rates. Furthermore, overhead costs vary dramatically between specialties and for this reason it is simply not possible to appropriately compare the 'take-home' earnings across specialties. As this data can be confused be the general public, who may not understand the differences between overhead costs, certain specialties may be unfairly targeted as being 'high-billing'. This would be highly prejudicial against the individual physicians who may be named on such a 'sunshine list'. Given the obvious potential for misunderstand by the public, government should not be releasing the names of physicians in association with their fee-for-service billings.

Thirdly, I wish to make reference to sections 19, 39 and 40 as to why I believe releasing such information would be a breach of privacy of the physicians who would be named under this request.

Under section 39 - the head of a public body shall refuse to disclose to an applicant information that
a) that would reveal (ii) commercial, financial...information of a third party (b) that is supplied, implicitly or explicitly in confidence and (c) the disclosure of which could reasonably be expected to harm significantly the competitive position or interfere significantly with the negotiating position of the third party (iii) result in undue financial loss of gain to any person.

When my colleagues and I bill fee-for-service we do so under the both the explicit and implicit understanding that such billings are confidential. The information contained in such billings covers patient identifying information and information pertaining to specific diagnoses. This is explicitly confidential information under the PHIA act. Additionally, we most certainly implicitly believe that the government will not publicly list our names, amounts billed, or specialties in the public arena. This alone demonstrates violation of this clause.

Furthermore, this information could have dramatic effects on the financial situation of many physicians in the province, who may feel pressured into billing less for legitimate services provided, lest they be listed as 'top billers' on a 'sunshine list' and viewed as people who are merely bilking the system. In addition to this, the misunderstanding generated amongst a public that does not understand the realities of overhead costs faced by physicians would likely be used by government against physicians to unfairly paint them as wealthy individuals avariciously seeking personal gain in a time of economic restraint. The very real effects that could result from this would significantly harm the financial position of many physicians in a war for the public's hearts and minds during billing negotiations.
Furthermore, section 40 states "(1) the head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy. (2) A disclosure of a third party's personal information is not an unreasonable invasion...where
(b) the third party...has...consented to...disclosure

- I do not consent to the disclosure of my personal information and expressly forbid it.

(c) There are compelling circumstances affecting a person's health or safety..."

- It is extremely fair to say that releasing this information will cause physicians to scale back on providing services that may be highly remunerated, lest the provision of this service unfairly paint them as 'greedy, high billing physicians'.

(f) the information is about a third party's position, functions, or remuneration as an office, employee or a member of a public body or as a member of a ministers staff"

and

(g) The disclosure reveals financial and other details of a contract to supply goods or services to a public body

- Again, as stated, fee-for-service physicians are not government employees and do not provide services to a 'public body' - physicians provide private services to their individual patients, and not for government public bodies. This cannot be any clearer. Therefore, it cannot be considered 'not an unreasonable invasion of a third party's personal privacy' under the letter of the act, as this clause clearly does not apply to physicians.

Section 4 (g)

A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where
(g) the personal information consists of the third party's name where
(i) it appears with other personal information about the third party
(ii) the disclosure of the name itself would reveal personal information about the third party

- The disclosure off fee-for-service information would violate this clause, as physician's names would "appear(s) with other personal information about the third party", i.e. fee for service billing claims.

Under Section 5 - In determining under subsections (1) and (4) whether a disclosure...constitutes an unreasonable invasion of...privacy, the head of the public body shall consider all the relevant circumstances, including whether
(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to scrutiny

- Again, physicians are a self regulating profession, and not a public (read: government) body. And again, refer to the argument that gross fee-for-service billings do not reflect an individual physician's income, and public
misunderstanding bound to develop over this is not in the public interest, nor is it desirable in any way to subject physicians to increased scrutiny by promoting public voyeurism of their billings.

(b) the disclosure is likely to promote public health

- Again, this will likely serve only to create a chilling effect where physicians shy away from providing services that may remunerate highly but may cause them to appear as 'high billers' on a government 'sunshine list'.

(e) the third party will be exposed to financial harm

- this point has been repeated ad nauseam in this letter.

(h) The disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant

- Again, fee-for-service billings are not net physician income. Physicians on this list will have their billings confused as net income, and individual physicians will be singled out for public ridicule and subjected to coarse public debate. This may actually impact the ability of some physicians in highly specialized, high billing fields to leave the province.

I do apologize for the long written objection to my personal information being released, but I feel strongly that the release of this information would be a gross breach of my privacy, would not serve to inform or foster public debate or understanding of physician fee-for-service billings, and would ultimately be used by government in negotiations with physicians to disingenuously claim that physicians are avaricious individuals seeking only their own enrichment.

I wish to again protest the release of this information, strongly state that I DO NOT CONSENT TO THE RELEASE OF INFORMATION PERTAINING TO ME AS OUTLINED ABOVE.

Thank you for you time and your patience.

Sincerely,

[Signature]

This communication (including all attachments) is intended solely for the use of the person or persons to whom it is addressed and should be treated as a confidential communication. If you are not the intended recipient, any use, distribution, printing, or copying of this email is strictly prohibited. If you received this email in error, please immediately notify the originator and delete it from your system. Your cooperation is appreciated.
Dear Privacy Commissioner,

I write with extreme concern regarding the decision of government to release en masse information regarding fee for service billings of physicians for the 2015 year/2015-2016 financial year. I am frankly outraged over the decision made by the provincial government to violate my right to privacy as it relates to my financial situation.

I am writing today to inform you of my official complaint as it relates to the government’s decision. I do not agree with the government’s decision and I do not consent to the release of information regarding my fee for service (FFS) billings.

Simply put, I am not a government employee and I do not provide a service to the government. I am an independent small business person who provides a service to my patients and the general public. The Memorandum of Agreement signed between the NLMA and government is not a government contract for the procurement of services by the government. I am not a salaried employee of the government. In fact, I provide no services to the provincial government of Newfoundland and Labrador. As a result of this, my FFS billings are not eligible for release under the provisions of ATIPPA, 2015.

With regards to ATIPPA, 2015 - section 39 subsection 1 states:

The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

(i) trade secrets of a third party, or

(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,

(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

The act states that a request involving my (a third party’s) commercial information is
to be refused to be granted. On this basis alone, the information should not be released. Pursuant to subsection (ii), should one of my employees understand my personal gross income as it relates to my FFS billings, it would harm my ability to negotiate salary with my employees (who, like myself, are not government employees). Furthermore, pursuant to (c) subsections (i) - (IV) inclusive, the release of my and other physicians private FFS billings to the public could harm the position of the NLMA as it relates to negotiations with the government over remuneration for services that we provide to our patients (again, these services are not provided to the government). Per (iii) above, this could result in undue financial loss to myself and my family. I sincerely question whether or not this is in fact the true goal of the individual who requested this information.

Under section 40 of ATIPPA, 2015:

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

The release of my personal income is indeed an unreasonable violation of my personal privacy. My gross income is no one's business but my own and the release of this information is not beneficial to the public good - it would simply be gossip material. As a private citizen, my private, non-governmental, non-government-salaried income is personal, private, and no one's concern. Again I am not a government employee and do not receive a government salary.

Further to this, section G states that:

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where:

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

As stated already, the NLMA's Memorandum of Agreement with the provincial government is not a contract to supply goods and services to a public body. As physicians, we provide a service to out patients, not to a government body or on behalf of a government body. I am not an employee of the provincial government. I am not an employee of Eastern Health. I do not have an employee number. I am a self-employed third party independent of the government and my financial information is not eligible to be released to the public.

Paragraph 3 states:

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

I do not consent to the release of this information. I expressly forbid the release of this information by government and consider it a violation of my privacy under ATIPPA, 2015. As a result, the release of this information is not a legal action under
ATIPPA, 2015 and would be an illegal breach of my privacy as guaranteed under the act.

Paragraph 4 states:
(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party;

The release of my FFS billings with my name is therefore and unreasonable violation of my privacy as I am a “third party” and not a government employee.

Paragraph 5 states:
(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

The release of FFS billings is likely to give the public a false impression of the income of physicians, given that at minimum one third of our income goes towards operating our clinics, paying staff, purchasing supplies, etc. These are not covered by the government (I should be so lucky) as I am an independent small business person and not an employee of the government.

The release of my FFS billings may damage my reputation due to gossip in the general public about my falsely elevated perceived income as there is a perception amongst the public that the total FFS billings are in fact my net income, where as I have already shown that this is not the case. Should I, for example, refuse to contribute to some request from an organization for a monetary contribution, my reputation would suffer as this organization may have false ideas about my actual income. Furthermore, my name and FFS billings could be used as an example in public forums by individuals, including the press and the government, to score political points or argue about the appropriateness of physician billings. As a private citizen I have the right to privacy in these matters and I have a legitimate fear of being subjected to a coarse public ridicule and loss of reputation over these matters.

I hope that I have provided you today with numerous examples of why the release
of my private information would be in contravention of ATIPPA, 2015, and therefore an illegal action by the provincial government. I appreciate the hard work of the privacy commissioner and trust that as a private citizen of the province with no governmental ties (employment or otherwise), my privacy will be respected. However, as the government has made a preliminary decision to release this information, I am currently considering retaining legal counsel for the purposes of engaging in legal action against the government and the office of the privacy commissioner should this situation not be rectified. Believe me when I say that I sincerely hope that I am not forced into such action. However, I have faith that current legislation adequately protects my rights and that the privacy commissioner will indeed work hard to protect them.

Thank you for your time and consideration of my complaint,

Respectfully,

s.40(1)
I consider this to be an invasion of privacy and request that my information not be released as per section 40.2 Also as a fee for service physician I do not think that the public is entitled to this information.

Yours truly [Redacted]

Sent from Samsung tabletyou
To whom it may concern,

I, [redacted], don't consent to the release of personal information for the calendar year 2015. If this is sufficient, thank you, if not, please do not hesitate to contact me.

Thank you,

Sent from my iPhone
Dear HCSATIPP:

I do not wish to have my personal information released to the public.

Thanks,

[Redacted]
To whom it may concern,

I am responding a second time to the request of no consent to release of personal information. The reason I am giving is your section 40.2,c that there are compelling circumstances affecting a person's health or safety. There is a chance this information get to the hand of wrong people or opportunists who cause harm to me and to my safety to gain financial benefit.

Sent from my iPhone
Hi,

I do not consent to release my personal information for security reasons,

We hear every day that people have been kidnapped in order to get money. The problem is that if the gangsters do get the money, they kill the hostages, it is a very scary and serious situation.

If one of those gangsters get my personal information by some how, my family would be at risk.

This is why I do not consent to release my personal information.

I hope that you understand my situation.

thanks
Dear Ma'am/ Sir,
I do not give consent for release of my MCP billings to public. I feel that it would be a distorted way of evaluating my income by the public who don't know enough about details for the following reasons:
1. I always thought that income is a personal matter and ought to be related to revenue agency only.
2. It does not reflect my real income since my expenses approach 40% of my income.
3. As per article (e), subsection 5 of section 40 of ATIPP, I feel this is an invitation to the public to sue more doctors thinking that doctors are rich and thus doctors become more targeted with unnecessary and baseless lawsuits. I don't know the income of my attorney for example, or the owner of McDonald's in my town which sells the public unhealthy food than can result in massive heart attacks and stroke.
4. My income doesn't reflect the time I spend at work and the stress that comes with it, plus being away from family and less available for social commitments.
5. This release feels to me like I should be feeling shy of making good income, which is anything but the values of western and specifically North American life style.
Sincerely,

Sent from my iPhone
To whom it may concern:

I do not wish to have my personal information for the 2015 calendar year released.

Respectfully,
To whom it may concern,

I do not consent to the release of my personal information related to my fee for service MCP billings. Through my professional association, the NLMA, I will be part of a group complaint from this organization to the Information and Privacy Commissioner.
I do not consent to the release of my fee for service MCP billings. The records should not be released under section 39 as the disclosure could reasonably be expected to harm significantly the competitive position or interfere significantly with the negotiating position of the third party.

Sincerely,

Sent from my iPad
Dear Sir/Madam,

I am writing with regards to the letter sent by the Government regarding release of FFS billings.

I do not provide consent to releasing my name, specialty and MCP billings as I consider this as an unreasonable invasion to my personal privacy according to section 40 (1) as the FFS physicians are not members of the public body.

Thank you

Kind Regards
I consent to release of my MCP records.
Please be advised that I do not consent to the release of my personal information related to my fee for service billings for medical services in 2015 (as I understand has been requested and is being contemplated).

My fee for service billings are for services provided to individual patients who are insured by the Provincial Medical Care Plan and are not a service provided to government. Therefore they are not subject to release.

Sincerely,
May 31, 2016

To Whom it May Concern:

Please accept this letter as my submission under ATIPPA section 40 that I DO NOT consent to the release of my records, including my personal information and mpb billings.

I consider this request to be an unreasonable invasion of my privacy. (40 (1)) I, as a fee for service physician, do not have a contract to supply goods/services to a public body, nor have I consented to this ridiculous release of my private information. (40 (2)(b), 40 (2) g).

Furthermore, this personal information is likely to be inaccurate or unreliable (40 (3)(g)). I had a significant cost incurred after [redacted] that I paid for with personal monies and was then reimbursed. As we have an alternate payment plan in the process this amount was erroneously included in my biweekly payments from them for my shifts in [redacted] yet was reimburced for my costs incurred. How would this information be teased out in this process? Incidents such as these are one of the many examples physicians can provide that makes their salaries look inflated.

I consider this to be an outright invasion of my privacy that serves absolutely no purpose and I vehemently oppose the release of my personal information.

Thank you,
Dear Ms Macey,
I have no objection to the release of my MCP billings nor my name and specialities. However, I am concerned about the release of "....personal and/or business information.". What, exactly, is meant by personal information?
I look forward to your reply, in a timely manner, as I did not receive this letter until this evening 31 May which is 4 days off the deadline of 15 days noted in your letter.
Sincerely,
Please accept this email, as my refusal to the release of my personal information regarding my MCP billings for the 2015 calendar year.

I feel that this invades my personal privacy and does not take into account the financial responsibilities of operating a "self employed" business. No other self employed businessman or woman in the private sector are subjected to such a violation.

Regards,

Sent from my iPhone
Hello,

I am writing to inform that I do not provide consent for release of my MCP billing info for 2015. I do not feel that this will give the public an accurate indication of my actual income as it does not account for things such as overhead expenses, licensing fees, continuing medical education costs, etc. I also have to provide my own medical insurance and establish my own pension plan. Releasing a lump sum number such as gross MCP billings will mislead the public that our take home income is much higher than it actually is.

