

If you wanted to know...

What are the 15 most frequently asked questions the Information and Privacy Commissioner receives?

... Read on ...

People from all across the province call the Ontario Information and Privacy Commissioner (IPC) seeking information about their privacy rights, or to learn how they can access information held by government organizations. Their questions cover a wide scope, ranging from wanting access to records of deceased family members to asking why government-funded institutions do not fall under freedom of information laws. In this publication, we share 15 of the most commonly asked questions about access and privacy – and provide the answers.

1. Q. *How can I find out what government organization holds the information I want?*
 - A. Both the *Directory of Records* (which describes what each provincial institution does, as well as the kinds of general records and personal information each keeps) and the *Directory of Institutions* (which lists all ministries, provincial agencies, municipalities, and local boards covered by the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, as well as their addresses) can be found at www.gov.on.ca/mbs/english/fip/.





2. *Q. How do I make a request for a copy of a police report?*

A. In most cases, you can make an access request to the police service that holds the record. The IPC and the St. Thomas Police Service have jointly produced a special brochure, *Making an Access Request to a Police Service*, which explains how the process works. You may obtain a copy of the brochure at www.ipc.on.ca/english/pubpres/brochure/police-e.htm, or by calling the IPC's Communications Department.

3. *Q. Why does the provincial government need to ask so many intrusive, personal questions? Where will my information end up? Who will be seeing it?*

A. Personal questions are routinely asked to determine eligibility for specific programs. Provincial employees are required to swear the Oath of Office and Secrecy, which includes: "I do swear (or solemnly affirm) that I will faithfully discharge my duties as a civil servant and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally authorized or required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being a civil servant." Only staff members who have a need to access your information should be given access to it. If you believe a provincial or municipal government organization has misused your personal information, you may contact the IPC to discuss filing a privacy complaint.

4. *Q. I would like to request information about a government contract for which I was a bidder. Where do I submit this request?*

A. Contact the government organization that issued the Request for Proposal (or Request for Tender), as it may routinely release certain information to bidders. If you do not get the information you want, make a freedom of information request to the Freedom of Information Co-ordinator for that organization.

5. *Q. Who is covered under the Acts?*

A. The provincial *Freedom of Information and Protection of Privacy Act (FIPPA)* applies to all provincial ministries and most provincial agencies, boards and commissions; colleges of applied arts and technology; and district health councils. The *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* covers local government organizations, such as municipalities; police, library, health and school boards; and transit commissions.



6. Q. *Who can access a child's school records?*

A. Under *MFIPPA*, custodial parents may obtain their child's records from the school board. Non-custodial parents may be entitled to access pursuant to other legislation. The IPC has produced *A Guide to Ontario Legislation covering the release of Students' Personal Information*, detailing who can access a child's school records. You may obtain a copy of this publication at www.ipc.on.ca/english/resources/educate/educat-e.htm, or by calling the IPC's Communications Department.

7. Q. *Can I use freedom of information laws to obtain my records from the Children's Aid Society?*

A. No. Children's Aid Societies are not covered under this legislation. Ask the organization that holds your records what options you have.

8. Q. *What are my responsibilities as an employer with regard to records of former employees?*

A. Private companies, except for those in the health-care sector, are not subject to Ontario's current privacy laws. Commercial operations are subject to the federal *Personal Information Protection and Electronic Documents Act*. For additional information, visit the federal Privacy Commissioner's website: www.privcom.gc.ca.

9. Q. *How can I find out the cause of death of a relative?*

A. Cause of death is listed on certified long-form death certificates. Only the deceased's next of kin (spouse, common-law partner, mother, father, son, daughter, sister, or brother) would qualify for this. The Registrar General branch of the Ministry of Consumer and Business Services can explain how to apply for one (1-800-461-2156). There is a fee for this form.

10. Q. *If I believe information about me in a government file is incorrect, what can I do?*

A. You can request access to the information and then, after being granted access, request correction of the personal information if you believe there is an error or omission. If your request is denied, you can appeal that decision to the IPC.

11. Q. *I was in an accident at my workplace. An Occupational Health and Safety investigation followed. Who should I contact to request a copy of this report?*

A. If the investigation was a provincial one, you would make your request to the Freedom of Information Co-ordinator at the Ministry of Labour.



- 12.** *Q. Can I obtain another individual's personal information?*
- A. Usually, no. However, one strategy would be to get the individual's permission in writing. Generally, when it comes to personal information, you may access only your own records. If you have children under 16 (and you are the custodial parent), you may access their records as well. Other individuals' information is considered to be their personal information, protected under *FIPPA* and *MFIPPA*.
- 13.** *Q. What is the IPC's position on video surveillance in public places?*
- A. Video surveillance should be used only where conventional means (e.g., foot patrols) for achieving the same law enforcement or public safety objectives are substantially less effective or not feasible. Also, institutions should ensure that the proposed design and operation of the video surveillance system minimize privacy intrusion to that which is absolutely necessary to achieve its goals. The public should be notified, using clearly written signs, prominently displayed at the perimeter of the video surveillance areas. Individuals whose personal information has been collected by video surveillance should have a right of access to that information. The IPC has produced guidelines for municipalities considering using video surveillance cameras: *Guidelines for using Video Surveillance Cameras in Public Places*. The publication is available at www.ipc.on.ca/english/pubpres/papers/video-gd.htm, or by calling the Communications Department.
- 14.** *Q. A complaint against me has been filed with a government organization. Can I find out who filed this complaint?*
- A. You can make an access request to the organization, but you will probably not be given the name of the individual who filed the complaint. This is considered personal information under *FIPPA* and *MFIPPA*. The name will most likely not be released, as it constitutes "personal information about individuals other than the requester," and would likely be exempt from disclosure under the law(s).
- 15.** *Q. How can I access my court records?*
- A. Court records are not subject to *FIPPA* or *MFIPPA*. Most court documents are open to the public in accordance with the *Courts of Justice Act, R.S.O. 1990, Chap.C.43*. Ask the court clerk at the court house where your records are kept what the process is. (If you are not sure where the records are kept, ask the police force that was involved in the case.)



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If you have any comments regarding this publication, wish to advise of a change of address, or be added to the mailing list, please contact:

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