



RESPONSES TO INFORMATION REQUESTS (RIRs)

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MEX102724.E

Mexico: Medical records; procedures to obtain a copy from the hospital; the cost; the persons who can obtain a copy; the time it takes to obtain a copy; the possibility of obtaining a copy from Canada; responsibilities of a doctor when a crime is suspected to have been committed.

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

In 8 May 2008 correspondence, the Director of Information of the Mexican Ministry of Health (Secretaría de Salud), the ministry responsible for the development of official health regulations at the national level in Mexico (Mexico 7 Feb. 1984, Art. 13), stated that information on how to obtain a copy of a medical record is included in national health regulation NOM-168- SSA1-1998 (Mexico 8 May 2008). Article 5.5 of the regulation states that

[translation]

[s]ervice providers will provide information orally, and medical reports must be requested in writing, by the patient, next of kin, guardian, legal representative, or appropriate authority, clearly stating the reasons for the request. Appropriate authorities include judicial authorities (*autoridad judicial*), prosecuting agencies (*órganos de procuración de justicia*), and health authorities. (Mexico 7 Dec. 1998)

According to Article 2 of NOM-168-SSA1-1998, all public, social and private sector medical establishments, including doctor's offices (*consultorios*), must comply with these regulations (Mexico 7 Dec. 1998). The Director added that, for public institutions, requests for information can be made through the government websites on transparency and access to public information (Mexico 8 May 2008). According to NOM-168-SSA1-1998, the medical institution must keep the medical record of a patient [translation] "for a minimum period of 5 years from the date of the last medical service" (Mexico 7 Dec. 1998, Art. 5.3). In 9 May 2008 correspondence, a representative of the Office of Public Information of the Department of Health (Secretaría de Salud) of the Federal District stated that a written request was sufficient for a Mexican citizen to obtain a copy of their own medical records from their hospital or doctor (Distrito Federal 9 May 2008). The Representative added that for public institutions, there were no costs associated with this transaction, that responses were normally obtained within 72 hours, and that requests could not be made from outside Mexico (*ibid.*). Corroborating information could not be found in regard to the cost, processing time, or the possibility of obtaining copies of medical records from outside Mexico.

According to the Director of Information, if a doctor suspects that a crime may have occurred, then Article 117 of the Federal Code of Criminal Procedures (*Código Federal De Procedimientos Penales*) applies (Mexico 8 May 2008). Article 117 of the Federal Code states that

[translation]

[a]ny person who in the exercise of a public function obtains knowledge of the probable existence of a crime that warrants [legal] action is required to notify the Office of the Public Prosecutor (Ministerio Público) immediately, forwarding all the information that he or she possesses, and of course, turning over the accused, if they were detained. (Mexico 30 August 1934)

With regard to domestic violence, a lawyer at the Mexican Commission for the Defence and Promotion of Human Rights (Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, CMDPDH) indicated that national health regulation number NOM-190-SSAI-1999 requires all health centres to record complaints of domestic violence (CMDPDH 25 Nov. 2002). Article 1 of the regulation states that its objective is to [translation] "establish standards in the provision of medical care and guidance to patients involved in situations of domestic violence" (Mexico 20 Oct. 1999). A 2006 report by the National Institute for Women (Instituto Nacional de las Mujeres, INMUJERES) states that the regulation establishes minimum standards governing health care workers' ability to recognize and report domestic violence cases to the appropriate authorities (Mexico July 2006, 28). At the time of writing this Response, regulation NOM-190-SSAI-1999 was under review and was to be replaced by regulation NOM-046-SSA2-2005 (Mexico 3 Mar. 2008).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Oral sources: Sources at the Instituto Mexicano de Seguridad Social (IMSS) and at the Embassy of the United Mexican States in Ottawa did not provide information within the time constraints for this Response.

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