Thank you

Sent from my iPhone
Dear Sir/Madam,

My name is Dr. [redacted] regarding the release of billing information to the public and the risks behind that decision, because I do believe my income is my personal privacy issue and no one has anything to do with it especially the public. Also we live in a [redacted] as everybody deal with a lot of patients some of them are [redacted] and I do believe that might cause a direct threat to me and my family also as I do a lot of night shifts, my [redacted] So how can this information be helpful to anyone ion public? and it is my personal information that my neighbour nor my friend has anything to do with it. Please I appreciate if you reconsider that decision and also if you want you can put positions with there salary or income without adding personal names.
I appreciate if you will not add my name to that list.

Thank you
Dear Department of Health and Community Services Information Management representative,

Please accept this formal submission under ATIPPA sections 39 and 40 for the department NOT to release any billing information related to my practice.

In the case of releasing my private information regarding the services delivered to patients, this certainly meets the criteria of Section 39 - Disclosure harmful to business interests of a third party. The information of my total billings, especially when not taking into account the cost of running my practice and the significant number of services provided to the population, has the potential of casting a negative shadow on my practice and thus potentially negatively impacting my ability to offer services to patients, as well as negotiating with regional health authorities for access to resources and services. For example, in the case of my office, I have full time employees and significant equipment and space overhead each month that is not taken into account. This will not only impact my practice negatively from a financial aspect, but also negatively impact the patients I service due to a lack of access to resources. This is of grave concern as the access to resources is very limited at this time and it will negatively affect my ability to negotiate with various stakeholders, i.e. regional health authorities, colleagues or other external groups, as the relationship will be negatively tainted by the release of this information and the inadequacy of providing the complete financial picture.

In addition, I feel that section 40 of ATIPPA also applies to my situation as disclosure of this information is also harmful to personal privacy. I am not a contract employee of the Province and I am not under any contract to supply a set amount of services to a public body. Section 40, (g) does not apply directly to me as the rate of pay for the supply of services is already public knowledge in that the Schedule of Benefits is published on the governments website. So, this should be considered the 'contract' to supply the services, which is distinct from the services provided to individuals and billed by me as a physician. Thus, any disclosure of personal information, which this is, is presumed to be an unreasonable invasion of a third party's personal privacy as it relates to the personal information relates to the third party's name (40.4.g). The disclosure of the name itself would reveal personal information about the third party, in this case my family name and my employment history (annual rate of pay) (40.4.c).

I would appreciate you excluding my name from the released information for the above reasons.

I would also appreciate any further opportunity to ensure this information remains private and would be happy to discuss at any time.

Best regards,
I am a fee for service physician in ______ As per your recent letter (physician notice regarding access to information, your file #HCS-048-2016), I DO NOT give my consent to the release of personal information for the calendar year 2015.

Sincerely,
To Whom It May Concern,

My name is [redacted] I am a fee-for-service physician in [redacted] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).
Please be advised that I do not consent to release of my personal information for calendar year 2015.
Good day - I am in receipt of the notification of release of MCP billings. My only concern is the release of my personal information. I submit my MCP billings from my home address as I do my own. I would prefer and request that this address not be released. I consent to my practice address [redacted] and billings being released.

My regards,
To Whom It May Concern,

My name is [redacted]. I am a fee-for-service physician in [redacted]. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Our specialty could have a large amount of our work outsourced to groups nationally or even internationally. The NL governments interest in Private Public Partnerships could easily be applied [redacted].

Hence releasing our incomes would be harmful to business interests of Fulfilling article 39 below.

**Disclosure harmful to business interests of a third party**

39. (1) The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal

   (i) trade secrets of a third party, or

   (ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

   (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,

(iii) result in undue financial loss or gain to any person, or

(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

Look forward to your response.

Best regards

Sent from my iPhone
To Whom It May Concern,

My name is [redacted] I am a fee-for-service physician in [redacted] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).
To Whom It May Concern,

My name is [redacted] I am a fee-for-service physician in [redacted] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Sincerely,
From: [Redacted]
To: [Redacted]
Subject: Request for Information
Date: Wednesday, June 01, 2016 12:20:33 PM

To Whom It May Concern,

My name is [Redacted] I am a fee-for-service physician in [Redacted] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Sincerely,

[Redacted]
Good afternoon,

I am writing to deny my consent for release of my personal information/FFS billings for the calendar year of 2015.
Dear Sir / Madam:

I write in response to the memo sent by your department dated May 27th regarding the proposed release of my personal financial information as part of a request regarding FFS physician billings.

This is to notify you that I DO NOT consent to the release of financial information that contains personally identifiable information that concerns me. As I am not an employee of the Provincial Government or its agencies, I consider this a direct violation of my privacy as per the ATIPPA legislation. I intend to file a complaint via my professional association, the NLMA.
To Whom It may Concern,

As a fee for service physician and member of the NLMA, I disagree with the release of personal information related to MCP FFS billings because ATIPPA, 2015 does not address FFS circumstances.

1. I do not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

2. FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

As such, I do not consent to the release of my private billing information.

Sincerely,
I disagree with the release of personal information related to MCP FFS billings because ATIPPA, 2015 does not address FFS circumstances.

1. I do not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. The NLMA’s Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. As a FFS physician, I provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

2. FFS payments are designed to cover many types of expenses other than my income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

As such I do not consent to the release of my personal information.
Dear Sir/Madam,

I am writing in regard to the MCP newsletter sent on May 27th 2016, as a request for access to information and making the income of physicians and billings out for the public.

I don't see the rational behind making a physician income out for the public, this is a private matter and has a great impact on my personal life, I get paid as a fee for service, what I make in a year, I don't see how it helps anyone to know the figure!!

What's the benefit from this?
this is breach of my personal information, and I stress upon the point that this is also a safety issue, why should everyone know my income and be subject to possible threats from criminals and even though this may be a far fetched idea, but by publicly announcing these information, you are actually increasing the risk.

I fear for myself, my family and my practice to be influenced by your decision, and I don't see it is anyone's right to know this information.

For these reasons I humbly request not to share the information and I am providing a submission.

Thank you.
Afternoon,

I object to the release of my info under the new proposal under the strongest terms.

I believe it creates a bad working environment as all the staff I will be working with has my earnings and may negatively affect work day. Also the patients that I serve should not have my personal information.

It has not benefited the people in BC or other provinces and only makes more of my info in the public domain which I detest.

thanks
Dear Sir / Madam

As a practising Fee for Service physician in Newfoundland I hereby object to my personal information being released to the public as proposed.

Yours Sincerely

[Redacted]

s.40(1)
To whom,

This is to inform you that I DO NOT give you consent to release my personal and private information for the calendar year 2115, nor any other year.

Sincerely,
I do not consent to the public release of my private information. The NLMA is complaining about the proposed release of the billing information and I support them.
Hi: 

I am a practicing [redacted] and I do not consent to the release of my personal information for calendar year 2015 including FFS billings.

Thanks.
Please be advised that I do NOT consent to release of my personal and/or business information as it relates to my FFS billings to MCP.

I am not a salaried employee of the NL Government. I provide services to patients that are covered by an insurance plan. As such, said insurance plan is billed and these funds are then delivered to a corporation, of which I am an employee. My FFS billings, then, provide a salary for me and my other staff; cover rent and business expenses; pay licensing fees and insurance; and cover the cost of (obligatory) continuing education. Furthermore, as a physician I have no pension plan, no private insurance benefits, and have incurred tremendous debt in order to become the professional that I am. I feel these facts will not be relayed in adequate clarity as adjunct to the financial data when FFS billings are released. As such, I feel that the general public will likely have an unrealistic view of mine and other physicians financial standings, and I feel this may harm my reputation both professionally and personally.

I feel that release of personal and/or business information as it relates to FFS billings therefore violates Section 39(1)a ii, and Section 39(1)c i and iii of the Access to Information and Protection of Privacy Act, 2015.

I feel the release of personal and/or business information as it relates to FFS billings is an unreasonable invasion of my personal privacy, therefore violating Section 40(1) of the Access to Information and Protection of Privacy Act, 2015.

I thank you for your attention.

Sincerely,
To Whom It May Concern:
As fee for service physicians in Newfoundland we do not consent the release of personal information linked to FFS billings for the calendar year 2015.

Sincerely,

[Redacted]
Please be advised that I do not consent to the release of my MCP provider personal information for the calendar year of 2015 or any other year, for that matter.

Thank you.
Dear Vanessa Macey,

I am writing to inform you that I DO NOT consent to the release of my MCP billing record to a third party for the following reason:

As you know, the

I face daily challenges trying to provide the best care to my patients. Needless to say how many times I have been threatened by a weapon and verbally abused by some of my clients who may not agree with my treatment plan. I strongly believe that releasing my personal information will subject me to even more intimidation, threatening or verbal and physical harm and will consequently impact my ability to continue to provide this service that, as I mentioned earlier, keep our communities safer.

I trust this is a sufficient reason not to release my MCP billing information. If the Department still believe the requirement of section 39 or 40 are still not met, please inform me as soon as possible so that I can pursue other options to protect my personal information and safety.

Yours truly,
I am opposed to the release of my personal information as I feel it is biased in that it is not a true indicator of my ‘net’ income. It does not show any of my expenses/costs of Practice. I see it serving no useful purpose other than to give fodder to a reporter who will sensationalize the numbers. While I understand transparency with Government money I feel this is not ‘a true picture’ of physicians income in this province where the cost of doing business/practice is higher than other provinces.
To Department of health/ information management.

I am [REDACTED] I oppose the release of my name joined with my salary and I don't give you a consent for that.

Thank you for understanding.
To whom it may concern,

I am writing in response to the letter sent out to advise the Department that I do consent to the release of personal information for calendar year 2015.

I am a member of the NLMA, and I fully support the position of the NLMA on this topic. The NLMA disagrees with the release of personal information related to MCP FFS billings because ATIPPA, 2015 does not address FFS circumstances.

As outlined in previous and forthcoming correspondence by the NLMA,

1. The NLMA does not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

2. FFS payments are designed to cover many types of expenses other than a physician’s income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

Regards,

[Signature]
I do not consent to release my name and any personal information of mine.
Thanks
Dear sir/madam,

This email is to confirm that I do NOT consent to the release of my personal information linked to physician fee-for-service billing.

Thank you,
Dear sir/madam,

This email is to confirm that I do NOT consent to the release of my personal information linked to physician fee-for-service billing.

Thank you,

[Redacted]
This is notice that I DO NOT give you my permission to release my personal MCP billing information for 2015 or 2016 or any other year by reason of sections 39 and 40.

Sent from iPhone
Good evening -
Please be advised that I do not consent to the release of my personal information for the 2015 calendar year.
Thank you.

Sent from my iPhone
DoH and community services,

I do not consent to release of my MCP billings under ATIPPA.
I would like to inform you that I do not consent to the release of my personal billing information to persons outside of government. I feel that releasing this information with my name is a violation of my right to privacy.
Please do not release my personal information as I do not believe ATIPPA, 2015 addresses fee for service circumstances.

1. The NLMA does not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

2. FFS payments are designed to cover many types of expenses other than a physician’s income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

Sincerely,
To Whom it May Concern;

As a fee for service (FFS) physician in [blank], I DO NOT give consent to release my personal billing information to the general public. My FFS billings in no meaningful way reflect my personal income or "salary" as will be construed by the general public. The FFS billings are used to cover office overhead, payment of my employees and equipment required to practice medicine, and do not reflect my actual income. This is an unfair representation and will lead to public misunderstanding, especially if accompanied by identifiable information.

I strongly support the NLMA's complaint against this request and have included my name in that complaint.

Sincerely;
As a FFS (fee for service) physician, I strongly oppose the release of my personal information in relation to my FFS billings.

This is totally inappropriate and in contravention to ATIPPA, 2015 as I am NOT salaried with the ensuing benefits accorded to salaried employees. As per the underlying legislation, I provide services to individual patients, NOT the government.

Our (FFS physicians) payments are gross amounts and do NOT cover the cost of running a business, nor do we get the "perks" of salaried employees such as vacation, no overhead, contribution to pension plans and health insurance etc.

The publication of this personal information linked to FFS billings would be inappropriate and contribute to / increase public misunderstanding as the misconception already exists that our gross billings equal salaries.

For these reasons, the Government must keep personal information related to Fee For Service physicians confidential.

Yours truly,
I feel it would be unfair to release my personal financial information from the government payments, as this will be misleading, being viewed by the general public as actual salary income. I am a fee-for-service physician and I have to pay overhead in terms of office staff, rent, medical materials to provide the service, etc. If you must release it, then indicate that the information is misleading in terms of true value to the public.
Hi there,

This is Dr. [Name Redacted] replying to email received re releasing income to public. I totally support NLMA in their complaint. I don't agree with releasing our income to public. Moreover, I'm not giving a consent to the government to release my personal income to public.

Thanks,

Yours truly,
To whom it may concern;

As a fee for service (FFS) physician in [REDACTED], I DO NOT give consent to release my personal billing information to the general public. As a FFS physician, I provide services to individual patients, not the Government. FFS billings are not salaries and I believe that Government must keep personal information related to FFS billings confidential.

I strongly support the NLMA’s complaint against this request and have included my name in that complaint.

Sincerely,
I do not consent to the release of personal information for the year 2015. Thank you.
Hello,

My name is [REDACTED] I am [REDACTED]

I do not consent to the release of personal information i.e. my FFS billings for calendar year 2015.

Thanks,
Please be advised that I object to the public release of individual physician FFS payments as per the N
Please be advised that I object to the public release of individual physician FFS payments as per the NLMA recommendation until some issues are clarified.

Regards,
Subject: ATIPPA Request For MCP Billing Information (Your file #: HCS/048/2016)

I am writing in response to a letter dated May 27th 2016 from the Information Management division of the Department of Health and Community Services in regard to an ATIPPA request seeking the names and total MCP billings of all doctors in the Province for 2015-16. Please be advised that I do not consent to the release of my MCP billing information in any form given the reasons which follow.

