

Ontario's *Freedom of Information and Protection of Privacy Act*

A Mini Guide



www.ipc.on.ca

Introduction

The *Freedom of Information and Protection of Privacy Act* applies to Ontario's provincial ministries and most provincial agencies, boards and commissions, as well as community colleges, universities, Local Health Integration Networks (LHINs) and hospitals (as of January 1, 2012).

The *Act* requires that the government protect the privacy of an individual's personal information existing in government records. It also gives individuals the right to request access to government-held information, including general records and records containing their own personal information.

Privacy Protection

The *Act* creates a privacy protection scheme which the government must follow to protect an individual's right to privacy. This includes rules regarding the collection, retention, use, disclosure and disposal of personal information in its custody or control.

If an individual feels his or her privacy has been compromised by a public institution governed by the *Act*, he or she may complain to the Information and Privacy Commissioner of Ontario (IPC) who may investigate the complaint.

Individuals who are given access to their personal information have the right to request correction of that information where they believe there is an error or omission. If this request is refused, individuals may request that a statement of disagreement be attached to the information. A refusal to correct information or attach a statement of disagreement may be appealed to the Commissioner (see **Appeals**).

Access

If you want access to government-held records, begin by contacting the department or agency that has the information you are seeking. An online Directory of Records, which describes the types of records maintained by government, is available on the website of the Ministry of Government Services at www.mgs.gov.on.ca. If access is denied, make a written request under the *Act*. Please note: Section 65 of the *Act* outlines some specific types of recorded information that are not subject to the *Act*. Additionally, the *Act* sets out **mandatory** and **discretionary** exemptions to access, which are listed below.

Mandatory exemptions require a public institution to refuse to disclose a record. The list includes:

- Cabinet records;
- third party information if supplied in confidence and where disclosure could prejudice the interests of a third party;
- personal information about individuals other than the requester where disclosure would constitute an unjustified invasion of personal privacy.

Discretionary exemptions allow a public institution to decide whether

it should disclose the requested record. They include:

- information about inter-governmental relations, if the information was received in confidence;
- advice or recommendations within the institution;
- law enforcement;
- defence;
- information which could prejudice the financial or other specified interests of the institution;
- solicitor-client privilege;
- information which could endanger the health or safety of an individual;
- information already available to the public or soon to be published.

Public institutions must:

- design and implement records systems which adequately protect personal privacy;
- assist in locating records requested;
- determine if the requested record might contain personal information or third party information that affects the interests of someone other than the requester and, if so, allow the affected person to make representations about the disclosure of this information;
- within 30 calendar days of receipt of a request, make records available, deny access or cite extraordinary circumstances resulting in a delay;
- give a written reason for denial;
- inform the person being denied access of his or her right to appeal to the IPC within 30 calendar days of receiving the government's response.

Fees



Requests:

You must include a \$5 application fee, payable to “The Minister of Finance,” when you make your request.

Appeals:

You must pay an application fee when you make your appeal to the IPC.

Appeal fees:

- \$10 for requests related to access to or correction of your personal information;
- \$25 for requests related to access to general records.

The fee, which may be paid by personal cheque or money order – made out to “The Minister of Finance” – must accompany your appeal.

Please note: Work on requests or appeals will not begin until the fee is received.

Further information is available from the Office of the Information and Privacy Commissioner of Ontario at www.ipc.on.ca.





For more information:

**Information and Privacy Commissioner
Ontario, Canada**

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Toronto, Ontario M4W 1A8 CANADA

Tel: 416-326-3333 or 1-800-387-0073

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About the Commissioner

The Information and Privacy Commissioner, Dr. Ann Cavoukian, is appointed by the Ontario Legislature and is independent of the government of the day.

Other brochures available from the IPC:

- *Access to Information under Ontario's Information and Privacy Acts*
- *The Appeal Process & Ontario's Information and Privacy Commissioner*
- *Your Privacy & Ontario's Information and Privacy Commissioner*
- *Ontario's Municipal Freedom of Information and Protection of Privacy Act: A Mini Guide*
- *The Personal Health Information Protection Act and Your Privacy*



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