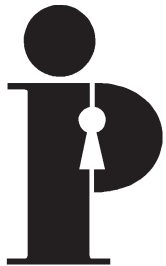


Freedom of Information and Protection of Privacy Act



July 2007

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 and Local Health Integration Networks (LHINs).

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 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 government organization governed by the *Act*, he or she may complain to the Information and Privacy Commissioner 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 records, begin by contacting the department or agency that has the information you are seeking. 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 government organization 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.

Discretionary exemptions allow a government organization 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 organization;
- law enforcement;
- defence;
- information which could prejudice the financial or other specified interests of the organization;
- 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.

Government 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 days of receipt of a request, make records available, deny access or cite extraordinary circumstances resulting in delay;
- give a written reason for denial;
- inform the person being denied access of his or her right to appeal to the Information and Privacy Commissioner of Ontario within 30 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 to the Information and Privacy Commissioner when you make your appeal.

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 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.

About the Commissioner

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

Other brochures available from the Information and Privacy Commissioner include:

Access to Information under Ontario’s Information and Privacy Acts;

The Appeal Process and Ontario’s Information and Privacy Commissioner;

Your Privacy and Ontario’s Information and Privacy Commissioner;

A Mini Guide to Ontario’s Municipal Freedom of Information and Protection of Privacy Act;

The Personal Health Information Protection Act and Your Privacy.

For more information, call or write:

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