1. According to our Memorandum of Agreement with the NL government I am not a salaried employee but an independent contractor who provides services to third parties (i.e. patients) and the information provided does not given any accurate indication of my actual income since these represent gross billing amounts and do not reflect ongoing business costs related to the procurement and upkeep of office space, administrative staff, office furniture and equipment, electricity, medical equipment, book keeping services and the storage of medical files;

2. There is no public interest served by the release of physician names since the goals of the Act related to transparency and public access to financial information related to the expenditure of public funds can be met without releasing this information. This type of information is unreliable and leaves no room for individual exceptions and can actually misrepresent the income of individual physicians. For example, in my own case during the past fiscal year I received a lump sum payment of billing arrears due to a billing error. These arrears would artificially inflate my current year’s billing information by a significant amount which I feel is both unreasonable and unfair;

3. Releasing this information can subject me to financial harm since it will prejudice me and my colleagues in our negotiations with landlords, equipment providers and other providers of business and medical services who will receive an inaccurate perception of my income and who will receive confidential financial information about my medical practice. Given the current financial situation of the province it may also cause public resentment which is clearly detrimental to the public perception of the profession. Releasing it without any detailed review and/or procedure for exceptions and special circumstances such as those detailed above will foreseeably leave physicians subject to the public misrepresentation of their personal and confidential information and could directly result in financial harm and damage to their professional reputation;

4. The information was imparted in confidence and with the
reasonable expectation that it be protected and held in confidence. These are financial records that are tied to me personally and are subject to protection to ensure their continued confidence by both government and by physicians themselves giving rise to a reasonable expectation of privacy and confidentiality;

5. The small population base of this province and the [redacted] mean that the disclosure of individual names could potentially subject me personal to personal harassment or attacks either in person or through social media. Our province is a unique setting in this regard and many of our practitioners live and work in small rural settings where average incomes are low and there is a reduced expectation of personal privacy.

It is my understanding that the release of this information is being challenged by the Newfoundland Medical Association and I have indicated my desire to be a part of these legal proceedings which include a complaint with the Information and Privacy Commissioner. I also understand that proceedings aimed at halting the release of physician billings by name are ongoing in other jurisdictions (e.g. Ontario) for reasons similar to those given above and to disclose this information prior to the conclusion of these proceedings would be premature.

No public interest whatsoever is served by the release of physician names nor are the purposes of the Act itself furthered in any way by the disclosure of personal information of such an unreliable, confidential and personal nature. In light of the very real possibility that such a disclosure will subject physicians like myself to inaccurate public perceptions and personal harm I rely on the disclosure exceptions provided in sections 39 and 40 of the Access to Information and Privacy Act (2015) as well as the general protections afforded to the privacy rights of third parties by the Act.

I thank you for your time. If you have any questions or concerns regarding the foregoing please do not hesitate to contact me. An acknowledgement of receipt would be greatly appreciated given the time sensitive nature of these communications. Kindest regards,
To whom it may concern;

This is to inform you that I DO NOT consent to the release of MCP billing information to a third party based on the following section of:

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT, 2015

Section (40)

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party;

Posting my name and billing information puts undue attention upon myself and makes physicians in general a target due to our relative high income. In a small community it is easy to determine where each of these physicians live, making us potential targets.

I am sure the Provincial Government and/or its officials would not want to be responsible if any home invasions with personal or property loss were to occur as a direct result of placing targets on community physicians.

To reiterate, I do not consent to any release of MCP billing information to a third party.

Thank you,
From: [Name]
To: HCSATIPP
Subject: Release of MCP billing information
Date: Wednesday, June 01, 2016 11:55:55 PM

Hello,

Please accept this email as a refusal to consent to release of my MCP billing information to the public. I believe that public knowledge of my earnings is a breach of confidentiality and I strongly oppose this proposed action. Again, I do NOT consent to have my information released.

Sincerely,
Hello,

I would like to express my concern at my FFS earnings being released for public consumption. I would be willing to provide you with my tax returns which would confirm my overhead expenses and if you chose to reveal my after expenses income this would more accurately express my earnings as opposed to a total sum that would be perceived as my actual earnings. As you can well imagine this would cause potential and unnecessary scrutiny in a small community where economic conditions are dire and we are perceived as being overcompensated.

Thank you,
To Whom It May Concern,

Thank you for informing me of the ATIPPA request to release MCP billings by physicians for the year 2015.

I DO NOT give consent for my name, specialty and income to be released as per the ATIPPA.

As a physician in [redacted] and as a "fee for service" practitioner, I believe that any information pertaining to my annual income should NOT be subject to the ATIPPA provisions that allow for public access to civil servants' earnings.

I am a self-employed physician, not a government employee.

In addition to my personal opposition to this request, the NLMA will be contacting your office with further details as to why medical practitioners in NL should be exempt from the public release of this information according to sections 39 and 40 of the act.

Sincerely yours,
Please note that the undersigned do not consent to the release of the individual FFS billings for either the calendar year 2015 or the fiscal year 2015 - 2016.

Sent from my iPad
Please be advised by this email that I do not consent to the personal release of my MCP billings.

The details of this are being handled by my professional association, the NLMA.

Sincerely,
I consent to release any records to the Department of Health and Community Services.

thank you
To Whom It May Concern,

My name is [REDACTED] and I am a fee-for-service physician in [REDACTED], NL. I DO NOT consent to the release of my fee for service billings under ATIPPA. I am not a government employee and, although reimbursed by the government (as are many private businesses), I provide services directly to patients, and therefore the Act is not applicable. It is also clear, in any case, that such a release under ATIPPA would violate sections 39 and 40 of the Act, specifically sections 39(1)(a)(ii); 39(1)(c)(i) (since I am a business and release of my billings would reveal critical commercial information and harm my competitive position), 40(1) and 40(3).

FFS billings information is also almost impossible to accurately interpret without significant further information (such as business overheads), much of which would be considered private information not available for public release, meaning that it would not be of significant value in subjecting the activities of the province to public scrutiny. Perversely, this information would likely cause misunderstanding detrimental to healthcare services in the province. In addition, in NL where there is already difficulty recruiting doctors, release of this information (which I understand is not available in this form in most other provinces) will make recruitment even more difficult.

Note also that if necessary, I would appeal directly to the Supreme Court Trial Division against this disclosure and, as per the Act, my FFS billings information should not be released without an adequate opportunity for me to do so.

All information in this communication, including attachments, is strictly confidential and intended solely for delivery to and authorized use by the addressee(s) identified above, and may contain privileged, confidential, and/or proprietary information entitled to protection and/or exemption from disclosure under applicable law. If you are not the intended recipient, please take notice that any disclosure, copying, distribution, and/or any action taken or omitted to be taken in reliance upon it, is unauthorized and may be unlawful. If you have received this communication in error, please notify the sender immediately and delete the message and any attachments from your system.
s.40(1) my personal and financial information was given in confidence. According to sections 39 and 40 of ATIPPA my privacy would be invaded and I do not consent to any release.
We wish to protest the release of our personal information from being released as per recommendation of the NLMA and personal counsel. We are not employees of the provincial government!
To whom it may concern,

As a FFS [redacted] physician practicing in NL, I oppose the release of billing records as requested under ATIPPA sections 39 and 40 for 2015. I support the NLMA stand that personal information cannot be released under ATIPPA 2015 as the MOA is not a contract for the procurement of services by government. FFS physicians provide services to individual patients and not to government. Therefore, FFS billings are not salaries and government must keep personal information related to FFS physicians confidential. In addition, FFS payments are designed to cover operating costs, which are variable between physicians. This creates obvious opportunity for public misunderstanding. Therefore, Government should not release the individual names of physicians to other identifiable information.

Sincerely,
Please be advised that I do NOT consent to the release of my billing information for the reasons outlined in the NLMA complaint.

s.40(1)
I do not consent to the release of my personal information and mcp billings.

*** This communication (including all attachments) is intended solely for the use of the person or persons to whom it is addressed and should be treated as a confidential communication from Eastern Health. If you are not the intended recipient, any use, distribution, printing, or copying of this email is strictly prohibited. If you received this email in error, please immediately notify the originator and delete it from your system. Your cooperation is appreciated. ***
I do not want my personal information and mcp billings released.
I do not give consent for this outrageous violation of my privacy.
Hi
I consent to the release
To Whom it May Concern

As a FFS physician practicing in NL, I oppose the release of billing records as requested under ATIPPA sections 39 and 40 for 2015 or 2015-16.

I support the NLMA stand that personal information cannot be released under ATIPPA 2015 as the MOA is not a contract for the procurement of services by government. FFS physicians provide services to individual patients and not to government. Therefore FFS billings are not salaries and Government must keep personal information related to FFS physicians confidential.

In addition FFS payments are designed to cover operating expenses, which are variable between physicians. This creates obvious opportunity for public misunderstanding. Therefore Government should not be releasing the individual names of physicians or other identifiable information.

Sincerely

Sent from my BlackBerry 10 smartphone on the TELUS network.
Regarding: [redacted]

I am submitting to you my formal objection with the planned public information release of my MCP billings and do not offer consent for the release of this information, which I believe is my personal information.

My objection is based upon my assertion that the Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. As a FFS physician, I provide services to patients. Additionally, as a [redacted] such information release is in my opinion a personal boundary violation to me. In [redacted] awareness of my personal information by patients can have effects upon the [redacted] relationship and their clinical care. I put great effort into managing these [redacted] relationships. Release of this personal information may alter my [redacted] relationships with patients. It is arguable, that such personal information can affect a patient's [redacted] willingness to participate in clinical care. [redacted] patients who may take issue with my personal information, have few other alternatives.

Additionally, as there are limited clinical resources [redacted] I have made extraordinary investment in support services for my practice. [redacted] I understand that such information is not reflected in the planned information release, which makes the release of information in my opinion, misleading.

Thank you for your attention to my request.
I do not wish to have my personal information with financial information released.
I do not consent to the release of my personal information.
I do NOT consent to the release of my personal and business information.

Sincerely

[Redacted]
To whom it may concern,

I am opposed to my personal FFS billings information being released as requested in a recent ATIPP request. I believe that this is a breach of my personal confidential information.
Please be advised that I refuse consent for the release of my personal information regarding my FFS billings.

Sincerely

Sent from my BlackBerry 10 smartphone on the Bell network.
Please be advised that I do not consent to the release of personal information as it relates to MCP billings.

Get Outlook for iOS
Hi,
I'm [REDACTED] I believe that release of my personal billings to a third party would be in breach of section 40 of the ATIPPA. Disclosure of this information is harmful to my personal privacy.
I do not give consent for disclosure.
Thanks
To Whom it Concerns,
This is to inform you that I do not consent to the release of personal information regarding billings in the 2015 year.

Yours sincerely

Sent from my iPad
Please see attached letter from [redacted].

Kindest regards,

This e-mail may contain confidential, personal and/or health information (information which may be subject to legal restrictions on use, retention and/or disclosure) for the sole use of the intended recipient. Any review or distribution by anyone other than the person for whom it was originally intended is strictly prohibited. If you have received this e-mail in error, please contact the sender and delete all copies.
I do not consent to the publication of my MCP income.
To whom it may concern;

This is to inform you that I DO NOT consent to the release of MCP billing information to a third party based on the following section of:

ACCESS TO INFORMATION AND PROTECTION
OF PRIVACY ACT, 2015

Section (40)

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party;

Posting my name and billing information puts undue attention upon myself and makes physicians in general a target due to our relative high income.

It is easy to determine where each of these physicians live, making us potential targets.

I am sure the Provincial Government and/or its officials would not want to be responsible if any home invasions with personal or property loss were to occur as a direct result of placing targets on community physicians.

To reiterate, I do not consent to any release of MCP billing information to a third party.

Thank you,
This email is to serve notice that I contest the release of my Fee For Service (FFS) billing information.

I **CONTEST** the release of this information for the following reasons:

1. In Ontario OHIP does NOT release FFS billing information. They only release the specialty of physicians who bill over a million dollars never names. Ontario has had a sunshine list for over 20 years and never have individual physicians' OHIP billings been listed.

2. I disagree with the release of my personal information related to MCP FFS billings. *ATIPPA, 2015* does not address FFS circumstances. The Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. I provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

3. FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.
RE: MCP Billing

This email is to serve notice that I contest the release of my Fee For Service (FFS) billing information.

I CONTEST the release of this information for the following reasons:

1. In Ontario OHIP does NOT release FFS billing information. They only release the specialty of physicians who bill over a million dollars never names. Ontario has had a sunshine list for over 20 years and never have individual physicians’ OHIP billings been listed.

2. I disagree with the release of my personal information related to MCP FFS billings. ATIPPA, 2015 does not address FFS circumstances. The Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. I provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

3. FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.
Hi,

I do not consent for the provincial government to release personal financial information about me to the general public.
I do not consent to the release of personal income data.
To Whom it Concerns,

I am writing to you to request that my records of FFS earnings NOT be released under ATIPPA section 40. I am serving as the [redacted], and also a [redacted].

Releasing this information will prevent barrier free conduct with colleagues that I have to reason with from an administrative level and also with families for whom I have to be perceived as an impartial referee and advocate [redacted].

I am available to detail you more [redacted] if you wish.

Sincerely,

[redacted]

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Dear Sir / Madame,

I have responded to the President of the NLMA re my decision to oppose release of my personal income payments from MCP.

Aside from the disclosure of my income, this release could also negatively impact the clients that would come to see me on a daily basis and my future income.

This is not accounted for in my MCP income amounts that would be released publicly and hence misrepresents my degree of earning capacity and income.

In addition, this release fails to explain or separate work types, as many areas are better remunerated than others and at different risks to the client. The release does not take into consideration the significant overhead expenses for FFS physicians, which can vary considerably from physician to physician and amount to 30% of the total billings. Large income does not correlate with quality of care or efficiency.

If the FFS physician's incomes by name are reported then all physician incomes should be reported. I have major concerns in regards to salaried physician groups that have cut deals outside of MCP for much higher salaries (APP) and even top-ups to keep them here in NL. As physicians, we know this has actively happened in many disciplines and this would need to be explained publicly. Many of these Drs also do not have significant overhead expenses. Their incomes are often overinflated relative to work volumes for other reasons even if the quality remains excellent.

Without full disclosure of all of these facts I cannot support this decision and will defer to the NLMA to resolve this serious issue. I trust you will consider all of these matters and the privacy concerns we have personally with such an action. At least if it fails for physicians, then consideration to reporting group avg incomes rather than by person would be most acceptable.

I hope you will consider some of these comments.

Sincerely,
I do not give permission for the release of my salary to the public.

Thank you,
This is to certify that [redacted] DOES NOT GIVE CONSENT TO THE RELEASE OF PERSONAL INFORMATION.

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments from your system. Thank you.
As per the letter on the release of ffs billings, I do not consent to the release of my personal financial information.

Sent from my BlackBerry 10 smartphone on the Koodo network.
Dear ATIPP Facilitator,

I DO NOT consent to the release of my private FFS billing information as requested by an anonymous individual.

I understand that the NLMA is providing a submission on behalf of all FFS physicians in the province under ATIPPA sections 39 or 40 demonstrating why the records should not be released. If the requirements of sections 39 or 40 are not met, then Department must release the records.

Sincerely,
[Redacted]

From: [Redacted]
To: HCSATIPS
Subject: FFS Billings
Date: Thursday, June 02, 2016 8:00:27 PM

Please be advised that I do NOT consent to release of my personal and/or business information as it relates to my FFS billings to MCP.

I am not a salaried employee of the NL Government. I provide services to patients that are covered by an insurance plan. As such, said insurance plan is billed and these funds are then delivered to a corporation [redacted], of which I am an employee. My FFS billings, then, provide a salary for me and my other staff; cover rent and business expenses; pay licensing fees and insurance; and cover the cost of (obligatory) continuing education. Furthermore, as a physician I have no pension plan, no private insurance benefits, and have incurred tremendous debt in order to become the professional that I am. I feel these facts will not be relayed in adequate clarity as adjunct to the financial data when FFS billings are released. As such, I feel that the general public will likely have an unrealistic view of mine and other physicians financial standings, and I feel this may harm my reputation both professionally and personally.

I feel that release of personal and/or business information as it relates to FFS billings therefore violates Section 39(1)a ii, and Section 39(1)c i and iii of the Access to Information and Protection of Privacy Act, 2015.

I feel the release of personal and/or business information as it relates to FFS billings is an unreasonable invasion of my personal privacy, therefore violating Section 40(1) of the Access to Information and Protection of Privacy Act, 2015.

I thank you for your attention.

Sincerely,

[Redacted]
I hereby do not consent to have my MCP billings released under section 40 subsection (3) stating that it would be an unreasonable invasion or personal privacy, and subsection (5)g and h, stating that this information is likely to be inaccurate or unreliable, and disclosure may unfairly damage my reputation. The total MCP billings in the case of fee for service physicians do not specify the amount of overhead expenses which can be upwards of 40% of the entire amount. This could mislead the public and cause much misinterpretation. Fee for service physicians have a contractual relationship with the province to serve individual patients, as agreed between the parties. They are not employees of the province and will be thus unfairly compared to salaried physicians who benefit from sick leave, pension, maternity leave and so on.
To Whom it may concern:

Re: Request for access to information under Part II of the Access to Information and Protection of Privacy Act (ATIPPA)

I am writing to notify the department that I do NOT consent to the release of records which include my personal and business information.

These records are not to be released as per ATIPPA Section (40) - disclosure harmful to personal privacy. Fee for service (FFS) physicians provide a service to individual patients not to government. FFS billings are not salaries and therefore government must keep personal information related to FFS billings confidential. MCP FFS payments also pay the salaries of office staff and office expenses and therefore releasing these numbers will only serve the purpose of misleading the public regarding a physicians actual income. The proportion of overhead expenses vary between physicians. The government should not release individual names of doctors or other identifiable information under the Privacy Act. The ATIPPA,2015 does not address FFS circumstances and therefore should not be applicable.

Sent from my iPhone
Ms. Vanessa Macey  
ATIPP Facilitator  

I am responding to your letter of May 27, 2016, addressed to "All Physicians" concerning a request to access information under Part II of ATIPPA  
File # HCS/048/2016.

I do not consent to have my personal billings and name released for 2015 or any other year, under section 40.

Section 40.(4) states "A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where:

(c) the personal information relates to employment or educational history; and

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party (i.e., the total dollar value of mcp billings that I generated through my PMC Inc., and

(ii) the disclosure of the name itself would reveal personal information about the third party.

Section 40.(5), considers if the disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy. I believe that this disclosure will satisfy section (e) the third party will be exposed unfairly to financial or other harm. My billings and income have never been discussed with my children, my siblings, neighbours, friends, patients, nor colleagues. I believe that such disclosure will strain and risk the personal relationship with each of these groups of people in my life.

I see no public benefit from the release of such information, just an opportunity to satisfy curiosity and to provide fodder for gossip.

I have no objection to the disclosure of billings and demographic information, for instance if full time vs part time, rural vs urban, male vs female, age of physician. Such demographic information can be analyzed and utilized for future planning.
Dear sir or madam,
This is to inform you that I DO NOT consent to the release of my records as requested under part II of the access to information and protection of privacy act. This response is to a letter received as a MCP newsletter dated May 27, 2016.

Sincerely

Good day,

I am very concerned around the disclosure of my **redacted** income as it may lead to direct harm towards me/my patients or my family.

I request that your office assists me in withholding this data until such time as the above matter is resolved and there is no longer a direct threat on me.

Look forward to you response.

Warm regards

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I do not consent for the release of my MCP FFS billing information. Please see the below arguments in regards to ATIPPA sections 39/ 40.

I disagree with the release of personal information related to MCP FFS billings because ATIPPA, 2015 does not address FFS circumstances.

1. I do not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

2. FFS payments are designed to cover many types of expenses other than a physician’s income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

Sincerely,
To whom it may concern,

I am writing in response to a letter dated May 27th 2016 from the Information Management division of the Department of Health and Community Services in regard to an ATIPPA request seeking the names and total MCP billings of all doctors in the Province for 2015-16. Please be advised that I do not consent to the release of my MCP billing information in any form given the reasons which follow.

1. According to our Memorandum of Agreement with the NL government I am not a salaried employee but an independent contractor who provides services to third parties (i.e. patients) and the information provided does not give an accurate indication of my actual income since these represent gross billing amounts and do not reflect ongoing business costs related to the procurement and upkeep of office space, administrative staff, office furniture and equipment, electricity, medical equipment, book keeping services and the storage of medical files;

2. There is no public interest served by the release of physician names since the goals of the Act related to transparency and public access to financial information related to the expenditure of public funds can be met without releasing this information. This type of information is unreliable and leaves no room for individual exceptions and can actually misrepresent the income of individual physicians.

3. Releasing this information can subject me to financial harm since it will prejudice me and my colleagues in our negotiations with landlords, equipment providers and other providers of business and medical services who will receive an inaccurate perception of my income and who will receive confidential financial information about my medical practice. Given the current financial situation of the province it may also cause public resentment which is clearly detrimental to the public perception of the profession. Releasing it without any detailed review and/or procedure for exceptions and special circumstances such as those detailed above will foreseeably leave physicians subject to the public misrepresentation of their personal and confidential information and could directly result in financial harm and damage to their professional reputation;

4. The information was imparted in confidence and with the reasonable expectation that it be protected and held in confidence. These are financial records that are tied to me personally and are subject to
protection to ensure their continued confidence by both government and by physicians themselves giving rise to a reasonable expectation of privacy and confidentiality;

The small population base of this province mean that the disclosure of individual names could potentially subject me to personal harassment or attacks either in person or through social media. Our province is a unique setting in this regard and many of our practitioners live and work in small rural settings where average incomes are low and there is a reduced expectation of personal privacy;

As a physician, much of my day involves dealing with patients. I have taken great pride and care in establishing a very warm and unpretentious relationship with my patients. This relationship has allowed my patients to easily connect with me, and therefore, more effectively manage aspects of their physical and mental well-being, regardless of socioeconomic status. The release of billing information to the public, who may not appreciate that these numbers do not reflect the actual income of their physician, may jeopardize the integrity of the doctor-patient relationship, and thus, subject patients to unnecessary harm. This, in my opinion, is very disheartening.

It is my understanding that the release of this information is being challenged by the Newfoundland Medical Association and I have indicated my desire to be a part of these legal proceedings which include a complaint with the Information and Privacy Commissioner. I also understand that proceedings aimed at halting the release of physician billings by name are ongoing in other jurisdictions (e.g. Ontario) for reasons similar to those given above and to disclose this information prior to the conclusion of these proceedings would be premature.

No public interest whatsoever is served by the release of physician names nor are the purposes of the Act itself furthered in any way by the disclosure of personal information of such an unreliable, confidential and personal nature. In light of the very real possibility that such a disclosure will subject physicians like myself to inaccurate public perceptions and personal harm I rely on the disclosure exceptions provided in sections 39 and 40 of the Access to Information and Privacy Act (2015) as well as the general protections afforded to the privacy rights of third parties by the Act.

I thank you for your time. If you have any questions or concerns regarding the foregoing please do not hesitate to contact me. An acknowledgement of receipt would be greatly appreciated given the time sensitive nature of these communications.

Kindest regards,
In response to the recent letter sent to physicians from the government of Newfoundland and Labrador, I, [redacted], do NOT consent to the release of personal information including physician names and salaries for the previous fiscal year. If there are any further questions or clarification, please let me know.
I do not consent to the release of my FFS personal information for the calendar year 2015.

Sent from Mail for Windows 10
In response to the recent letter sent to physicians from the government of Newfoundland and Labrador, I, [Redacted], do NOT consent to the release of personal information including physician names and salaries for the previous fiscal year. If there are any further questions or clarification, please let me know.

Sent from my Samsung device.
In response to the recent letter sent to physicians from the government of Newfoundland and Labrador, I do NOT consent to the release of personal information including physician names and salaries for the previous fiscal year. If there are any further questions or clarification, please let me know.

Thank you

Sent from my iPad
To whom it may concern.

Please be advised that I do NOT connect to the release of any information pertaining to my billings. This information is personal and private. I do not believe that this information can be released under ATIPPA and our MOA with the Government, and this information must be kept confidential, specifically under 39 (1b) under the Access to Information and Protection of Privacy Act.

If you have further questions, please contact me.

Sincerely,
This is to advise that I, Dr. [redacted], do not consent to the release of my billing information by MCP or the Government of NL to any third party. I am an incorporated small business, not a salaried employee of MCP or the Government of NL.
Dear Sir/Madam,

I am a FFS physician and I do not consent to release of MCP billing information. FFS physicians are actually independent contractors to provide service to patients, not Government nor Regional Health Authorities. We are not employees of the Government nor Regional Hospital Authorities. The amount of MCP billing remitted to us is private personal information and not salaries from the government. We do not have pension or other benefits from the government. The billing amount to not the amount that we can take home with us. There are lots of other expenses and overhead like rent, employee salaries, office consumables. The MCP billing amount can be misleading to patient or the public. The higher the MCP billing amount, the more need it implicated from the patients for medical care. The physician have to work harder and longer hours to cater for the higher need. The working hours can be much more than the salaried staff of Regional Hospital Authorities who have fixed regular hours. But the MCP billing amount can be misinterpreted as the higher amount the physician wants to get and affect the relationship between patients and physician. Release of the MCP billing amount does not provide benefits to either parties nor the public.

Thank you very much for your attention.
Good morning,

I do NOT consent to the release of my personal information with respect to FFS billings and any/all information with respect to my personal income/billings/CMS audits/audits etc disclosed to any person/place or organization without my expressed written consent. This information does not include significant office expenses, taxes, income deductions, payroll deductions/etc that we are responsible. I was advised to write this email on advice from NLMA organization.

Thank you,
I would not like my personal ffs billings released. This would be an unsafe practice in an area that does not have an immediate police response and is a misrepresentation of income.
Dear sir/ ma'am
This is to verify that I, [redacted] MCP physician [redacted] Do Not Consent to release my personal and or business information under ATIPPA sections 39 and 40. Further information will be forthcoming from the NLMA.

Thanking you.

Sent from my iPhone
From: [Redacted]  
To: HCSATIPP  
Subject: Request for access to information  
Date: Friday, June 03, 2016 9:41:52 AM

Dear sir/ ma'am:

I am an MCP physician.  
Hereby Do Not Consent to release of my personal and or business information. Further information will be forthcoming from the NLMA.  

Thanking you

Sent from my iPhone
Dear Department of Health and Community Services Information Management representative,

Please accept this formal submission under ATIPPA sections 39 and 40 for the department NOT to release any billing information related to my practice.

I would also appreciate any further opportunity to ensure this information remains private and would be happy to discuss at any time.

Sincerely,
Please do not release my personal information as I do not believe ATIPPA, 2015 addresses fee for service circumstances.

1. The NLMA does not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of AGREEMENT (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

2. FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably among doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can be aptly compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not release the individual names of doctors or other identifiable information.

Sincerely,
To whom it may concern:

This e-mail is to inform you that the Department of Health and Community Services does not have my permission to release my fee-for-service MCP billings to the public or to any third party.

I believe this information should be protected under the Access to Information and Protection of Privacy Act (ATIPPA), 2015.
From: [Redacted]
To: HCSATIPP
Subject: opposition to release of personal information
Date: Friday, June 03, 2016 10:02:53 AM

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attn: Government of Newfoundland and Labrador Department of Health and Community Services Information Management Representative:

I do not consent to the release of personal information for fee for service physicians for calendar year 2015.
I object to the release of my personal information, with regards to my fee for service billings, to the public.
Dear Sir/Madame:
I do not give consent for the release of information.

Regards
I do not consent to public release of my billings.

Thank you.
To whom it may concern:

I am writing to inform you that I do NOT give my consent to have my MCP billing records released. I consider this information to be private and I object to the release of such personal information.

Sincerely,

[Redacted]
Hi,

I would like to have my name included in the complaint re: publication of billing information.

Thanks.

Sincerely

Sent from my iPhone
Attention: Government of NL Dept of Health and Community Services Information Management representative.

I OBJECT to the release of my personal information and DO NOT consent to the release of my billing information for the calendar year 2015.
Hello,
My name is [Redacted]. I do not consent to the release of my personal financial information for the 2015 calendar year in respect to FFS billings.
Sincerely,
I do not consent to the release of my billing information.

Sent from my iPhone
To Whom it may concern,
I object to the release of my personal information
Dear Sir/Madam,

I would like to forward my complaint and contest your decision about making my earnings public. I DO NOT provide you with consent to release my information. I believe this decision will interfere with patient care and physician-patient relationship specially in small communities and rural NL.
Just writing to say I do NOT consent to having my fee for service physician billings for 2015 released publicly.

Sent from my iPhone
To whom it may concern,

I feel that to release my private financial information is a direct breech of my confidential information and this should not be made available to public to review. I do not consent to the release of my personal information.

Sincerely,
Dear Sir / Madam:  

This is [redacted] physician working in [redacted]. I hereby give my consent to release the information needed to be released by the Department of Health.

Yours sincerely,
Hi,

I wish to inform you that I do not consent the release of my ffs billings to the public. It is a violation to my privacy and a risk to my safety. I feel that releasing my salary will make me more vulnerable to these sorts of patients as they will have access to very personal information. The public does not and will not understand the nature of our work and thus our salaries will only be viewed in a negative light.

Please help to prevent the release of such personal info to the public.

Thanking you in advance,
To Whom It May Concern;

(atttn: Government of Newfoundland and Labrador Department of Health and Community Services Information Management Representative)

This is a letter to register my non-consent and opposition to any information being released in the public form regarding MCP billings/income regarding my personal account [REDACTED] or my corporate entity [REDACTED].

Sincerely Yours;

[REDACTED]
Hello, my name is [redacted] and I am currently a [redacted] physician practicing in Newfoundland and Labrador.

I wish to register a complaint with the Privacy commissioner regarding what I consider to be an (unlawful) pending decision to release fee for service billing information for the 2015-2016 calendar/fiscal year for physicians in Newfoundland and Labrador.

Specifically, I do not consent to the release of any information pertaining to my name, address, specialty, total and/or partial fee for service billing information for any calendar or fiscal year, including but not limited to the years 2015 and 2016; I also do not consent to the release of any of my personal information pertaining to, but not limited to, the above information.

I consider any release of such information to be a breach of not only my privacy by the government, but also of that of my colleagues in the medical profession.

I agree with the following explanations as outlined by my colleague [redacted] and provide, with his consent, the same written response.

I disagree with this decision for numerous reasons. Firstly, I do not believe that personal information related to fee-for-service billings can be released under the provisions of ATIPPA, 2015. The memorandum of agreement with the provincial government is not a contract with the government for the procurement of services by government, and fee-for-service physicians are not employees of the government of Newfoundland and Labrador. Government legislation regarding the provincial MCP system is designed giving physicians the right to bill for insured services under the MCP system where such services are covered under the provisions of the program, however fee-for-service physicians provide services not to the government of Newfoundland and Labrador, but those individual patients seen by the physician.

Fee-for-service physicians are not provided salaries by the government and are to be considered independent service providers to patients. As such, physicians claiming fee-for-service billings are neither employees of the government nor are fee-for-service billings to be considered salaries by the government. The MCP system provides for an insured services program to patients registered under the system, and Physicians provide services to their patients, making independent claims for insured services provided patients.

This separation between government and physicians is a fundamental cornerstone of patient care; without such separation, health care and services provided to patients are subject to government oversight (and meddling). As such, physicians are self-regulating professionals, and do not provide services to government, but to their patients. Yet, the government now deigns to treat physicians as if they are employees who are paid salaries and who provide services to government.

In simple terms, the government cannot have it both ways. The current legal
framework legislates physician independence, and unless the government also plans to accept legal responsibility for the medical decisions by physicians providing care (to their patients, not government), they cannot act unilaterally in treating physician billings as 'salaries of employees who provide services by/to or for the government'.

Secondly, fee-for-service billings are designed to cover many expenses incurred by an independently practicing physician. As fee-for-service physicians are not government employees, they are not provided with any remuneration by government for costs incurred in the operation of an independent medical practice. The amounts billed by physicians reflect not only physician income, but also overhead costs. This often includes rent for clinic space, salaries for staff employed by individual physicians, office equipment, stationary, electronic devices, furniture, heat, light, cleaning supplies, appliances, in addition to a myriad of medical equipment and supplies. All of the above consumes an extremely large amount of physician fee-for-service billings. It is for this reason that insured services are set at their current rates. Furthermore, overhead costs vary dramatically between specialties and for this reason it is simply not possible to appropriately compare the 'take-home' earnings across specialties. As this data can be confused be the general public, who may not understand the differences between overhead costs, certain specialties may be unfairly targeted as being 'high-billing'. This would be highly prejudicial against the individual physicians who may be named on such a 'sunshine list'. Given the obvious potential for misunderstanding by the public, government should not be releasing the names of physicians in association with their fee-for-service billings.

Thirdly, I wish to make reference to sections 19, 39 and 40 as to why I believe releasing such information would be a breach of privacy of the physicians who would be named under this request.

Under section 39 - the head of a public body shall refuse to disclose to an applicant information that
a) that would reveal (ii) commercial, financial...information of a third party (b) that is supplied, implicitly or explicitly in confidence and (c) the disclosure of which could reasonably be expected to i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party (iii) result in undue financial loss of gain to any person

When my colleagues and I bill fee-for-service we do so under the both the explicit and implicit understanding that such billings are confidential. The information contained in such billings covers patient identifying information and information pertaining to specific diagnoses. This is explicitly confidential information under the PHIA act. Additionally, we most certainly implicitly believe that the government will not publicly list our names, amounts billed, or specialties in the public arena. This alone demonstrates violation of this clause.

Furthermore, this information could have dramatic effects on the financial situation of many physicians in the province, who may feel pressured into billing less for legitimate services provided, lest they be listed as 'top billers' on a 'sunshine list' and viewed as people who are merely bilking the system. In addition to this, the misunderstanding generated amongst a public that does not understand the realities of overhead costs faced by physicians would likely be used by government against physicians to unfairly paint them as wealthy individuals avariciously seeking personal gain in a time of economic restraint. The very real effects that could result from this would significantly harm the financial position of many physicians in a war for the public's hearts and minds during billing negotiations.
Furthermore, section 40 states "(1) the head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy. (2) A disclosure of a third party's personal information is not an unreasonable invasion...where
(b) the third party...has...consented to...disclosure

- **I do not consent to the disclosure of my personal information and expressly forbid it.**

(c) There are compelling circumstances affecting a person's health or safety..."

- It is extremely fair to say that releasing this information will cause physicians to scale back on providing services that may be highly remunerated, lest the provision of this service unfairly paint them as 'greedy, high billing physicians'.

(f) the information is about a third party's position, functions, or remuneration as an office, employee or a member of a public body or as a member of a ministers staff" and

(g) The disclosure reveals financial and other details of a contract to supply goods or services to a public body

- Again, as stated, fee-for-service physicians are not government employees and do not provide services to a 'public body' - physicians provide private services to their individual patients, and not for government public bodies. This cannot be any clearer. Therefore, it cannot be considered 'not an unreasonable invasion of a third party's personal privacy' under the letter of the act, as this clause clearly does not apply to physicians.

**Section 4 (g)**

a disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party

(ii) the disclosure of the name itself would reveal personal information about the third party

- The disclosure off fee-for-service information would violate this clause, as physician's names would "appear(s) with other personal information about the third party", i.e. fee for service billing claims.

Under Section 5 - In determining under subsections (1) and (4) whether a disclosure ...constitutes an unreasonable invasion of...privacy, the head of the public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to scrutiny

- Again, physicians are a self regulating profession, and not a public (read: government) body. And again, refer to the argument that gross fee-for-service billings do not reflect an individual physician's income, and public misunderstanding bound to develop over this is not in the public interest, nor is
it desirable in any way to subject physicians to increased scrutiny by promoting public voyeurism of their billings.

(b) the disclosure is likely to promote public health

- Again, this will likely serve only to create a chilling effect where physicians shy away from providing services that may remunerate highly but may cause them to appear as 'high billers' on a government 'sunshine list'.

(e) the third party will be exposed to financial harm

- this point has been repeated ad nauseam in this letter.

(h) The disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant

- Again, fee-for-service billings are not net physician income. Physicians on this list will have their billings confused as net income, and individual physicians will be singled out for public ridicule and subjected to coarse public debate. This may actually impact the ability of some physicians in highly specialized, high billing fields to leave the province.

Again to conclude, I do not consent to the release of any information pertaining to my name, address, specialty, total and/or partial fee for service billing information for any calendar or fiscal year, including but not limited to the years 2015 and 2016; I also do not consent to the release of any of my personal information pertaining to, but not limited to, the above information.

I consider any release of such information to be a breach of not only my privacy by the government, but also of that of my colleagues in the medical profession.

Sincerely, 

\[\text{Signature} \text{\#40(1)}\]
Dear Sir/madam

Please DO NOT release my MCP billing information.

Thanks

Regards

All information in this communication, including attachments, is strictly confidential and intended solely for delivery to and authorized use by the addressee(s) identified above, and may contain privileged, confidential, and/or proprietary information entitled to protection and/or exemption from disclosure under applicable law. If you are not the intended recipient, please take notice that any disclosure, copying, distribution, and/or any action taken or omitted to be taken in reliance upon it, is unauthorized and may be unlawful. If you have received this communication in error, please notify the sender immediately and delete the message and any attachments from your system.
I do not consent to the release of my fee for service billing information. This is my personal private information and its release does not serve any public benefit other than to create a source of gossip and inhibit my ability to work and provide patient care.

Sent from my BlackBerry 10 smartphone on the Bell network.

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To Whom It May Concern,

My name is [REDACTED] and I am a fee-for-service physician in [REDACTED]. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii), 40(1), and 40(3). Thanks.
DoH and Community Services,

This is to inform you that I will not consent to the release of my MCP billings under ATIPPA as advised by the NLMA.
Dear Sir/Madam

I do not agree to your releasing my personal information on FFS billings.
Thank you.
To whom it may concern,

I wish to object to the release of my personal information.

Sent from my iPhone
I do not consent to the release of personal information at the present time as per the NLMA recommendations.
Hello,

I do not consent to the release of individual FFS billings for calendar year 2015.

Thank you,
I would like to notify the department that I strongly oppose the release of private FFS billings.
ATTN: Government of Newfoundland and Labrador Department of Health and Community Services Information Management Representative

To Whom It May Concern:

I strongly object to the release of “Fee of Service” MCP billings. The release of these “figures” billed by each physician does not reflect individual salaries, but in fact represents revenue from hundreds of small businesses across the province. Like all businesses, a significant proportion of these “figures” pays for the overhead costs of operating medical clinics, paying salaries for associated administrative staff and for medical supplies.

In the recent months, the new government has made several “faux pas,” which have been heavily publicized and criticized across the country. In a province where physician recruitment is extremely challenging, complicated by growing wait times, lack of primary care physicians, the release of the revenues of hundreds of small medical businesses across the province would undoubtedly be detrimental to the medical community as a whole. Not only could it deter new physicians from working in this province, it could contribute to the loss of many physicians who currently serve our province.

I strongly urge the individuals involved to carefully contemplate the negative implications of releasing such information, particularly at a time where the current government is in such a fragile state, where another wrong move with potential legal implications could result in devastating consequences.

Regards,
To Whom It May Concern,

My name is [REDacted] I am a fee-for-service physician in [REDacted] I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Yours sincerely,

[REDacted]

Sent from my iPhone
Dear Madam or Sir,

I am writing to inform you that I DO NOT CONSENT to the release of my personal information related to MCP Fee-For-Service. Not only do I withhold my consent, but I ask you to please reconsider the release of any personal financial information related to MCP FFS billings.

While I understand that certain information is required by law to be released if requested, I do not agree that MCP FFS billings fall within this realm. In addition, I accept that the public may have rights to know where tax dollars are being spent, but providing the names of individuals does not add any relevant information. If you must release information related to MCP FFS billings, I implore you to remove data that could identify individuals. Perhaps stating 'physician' or 'surgeon' is adequate.

I feel that the release of my personal financial information is a breach of my privacy. I also feel that it puts me at risk of identity theft, and most importantly, threatens the safety of my family, [redacted], who might become targets for desperate individuals looking for ransom money if my billing information is released.

Thank you for your consideration.
Dear Sir/madam,

Please find enclosed my response to your letter regarding the protection of privacy and the Access to Information.
Please advise me if you need any additional information.

Thank you.

Yours truly,
Good afternoon,

This email is in reference to a request to information under the ATIPPA in regards to individual FSS physician billings for the 2015 calendar year.

I hereby **do not give my consent** for my personal or financial information to be released as a response to this request.

I have also attached a submission demonstrating why the records should not be released.

Please confirm receipt of this email.

Sincerely,
Dear Department of Health and Community Services:

I request that my MCP billings for 2015 and fiscal year 2015-2016 not be released, under TIPPA sections 39 or 40.

I apply under section 39 (c) (i) – that the disclosure could reasonably be expected to harm significantly the competitive position or interfere significantly with the negotiation position.

I was recruited from [redacted]. The financial remuneration and income also does not reflect a large portion of expenses that accompanies my unique position, including a significant amount that I pay out-of-pocket to carry out my services [redacted] including meals and entertainment for various speakers and leaders that come through the province, staff meetings that I pay out-of-pocket, and support for our staff’s retreats. Thus, my billings don’t really reflect income. I therefore, request that the billings not be released.

Kind regards,

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I consent to the release.
To Whom It May Concern,

My name is [redacted]. I am a fee-for-service physician in [redacted], NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Sent from my iPhone
gives consent for the release of the records.
From: [Redacted]
To: HCSATIPP
Subject: ATIPPA
Date: Monday, June 06, 2016 4:45:32 PM

To Whom It May Concern,

My name is [Redacted]. I am a fee-for-service physician in [Redacted], NL, and am self-employed. I do not consent to the release of my financial information if my name, or an identifier is present. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).
Dear Madam/Sir,

I am providing a submission to refuse consent to release of the information concerning my name, specialty and total fee for service medicare billing amounts for the 2015 calendar year, or fiscal 2015-2016 year.

My reasons are as follows:

As an independent practitioner, I provide medical services to clients under an insurance plan that generates compensation for services rendered. Earnings are then distributed to myself, my professional corporation and employees and overhead private business costs. This defines the practice as a third party self-employed business.

With reference to the Access to Information and Protection of Privacy Act Section 39. (1-a,ii), revealing information of this nature would be considered disclosure harmful to the business interests of a third party.

In addition, the information derived may not accurately reflect the true financial profile of my practice, considering financial adjustments of overhead expenses and fees, employee salaries and business expenses, and non-billable services provided. This results in the likelihood of inaccuracy and unreliability of the information which I would consider an unreasonable invasion of personal privacy as described in section 40 (5-g).

If the information is published with the omission of the above factors described, an out of context representation may harm the competitive position of the the practice, as described in Section 39 (c-i) or unfairly damage the reputation of the persons referred to as described in section 40 (5-h). Furthermore, public knowledge of this information results in unsolicited exposure to dependants of my household, potentiating unmerited scrutiny.

I thank you for your consideration of my submission. Please advise should require any further clarification.
Re MCP Newsletter of May 27 2016 ATIPPA your file #HCS/048/2016. I consent to release my information as requested. [Redacted]
This email is to confirm that I have no objection to the release of information from my MCP Billings for the calendar year 2015.
From: [Redacted]
To: HCSATIPP
Subject: Release of person information linked to FFS billings
Date: Monday, June 06, 2016 10:43:41 PM

This is to advise your department that I object to the release of personal information linked to FFS billings.

Sent from my iPad
Vanessa Macey
ATIPP Facilitator
Department of Health and Community Services
Government of Newfoundland & Labrador
709.729.7010 (t)
VanessaMacey@gov.nl.ca

-----Original Message-----
From: [redacted]@nlma.nl.ca
Sent: Tuesday, June 07, 2016 8:28 AM
To: Macey, Vanessa
Subject: FW: Scanned Document

Good morning Vanessa

Please find attached a letter from [redacted] regarding the release of his individual MCP FFS billings.

-----Original Message-----
From: nlma@nlma.nl.ca
Sent: Tuesday, June 07, 2016 8:18 AM
To: [redacted]
Subject: Scanned Document

This E-mail was sent from [redacted]

Scan Date: 06.07.2016 08:17:55 (-0230)
Queries to: nlma@nlma.nl.ca

Newfoundland and Labrador Medical Association 164A MacDonald Dr., St. John's, NL, Canada, A1A 4B3
Telephone: (709) 726-7424 (301) | Toll Free: (800) 563-2003 (301)
Fax: (709) 726-7525 | E-mail: [redacted]@nlma.nl.ca | Web www.nlma.nl.ca
To Whom it may concern,

I am writing to inform you that I do NOT consent to the release of my personal information related to MCP Fee-For-Service. Not only do I withhold my consent, but I ask you to please reconsider the release of any personal financial information related to MCP FFS billings.

I feel that if my personal information is released then I will be at risk for identity theft or become a target of other criminal activity. I am concerned for the safety of [redacted]. With the rising crime rate in this province, my family may unfairly targeted by individuals who could take advantage of the release of my private financial information. [redacted]. This will undoubtedly create friction between [redacted] through no fault on their part.

I ask you to refrain from releasing my personal and Private financial information. This information lacks the context of years of hard work and personal sacrifice, business expenses incurred to earn my income, the lack of pension plan and health benefits and the taxes paid. I spent 15 years in post secondary education to be able to earn my income. That is longer than most people spend in school from kindergarten to grade 12. During those years in university, I incurred significant student debt which I am still paying off. My business expenses account for a significant percentage of my income. I do not have a pension or benefits and the vast majority of what I earn is saved for retirement. The lack of this context distorts any meaning to the amount of my that I make.

As a fee for service physician, I am bound by the Canada Health Care Act. As such, I am unable to provide private health care services and I am forced to bill the government for the services that I provide. I am being penalized unfairly by having my income released.

There is absolutely no reason why my name has to be released with my financial information. I understand that the public has a right to know how much money the government spends on health care but there is no need to attach my name to an amount of money. The public does not have a right to know what I earn.

Thank you for your consideration of this matter.
I, [REDACTED], withdraw my consent to have my 2015 MCP billings released. The billings are not representative of my earned yearly salary. I feel this will negatively impact the professional relationship with my patients.
Please see attached letter for refusal of release.
Hello,

This is to officially notify you, that as per Sections 39 and 40 of the **ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT, 2015**, Amended: 2016 c6 s2, **CHAPTER A-1.2**

AN ACT TO PROVIDE THE PUBLIC WITH ACCESS TO INFORMATION AND PROTECTION OF PRIVACY,

I DO NOT CONSENT to my earnings information being made public as it is an unreasonable invasion of my privacy. It relates to my personal financial information, it relates to my employment history, it would reveal financial information of a third party (for example [REDACTED]) and that it could be expected to result in undue financial loss. It would also reveal financial interests of my corporation.

A complaint has been made with the Information and Privacy Commissioner. Publication of my financial information would be viewed as an invasion of my privacy under law and would be acted upon with appropriate legal proceedings.

Thank you for your cooperation in this matter.
To Whom It May Concern,

My name is [Redacted] I am a fee-for-service family physician in [Redacted] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(ii); 40(1); and 40(3).

I trust this is satisfactory.

Thank you.
To whom it may concern,

This is to certify that I disagree with the release of this personal information because FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential. Also FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor varies between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not release the individual names of doctors or other identifiable information.
I do not consent to the release of my personal information. I understand the NLMA will file a complaint on behalf of physicians.
The NLMA does not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with government is not a contract for the procurement of services by government. FFS physicians provide services to patients, not to government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.

FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.
The purpose of this email is to serve as a means to inform the relevant government body that I DO NOT provide consent to the release of my personal information regarding individual FFS billings pursuant to a request for this information under ATIPPA. My submission against such a request will be part of the Newfoundland and Labrador Medical Associations complaint to the Information and Privacy Commissioner. To this end, the NLMA president has been notified previously of my concerns and has been copied in this correspondence.

Sincerely,
I am requesting that my name and billings be Excluded from release.
I do believe this would be harmful to my patient/physician relationship and is harmful to personal privacy under section 40.1) - g.
This information without the full understanding of business operations (operating costs, fees, student loan, etc) is misleading and slanderous.
Information can be grouped by region/specialty without compromising personal/patient care. I suggest this be considered.

Regards

Sent from my iPhone
Subject: Request for access to information under Part II of the Access to Information and Protection of Privacy Act

Dear A. POWER:

Regarding the MCP newsletter dated May 27, 2016 - The record to be released includes MCP billings for the physician who provides service in Newfoundland.

As I understand from the letter, the numbers of working hours, license cost, insurance, continuing medical educations, and Physicians overhead will not be shown.

I don't feel releasing information will improve or add to the budget otherwise I strongly believe it is unreasonable invasion of personal privacy. It will harm significantly the competitive position and demonstrate bad influence and harm the patient - physician and physician - physician relationship.

For the above mentioned reasons, I don't Consent to release my information.

Thank you in advance and I wish you a nice day.

Regards,
Dear ATIPP,

I am writing to inform you that I do NOT consent to the release of my personal information related to MCP Fee-For-Service billings. Not only do I withhold my consent, I ask you to reconsider the release of personal financial information related to MCP billings.

I ask you to refrain from releasing personal and private financial information. This information incredibly lacks the context of years of hard work and personal sacrifice, business expenses incurred to earn physician income, the lack of pension plan and health benefits as well as the significant taxes paid. I have spent 15 years in post secondary education to earn the "income" I do today. During those years in university, I incurred significant student debt which I will be paying off for some time. My business expenses account for a significant percentage of my income. I do not have a pension or benefits and any disposable income to being already saved for retirement. This lack of context distorts any meaning to the amount that us as physicians “make.”

As fee for service physicians, we are bound by the Canada Health Care Act. We are unable to provide private health care services and are forced to bill the government for the services that we provide. We are being penalized unfairly by having incomes released.

I am also concerned that this unnecessary release of private information may have a negative impact on patient care. It will negatively impact interdisciplinary relations between physicians and other groups of health care providers – nurses, dieticians, social workers, speech language pathologists, secretaries, administrative staff – the list goes on.

There is absolutely no reason why individual names have to be released with personal financial information.

I believe these comments correspond to the requirements under ATIPPA sections 39 and 40 as to why I do NOT consent to the release of my personal financial information.

Sincerely,
From: 
To: HCSATIPP 
Subject: Mcp billings 
Date: Wednesday, June 08, 2016 10:38:57 PM

I do not give consent to attach my name to MCP billings publicly. This disclosure is harmful to personal privacy. 

Sent from my iPad
Hello,

I am writing to object to the release of my 2015 MCP billings to the public by request under the Access to Information and Protection of Privacy Act.

As a fee for service physician, I am not a salaried employee of the government, nor a regional health authority. I provide insured medical services directly to patients, which are then paid for by MCP. This is not a salary. Therefore, my personal financial information should remain confidential.

Thank you,
Hi

I am writing to you with regards to a recent newsletter that I have received from the department of health

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

I do not want my personal information released. I have been in contact with the NLMA and they have advised me to email you with my decision and that the NLMA is planning a group action against the release of such information. I have also contacted my personal lawyer to seek further advice on this.

Thanks
Dear Sir/ Madam

In response to your letter of May 27, 2016, I do not give consent to release of my fee for service billings. The release of this billing information is not an accurate representation of my income. This information does not take into account significant overhead expenses which I must pay. I feel this information will be misleading to the public and may cause a detrimental effect on the relationship with my patients. I am not receiving a salary from the Government of Newfoundland and Labrador. I am providing a service to my patients.

Yours truly,
Please be advised that I DO NOT consent to the release of my personal information as per your letter to me dated May 27, 2016.

Please see the attached PDF letter explaining my rationale.
Hello,

I am writing to inform you that I strongly disagree with the release of FFS billing information for 2015. I fully support the NLMA's position on this issue. I do not consent to the release of my personal information.

Please contact me if you require anything further.

Sincerely,

Sent from my iPhone

Sent from my iPhone
Ms Vanessa Macey,
I oppose the release of information on physician MCP billings. Under ATIPPA section 40 (1) "...where the disclosure would be an unreasonable invasion of...personal privacy."
I work for a few months of the year. My recent FFS billings would not be representative of the average GP.
Dear Sir/Madam,

I am one of the general practitioners. I am writing with regards to the letter sent by the Government regarding release of FFS billings.

I do not provide consent to releasing my name, specialty and MCP billings as I consider this as an unreasonable invasion to my personal privacy according to section 40 (1) as the FFS physicians are not members of the public body.

Thank you very much,

Kind Regards
I object to the release of my personal information with respect to the public release of fee for service payments to me as a physician.

Thank you.
To Whom It May Concern,

My name is [REDACTED] I am a fee-for-service physician in [REDACTED] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Yours sincerely,

[REDACTED]

Sent from my iPhone
To whom it may concern,

My name is [redacted] and I am a fee for service [redacted] physician working in [redacted] NL. I do not consent to the release of my financial information. I feel this request is in direct violation of sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1) and 40(3).

On a personal note, this request will result in a dramatic misrepresentation of what I actually earn. [redacted] physicians, such as myself, have some of the highest overhead as well as most contact with the intended audience of the published billings. Those of us willing to work harder and longer hours will be in effect punished for doing so.

I hope I can continue my [redacted] practice; politically unhindered.
Although I do not have any FFS MCP Billings I consent to the release of the information.

All information in this communication, including attachments, is strictly confidential and intended solely for delivery to and authorized use by the addressee(s) identified above, and may contain privileged, confidential, and/or proprietary information entitled to protection and/or exemption from disclosure under applicable law. If you are not the intended recipient, please take notice that any disclosure, copying, distribution, and/or any action taken or omitted to be taken in reliance upon it, is unauthorized and may be unlawful. If you have received this communication in error, please notify the sender immediately and delete the message and any attachments from your system.
Please be advised that I do NOT wish my MCP billing information to be released. As per the recommendations of NLMA I do not give consent for release of this private info.
As per ATIPPA section 40, this disclosure is a "unreasonable invasion of a third party's personal privacy".
There is no benefit releasing this info especially as it shows gross not net income. Significant overhead expenses(rent, salaries, fax, supplies, heat & light, phone, computer etc etc) are deducted from the actual billing and thus does not reflect salary.
As well there is no provision in FFS income for retirement savings - pension, vacation, sick leave nor educational expenses.
Again as suggested by NLMA please do not release this info.
to whom it may concern

I am writing this email to protest your plan to release individual MCP billings data for most recent year.

I DO NOT consent to your release of my personal billing data. I believe this is a gross violation of my privacy rights and serves no purpose other than single me out with respect to my billings. With respect to section 40 of the act I believe this disclosure is harmful to my personal privacy and I believe this is an invasion of my privacy and unwarranted.

Sincerely
To ATIPP Facilitator:

As per the letter received dated 27 May 2016 “Request for access to information...” relating to MCP billings for the calendar year 2015 or fiscal year 2015-2016, I wish to notify the Department of Health and Community Services that I expressly do not consent to the information release pertaining to my MCP billings.

This letter represents a submission under ATIPPA section 40 relating to third party privacy. In particular, this submission falls under the following sections:

1. “40. (2) (b) the third party to whom the information relates has, in writing, consented to or requested the disclosure”;

   I do not consent to the disclosure as per section 40. (2) (b).

2. “40. (4) (a) the personal information relates to a medical, psychiatric or psychological history...”;

3. “40. (5) (g) the personal information is likely to be inaccurate or unreliable”;

As a fee for service physician, MCP billings represent gross income, from which all clinic costs are deducted (rent, assistant salaries, materials, garbage collection, cleaning, IT infrastructure, etc.). A such, MCP billings are not a representation of my realized income and the public will not have access to the above noted cost estimates and as such will have no way of ascertaining my actual net income. Moreover, if released alongside salary-based physician remuneration, the general public is rather likely to conclude that the billings of a fee-for-service physician can be compared one-to-one with the salary of a salaried physician. This would be an egregious error and would give the public the impression that fee-for-
service physician remuneration is significantly higher than stated (by up to 40% in my case, given stated overhead).

Thank you for considering my submission.

Kind regards,
Mrs. Siobhan Coady and Mr. Ed Ring,

Please see my attached letter regarding the ATIPP request file #HCS/048/2016 and the potential for this pending personal privacy breach to cause me grievous personal harm. I look forward to your attention on this matter.

Thank-you
Mr. Ring,

Please find attached my letter responding to the above request for information.

Regards,
To Whom It May Concern,

My name is [REDACTED]. I am a fee-for-service physician in [REDACTED] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Sent from my iPhone
To Whom It May Concern,

My name is [redacted] I am a fee-for-service physician in [redacted] NL. I am not a government employee. I DO NOT consent to the release of my financial information. I feel this request clearly violates sections 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 39(1)(c)(i); 40(1); and 40(3).

Thank you,
Sir/Madame,

This is further to my letter below dated June 2 below.:

+++++I only received the MCP newsletter dated May 27th last pm June 14th in the post well past your deadline for response.+++++

In response to this detailed document, Sect 39(c) i- negatively affect my competitive position and earning capability, which is a personal matter that would need to be disclosed. This extends to 39(c) ii- hence this could result in undue financial loss or gain to others without explanation of

Further Section 40 -(4) as I would request an explanation of billings relative to others in group based on personal information relating to medical history and this is invasion of personal privacy.

I could elaborate further but these facts alone I feel are enough to support my name and income not being listed.

Thank you,

[Redacted]

From: [Redacted]
Sent: June-02-16 4:37 PM
To: HCSATIPP@gov.nl.ca
Cc: [Redacted]
Subject: Response to income release by name- re privacy concerns and other matters

Dear Sir / Madame,

I have responded to the President of the NLMA re my decision to oppose release of my personal income payments from MCP.

Aside from the disclosure of my income, this release could also negatively impact the clients that would come to see me on a daily basis and my future income.
This is not accounted for in my MCP income amounts that would be released publically and hence misrepresents my degree of earning capacity and income.

In addition, this release fails to explain or separate work types, as many areas are better remunerated than others and at different risks to the client. The release does not take into consideration the significant overhead expenses for FFS physicians, which can vary considerably from physician to physician and amount to 30% of the total billings. Large income does not correlate with quality of care or efficiency.

If the FFS physician's incomes by name are reported then all physician incomes should be reported. I have major concerns in regards to salaried physician groups that have cut deals outside of MCP for much higher salaries (APP) and even top-ups to keep them here in NL. As physicians, we know this has actively happened in many disciplines and this would need to be explained publically. Many of these Drs also do not have significant overhead expenses. Their incomes are often overinflated relative to work volumes for other reasons even if the quality remains excellent.

Without full disclosure of all of these facts I cannot support this decision and will defer to the NLMA to resolve this serious issue. I trust you will consider all of these matters and the privacy concerns we have personally with such an action. At least if it fails for physicians, then consideration to reporting group avg incomes rather than by person would be most acceptable.

I hope you will consider some of these comments.

Sincerely,
Dear Sir or Madam,

I am a [redacted] practitioner who specializes in [redacted] medicine. There have been many occurrences where I have to discuss financial matters as part of an ongoing medical issue. In order to empathize with my patient I have to be able to relate to their dilemma and give sound advice. Some of these financial issues seem trivial and unbelievable but are real. I have to be believable and trustworthy when giving this advice.

As an example, there is an obvious discrepancy in the Doctor's remuneration and [redacted]. At the moment this discrepancy is unknown and there is a chance [redacted] will have some element of trust when hearing [redacted] from me.

I believe, by publishing my remuneration, will undermine the trust and confidence I have with my patients. My advice will be tarnished and the doctor/patient relationship as well as the patient/doctor relationship I now have with my patients will be irrevocably harmed and my reputation damaged.

Therefore, I am requesting my MCP Billings not be released according to Section 40 (5) (e) and (h), of the Access to Information and Protection of Privacy Act, 2015 SNL2015.

Thank-you
I object to release of map billings.

Subsection g of Section 40 which states:

(g) the personal information is likely to be inaccurate or unreliable

As a _____ fee for service physician, my map billings are gross income and not reflective of office overhead and other expenses. The majority of the general public would read the mcp data as equivalent to income and would thusly be interpreted in an inaccurate manner and as such would be unreliable.
Dear Sir/Madame—

I am writing regarding MCP newsletter 16-04 dated May 27, 2016 in which you advise of a request under ATIPPA for MCP billings listed by physician.

There are several reasons why I feel it is not appropriate to release the information requested. These are—

1 Fee for service physicians are not government employees.

2 MCP billings in no way represent the income of fee for service physicians who must pay all overhead expenses out of the amounts billed.

3 Without knowing these overhead amounts, the data cannot be correctly interpreted, and would therefore be inaccurate and unreliable.

3 Any public scrutiny of these misleading amounts would be detrimental to the persons involved, and damaging to their reputations.

Please consider this information carefully.

Thank you.
This is an email on behalf of [REDACTED]

June 13, 2016

Dear Vanessa Macie,

ADIPP Facilitator

I ask that the department should not release any of my records indicating how much money I make and what my position at the hospital is, as well as my specialty.
Thank You,
In reference to the letter received requesting release of my personal information, I humbly deny such access. It is a gross breach of my privacy to have my salary released to any body. Besides I come from [redacted] where any figure is taken literally and this could jeopardise my freedom when I go home.

Sincerely,
Dear Sir or Madam,

My name is [redacted] and I am a [redacted] who works in the field of [redacted]. I am writing this email to request that my MCP billing information not be published or released to any third party. Specifically, I am referring to file # HCS/048/2016. I request that my billing data be kept confidential for the following reasons:

A large part of my practice is the treatment of patients [redacted]. An absolutely essential factor in the successful treatment of patients is a strong patient-doctor relationship and working together as a "team". On a daily basis, I am required to give patients [redacted].

Building a successful doctor-patient relationship with this patient population requires that the patients can trust my empathy, sincerity and understanding of their situation. The release of my billing information to a third party or the general public would highlight and emphasize the great financial disparity between myself and these patients with whom I strive to relate and empathize. Thus, the release of this information would undermine the important doctor-patient relationships that currently exist with many of the above-described patients, thereby impairing my ability to provide optimal care in this scenario.

The above reasons are consistent with Section 40 (5), (e) and (h), of the Access to Information and Protection of Privacy Act, 2015, SNL2015. Therefore, I request that my personal MCP billing for 2015 (or any other year) not be released to any third party.

Thank you for your consideration,
Further to my email below and in support of my request for not releasing my personal information,
I believe that such a disclosure would affect my negotiating position with my employer and could result in undue financial loss. Therefore, I reiterate my request for not releasing my personal information.

Hi

I am writing to you with regards to a recent newsletter that I have received from the department of health
"Request for access to information under Part II of the Access to Information and Protection of Privacy Act (ATIPPA) [Our File #: HCS/048/2016] "

I do not want my personal information released. I have been in contact with the NLMA and they have advised me to email you with my decision and that the NLMA is planning a group action against the release of such information. I have also contacted my personal lawyer to seek further advise on this.

Thanks
Regarding: [Redacted]

I am submitting to you my formal objection to the planned public information release of my MCP billings, and do not offer consent for the release of this information. This information is my personal and private information.

My objection is based upon my assertion that the Memorandum of Agreement (MOA) with the provincial Government is not a contract for the procurement of services by Government. As a Fee-for-service (FFS) physician, I provide services to patients.

Additionally, this information is incomplete and misleading as my professional medical practice has substantial operating and overhead expenses each year which the uninformed person does not understand. In addition to usual overhead expenses and clerical support, my practice also employs a Nurse Practitioner to provide nursing support for my patients. I understand that such information is not reflected in the planned information release. Therefore, the release of my gross MCP billings is a distortion of my annual net earnings.

It is also arguable that release of such personal information can negatively impact the physician-patient relationship, particularly in rural areas with limited resources.

Therefore, I do not offer consent for the release of this information.

Thank you for your attention to my request.

Kindest professional regards,
To Whom It May Concern:

I request that you NOT release the records of MCP billings to myself, [redacted], in the request from April 7th/2016 as outlined to myself in the letter sent on May 27 from MCP.

Release of this financial information violates section 39 and 40 of the ATIPPA, specifically sections 39(1)(a)(ii); 40(1); and 40(3).

It is invasion of personal financial information (40(1)) and I do not authorize the release of this information (40(3)).

If you could confirm receipt of this email and if any further information is required on my part, it would be much appreciated.

Thank you.

Sincerely,
My name is [redacted].

I disagree with the release of FFS billings for many reasons and I do not consent for mine to be released.

Under ATIPPA sections 39 and 40 there is possible harm to be done to both my business, my workplace, collegiality between specialties and within specialties.

There is no gain to the public, government or anyone else and "transparency" will create confusion, accusations and a disgruntled workplace. Public opinion on physician salaries and wages are skewed already and release of fee for service billings will further the confusion and affect patients and the public.

Thank you.

[redacted]

Very Best.
I consent to release of requested records.
President’s Letter

May 27, 2015

NLMA to contest release of individual FFS billings

- Government has decided to release individual FFS billings in response to an application under the Access to Information legislation
- Before release, Government is advising doctors how to provide consent or how to file a complaint
- The NLMA does not believe the Access to Information legislation addresses FFS circumstances
- NLMA to file complaint with Information and Privacy Commissioner; physicians may join the complaint

Dear Colleagues:

In a letter released today from the Department of Health and Community Services, physicians are being advised that Government will release the MCP billings of more than 1,400 physicians who provided services to patients in the province last year. The information will be provided to an applicant in response to a request under Access to Information and Protection of Privacy Act, 2015 (“ATIPPA, 2015”). Specifically, the records Government plans to release will include: specialty; physician name; and the total fee-for-service (FFS) billing amounts for each physician who had MCP billings in 2015.

In a separate previous decision, the regional health authorities decided to disclose the salary information for employees of regional health authorities earning more than $100,000 a year. At that time, the NLMA and salaried physicians had the benefit of an opinion of the Information and Privacy Commissioner that indicated the Commissioner was of the view that release of salary information of employees, including names, was in compliance with ATIPPA, 2015. No such opinion about the applicability of ATIPPA, 2015 to FFS circumstances is available. As of the present date, the regional health authorities have released salary information at the individual physician level, but have not released names. It would appear they might be waiting for the conclusion of an application to the Court, filed by several unions, to determine whether names and remuneration of individual employees will be released.

The NLMA disagrees with the release of personal information related to MCP FFS billings because ATIPPA, 2015 does not address FFS circumstances.

1. The NLMA does not believe that personal information related to FFS payments can be released under the provisions of ATIPPA, 2015. Our Memorandum of Agreement (MOA) with Government is not a contract for the procurement of services by Government. FFS physicians provide services to patients, not to Government. The legislation underlying the MCP system creates a right of FFS physicians to be paid when insured services are provided, but FFS physicians are service providers to individual patients. Thus, FFS billings are not salaries, and Government must keep personal information related to FFS billings confidential.
2. FFS payments are designed to cover many types of expenses other than a physician's income. FFS payments also cover overhead expenses such as leases and utilities, office staff salaries and benefits, and certain variable costs such as tray expenses. The proportion of overhead expenses carried by a doctor or all the doctors in a specialty varies considerably between doctors and between specialties. Confusion arises in the public use of FFS data because the total billings of a doctor are sometimes regarded as the actual income of a doctor, which it is not. There is a general misconception that the individual FFS billings of a doctor or a specialty can aptly be compared to other doctors or specialties. Given the obvious opportunity for public misunderstanding, Government should not be releasing the individual names of doctors or other identifiable information.

For these reasons, and in consultation with the Board of Directors and our legal counsel, the NLMA will file a complaint with the Information and Privacy Commissioner concerning the Department's proposed release of personal information linked to FFS billings.

Physicians who oppose the release of this information as proposed by Government and who support our proposed complaint to the Commissioner should contact me at president@nlma.nl.ca by June 3 to have their names included in that complaint.

Physicians should also contact the Department by email at HCSATIPP@gov.nl.ca, as per instructions in the Department's letter, to advise the Department whether they do or do not consent to the release of personal information for calendar year 2015.

We realize that FFS physicians receive significant revenue from Government and believe we should be transparent within the bounds of the current law. The NLMA would advocate for appropriate data releases that properly describe the nature of FFS billings (e.g. overhead expenses) and also protect the privacy of individual physicians.

Regards,

Jonathan Greenland, MD, FRCP
President

Newfoundland & Labrador Medical Association
164 MacDonald Dr.
St. John's, NL
A1A 4B3
(709) 726-7424
Or 1-800-563-2003
Fax: (709) 726-7525
www.nlma.nl.ca
president@nlma.nl.ca
May 27th, 2016

Dear Physician;

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

<table>
<thead>
<tr>
<th>Specialty Group</th>
<th>Surname</th>
<th>Given</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Practice</td>
<td>Doe</td>
<td>Jane</td>
<td>$300,555.00</td>
</tr>
<tr>
<td>Anaesthesia</td>
<td>Smith</td>
<td>John</td>
<td>$454,555.00</td>
</tr>
<tr>
<td>Internal Medicine</td>
<td>Doe</td>
<td>Jane</td>
<td>$562,555.00</td>
</tr>
<tr>
<td>Radiology</td>
<td>Smith</td>
<td>John</td>
<td>$649,555.00</td>
</tr>
</tbody>
</table>

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...

In accordance with Section 19 of ATIPPA, we are providing you with written notice (“third party notice”) of the Department’s intention to release the requested records. **Within 15 business days of the date of this letter** you may:

1. Notify the Department that you consent to the release of the records, which includes your personal and/or business information. To provide consent please email the Department (HCSATIPP@gov.nl.ca) indicating you consent to the release.

2. Provide the Department with a submission under ATIPPA sections 39 or 40 demonstrating why the records should NOT be released. To provide information or a submission as indicated above, email the Department at HCSATIPP@gov.nl.ca. If the requirements of sections 39 or 40 are not met, the Department must release the record(s).

3. Regardless whether or not you provide a submission to the Department, you may also file a complaint with the Information and Privacy Commissioner regarding the Department’s decision to release the responsive records OR appeal directly to the Supreme Court Trial Division. A complaint to the Privacy Commissioner or an appeal to the Trial Division must be made in
writing within 15 business days of the date of this letter. The address and contact information of the Office of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

Sections 19, 39 and 40 are attached and 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,

[Signature]

A. Power on behalf of Vanessa Macey
ATIPP Facilitator

/Encl.
Cc: NLMA
ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT, 2015 SNL2015

c. A-1.2

Available online at http://www.assembly.nl.ca/Legislation/sr/statutes/a01-2.htm

Excerpts:

Third party notification

19,(1) Where the head of a public body intends to grant access to a record or part of a record that the head has reason to believe contains information that might be excepted from disclosure under section 39 or 40, the head shall make every reasonable effort to notify the third party.

(2) The time to notify a third party does not suspend the period of time referred to in subsection 16(1).

(3) The head of the public body may provide or describe to the third party the content of the record or part of the record for which access is requested.

(4) The third party may consent to the disclosure of the record or part of the record.

(5) Where the head of a public body decides to grant access to a record or part of a record and the third party does not consent to the disclosure, the head shall inform the third party in writing

(a) of the reasons for the decision and the provision of this Act on which the decision is based;

(b) of the content of the record or part of the record for which access is to be given;

(c) that the applicant will be given access to the record or part of the record unless the third party, not later than 15 business days after the head of the public body informs the third party of this decision, files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53; and

(d) how to file a complaint or pursue an appeal.

(6) Where the head of a public body decides to grant access and the third party does not consent to the disclosure, the head shall, in a final response to an applicant, state that the applicant will be given access to the record or part of the record on the completion of the period of 15 business days referred to in subsection (5), unless a third party files a complaint with the commissioner under section 42 or appeals directly to the Trial Division under section 53.

(7) The head of the public body shall not give access to the record or part of the record until

(a) he or she receives confirmation from the third party or the commissioner that the third party has exhausted any recourse under this Act or has decided not to file a complaint or commence an appeal; or

(b) a court order has been issued confirming the decision of the public body.

(8) The head of the public body shall advise the applicant as to the status of a complaint filed or an appeal commenced by the third party.

(9) The third party and the head of the public body shall communicate with one another under this Part through the coordinator.

Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information
(a) that would reveal

(i) trade secrets of a third party, or
(ii) commercial, financial, labour relations, scientific or technical information of a third party;

(b) that is supplied, implicitly or explicitly, in confidence; and

(c) the disclosure of which could reasonably be expected to

(i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
(ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
(iii) result in undue financial loss or gain to any person, or
(iv) reveal information supplied to, or the report of, an arbitrator, mediator, labour relations officer or other person or body appointed to resolve or inquire into a labour relations dispute.

(2) The head of a public body shall refuse to disclose to an applicant information that was obtained on a tax return, gathered for the purpose of determining tax liability or collecting a tax, or royalty information submitted on royalty returns, except where that information is non-identifying aggregate royalty information.

(3) Subsections (1) and (2) do not apply where

(a) the third party consents to the disclosure; or
(b) the information is in a record that is in the custody or control of the Provincial Archives of Newfoundland and Labrador or the archives of a public body and that has been in existence for 50 years or more.

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;
(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;
(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;
(d) an Act or regulation of the province or of Canada authorizes the disclosure;
(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;
(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;
(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;
(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(ii) personal information that is supplied in support of the application for the benefit, or

(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party’s personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual’s bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party’s name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party’s racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party’s personal privacy, the head of a public body shall consider all the relevant circumstances, including whether
(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.

2015 cA-1.2 s40
June 2, 2016

Government of Newfoundland and Labrador
Department of Health and Community Services

To whom it may concern:

I am writing this letter to advise that I do not consent to the release salary or MCP billing (i.e., fee-for-service compensation) of physicians providing services in the province for the following reasons:

1. The fee-for-service system of compensation is not comparable to the salary received by a physician working directly for a health authority. Physicians billing MCP for services (approximately 75% of physicians working in NL) are responsible for paying the overhead of their facility including the space, materials, equipment, and the salaries of staff, accountants, and lawyers. A physician must create a private medical corporation such that his salary is one of many expenses to the business. To publish a "Sunshine List" of MCP billing paid to corporations in no way reflects the income received by a physician and is therefore in no way comparable to publishing similar list with in the civil service... unless the cost of each service department in each health authority is added to the cost of the salaried physicians in that region. Using that model, costs of overhead in the average private clinic would be directly comparable to the cost of overhead at the health authorities when comparing similar specialities and provides for a much more accurate comparison.

2. Since the salaries of fee-for-service physicians (as reported through tax assessments) is protected under privacy legislation, this would constitute a major and deliberated breach of privacy.

3. Publishing a selective list of corporations compensated by government is setting a dangerous precedence to any corporation with government contracts. Theoretically, once this application is successful, any application looking at private contracts or settlements paid by any government department or public utility would also have merit.

Kindest regards,
MCP  
Health and Community Services  
Government of NL  
HCSATIPP@gov.nl.ca

Dear Sir/Madam,

Re: Request for Access to Information and the Protection of Privacy

With reference to your letter of May 27, 2016 on the above matter, I would like to state that I am not giving my consent to release my billing information with my name, as it will involve unreasonable invasion of privacy of myself and members of my immediate family. My reasons for this are as follows:

(a) Release of my personal information will be unreasonable invasion of my privacy both as a physician and

(b) Release of my personal information with my billing information will also cause unreasonable problems to

Please advise me if you need additional information in this matter.

Thank you.

Yours truly,
To Whom It May Concern,

My name is [Redacted] practicing in Newfoundland and Labrador, and I am writing in response to a request to information which pertains to myself. It is my understanding that the Department of Health and Community Services (the Department) received a request through the Access to Information and the Protection of Privacy Act (ATIPPA) requesting “all MCP billings listed by physician for either calendar year 2015 or fiscal year 2015-16 in electronic format (excel or csvs preferred).” I am writing to inform the Department that I do not give my consent for these records to be disclosed and am officially making a submission demonstrating why these records should not be disclosed.

The following are reasons under Sections 39 and 40 of ATIPPA why these records should not be disclosed:

Section 39 (1) The head of a public body shall refuse to disclose to an applicant information (a) that would reveal (ii) commercial, financial, labour relations, scientific or technical information of a third party. The request outlined above specifically requests the personal financial information of physicians (third party). Fee for service physicians are not public employees. Fee for service physicians, under the Federal Income Tax Act, operate as small businesses. Therefore, our personal financial information is not for public purview.

Section 40 (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy. The above mentioned request does not mention how the information, if it were to be received, would be used. There is no adequate reason that physician individual information need be released. If the information is requested for research or statistical purposes, the request is not in accordance with Section 70. Section 70 specifically states that (1) A public body may disclose personal information for a research purpose, including statistical research, only where (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form; (b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest; (c) the head of the public body concerned has approved conditions relating to the following: (i) security and confidentiality. None of these conditions outlined in this section are in accordance with the request. Any research, specific to this request, could be completed without identifying individual third parties. Release of personal financial information could be harmful to individual third parties as related to patient relations and potential slander. The release of information would also be a direct breach of security and confidentiality.

Section 40 (4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party’s personal privacy where (d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax. (g) the personal information consists of the third party’s name where (i) it appears with other personal information about the third party, or (ii) the disclosure of the name itself would reveal personal information about the third party. Physicians are required to submit yearly income tax returns which is directly related to Section 40 (4) (d). The aforementioned
request specifically requests the name of every third party to be provided as well as the total billings that were received. This goes against the entirety of Section 40 (g) (i) (ii).

Section 40 (5)(e) the third party will be exposed unfairly to financial or other harm; (g) the personal information is likely to be inaccurate or unreliable; (h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant. It is possible that revealing personal financial information may cause undo harm to physicians and public relations. There is also a risk of public slander for the medical profession as it relates to finances. The most relevant to this section may be the misrepresentation of finances as related to fee for service billings. The information requested does not represent FFS physicians’ net earnings. It would not take into account overhead, staffing costs, costs related to licensing, and taxes payed. These amounts could total more than 50% of gross earnings.

Further to Section 39 and 40, Section 2 (u) (vii) clearly states that “personal information means recorded information about an identifiable individual, including information about the individual’s educational, financial, criminal or employment status or history.” Once more this is provides further evidence that the initial request should have been denied.

As I am not giving my consent or permission for my personal financial information to be disclosed, I expect under Section 19 (5) (a) to be provided with legislative evidence why this request was approved from the outset.

Given what has been outlined above, I feel that the release of this information constitutes a breach of my privacy. There does not appear to legislative authority within the privacy act or any other NL statute to release this information. Until any such legislation is in place, releasing this information as requested is a breach of my privacy, and would constitute personal liability to the individual releasing the information and liability for the government as it falls outside the legislative provisions.

Sincerely,

[Signature]

s.40(1)
JUNE 3RD 2016

DEPARTMENT OF HEALTH AND COMMUNITY SERVICES
INFORMATION MANAGEMENT | VANESSA MACEY
P.O. BOX 8700
ST. JOHN'S NL A1B 4J6
FAX NO: 709 729 5824

RE: ACCESS TO INFORMATION REQUEST
MCP BILLINGS.

DEAR SIR/MADAM,

I HEREBY GIVE YOU NOTICE THAT I DO NOT CONSENT TO THE RELEASE OF MY PRIVATE INFORMATION OF MY MCP BILLINGS TO A THIRD PARTY.

MY SUBMISSION WILL BE A JOINT SUBMISSION WITH THE NEWFOUNDLAND AND LABRADOR MEDICAL ASSOCIATION UNDER ATIPPA SECTIONS 39/40.

YOURS SINCERELY

[Redacted]
June 7, 2016

To whom it may concern:

Re: request for release of MCP billings

I DO NOT consent to the release of my financial records. I am currently on ATTIPPA and feel that release is undue invasion of privacy (section 40 of).

Yours sincerely

s.40(1)
09 June 2016

Department of Health and Community Services
Government of NL
St. John's, NL

Re: Release of information as per MCP Newsletter dated 27 May 2016

To whom it may concern:

Please be advised that I, [redacted], do not consent to the release of my private information for the calendar year 2015 or the fiscal year 2015-2016.

This refusal is based on the following reasons:

ATIPPA section 40 (2) states:
(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person's health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister's staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;
(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

(i) personal information that is supplied in support of the application for the benefit, or

(ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or

(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

I believe it is an unreasonable invasion of my privacy to release this personal information as I do not fit into any of these definitions.

I am not an officer, employee or a member of a minister's staff [40-2(f)].

I do not have any contract signed personally with the Government [40-2(g)]. The NLMA has signed a MOA (Memorandum of Agreement) with the Government of NL, but I haven't. The details of this Agreement are on public record and readily viewable by the public already on the NLMA website as well as the breakdown of fee codes in the fee schedule on the MCP website. It would be similar to the Government displaying the wages of the different construction workers that worked under a company that had a contract to repair the Confederation Building. Publish the total contract or cost, but not each workers individual income.

The rest of the criteria doesn't apply, therefore it should be considered unreasonable to release my private information.

Thank you,
June 13, 2016

Mr. Ed Ring and Mrs. Siobhan Coady,

My name is [REDACTED] On June 3, 2016, I received, via mail, a letter from the Government of Newfoundland and Labrador regarding an Access to Information Request involving my personal information (file #HCS/048/2016). Under the terms of this request, my name and compensation for work as [REDACTED] is to be released and the intention is for it to be published in local print media and online.

Although I disagree with such invasions of privacy on principle, I also have serious concerns with how this will impact my personal privacy and future compensation. I do NOT consent to the release of this or any other personal information.

Furthermore, I do not earn a salary as a public employee; I am an employee of my own company that is registered under my personal name.

If my compensation details are made public and I enter into negotiations with potential future employers, it will significantly impact my ability to be competitive with negotiations. This is especially harmful given that I am already among the [REDACTED] physicians in Canada. I will likely suffer financial loss directly as a result of my compensation details being released to the public.

I believe that the Access to Information and Protection of Privacy Act protects my interests in this matter and release of my name and associated compensation will bluntly contravene this act. I will refer you to the relevant sections of the act:

Section 39(c)(i) of the act states that the head of a public body shall refuse to disclose to an applicant information that could reasonably be expected to harm significantly the competitive position or interfere significantly with the negotiating position of the third party.

Section 39(c)(iii) of the act states that the head of a public body shall refuse to disclose to an applicant information that could reasonably be expected to result in undue financial loss or gain to any person.
Section 40(1) of the act states that the head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Section 40(4)(g)(i) of the act states that the head of a public body shall refuse to disclose information when it includes a person's name that appears with other personal information about the third party.

Section 40(5)(e) of the act states that in determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether the third party will be exposed unfairly to financial or other harm.

I do NOT consent to the release of any of my personal information under this request including but not limited to my name, specialty or financial compensation for any time period. I would consider this to be a breach of my personal privacy and would aggressively pursue all options available to seek compensation for personal and financial damages should this occur.

Thank you for your time.
June 13, 2016

Mr. Ed Ring,

My name is [REDACTED]. On June 1, 2016, I received, via mail, a letter from the Government of Newfoundland and Labrador regarding an Access to Information Request involving my personal information (file #HCS/048/2016). Under the terms of this request, my name and compensation for work as a [REDACTED] is to be released and the intention is for it to be published in local print media and online.

I strongly disagree with such invasions of privacy on principle, and have several concerns regarding how this will impact my personal privacy. I do NOT consent to the release of this or any other personal information.

I am not a government employee and I do not provide a service to the government. I am an independent small business person who provides a service to my patients and the general public. The Memorandum of Agreement signed between the NLMA and government is not a government contract for the procurement of services by the government. I am not a salaried employee of the government. In fact, I provide no services to the provincial government of Newfoundland and Labrador. As a result of this, my FFS billings are not eligible for release under the provisions of ATIPPA, 2015.

The release of FFS billings is likely to give the public a false impression of the income of physicians. Given that a minimum one third of our income goes towards covering the operating expenses our clinics, paying staff, purchasing supplies, etc., expenses not covered by the government, and expenses generally not considered by the general public. Furthermore, I feel that releasing my FFS billings could negatively affect the relationships I have worked hard to forge with my patients.

I believe that the Access to Information and Protection of Privacy Act protects my interests in this matter and release of my name and associated compensation will blatantly contravene this act. I will refer you to the relevant sections of the act:

Section 39 (a)(ii) of the act states that the head of a public body shall refuse to disclose to an applicant information that would reveal commercial, financial, labour relations, scientific or technical information of a third party;

Section 39(c)(i) of the act states that the head of a public body shall refuse to disclose to an applicant information that could reasonably be expected to harm significantly the competitive position or interfere significantly with the negotiating position of the third party.
Section 39(c)(ii) of the act states that the head of a public body shall refuse to disclose to an applicant information that could reasonably be expected to result in undue financial loss or gain to any person.

Section 40(1) of the act starts that the head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Section 40(4)(g)(i) of the act states that the head of a public body shall refuse to disclose information when it includes a person’s name that appears with other personal information about the third party.

Section 40(5)(e) of the act states that in determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party’s personal privacy, the head of a public body shall consider all the relevant circumstances, including whether the third party will be exposed unfairly to financial or other harm.

Section 40(5)(g) of the act states that in determining under subsections (1) and (4) whether a disclosure of the personal information constitutes an unreasonable invasion of a third party’s personal privacy, the head of a public body shall consider all the relevant circumstances including whether the personal information is likely to be inaccurate or unreliable.

Section 40(5)(h) of the act states that in determining under subsections (1) and (4) whether a disclosure of the personal information constitutes an unreasonable invasion of a third party’s personal privacy, the head of a public body shall consider all the relevant circumstances including whether the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant.

I do NOT consent to the release of any of my personal information under this request including but not limited to my name, specialty or financial compensation for any time period. I would consider this to be a breach of my personal privacy and I would aggressively pursue any and all actions available to me to protect this privacy.

Thank you for your time.