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# IPC Practices

PUTTING ONTARIO'S INFORMATION AND PRIVACY LEGISLATION TO WORK  
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO  
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## Copying Information to Individuals Inside and Outside an Institution

*Many of the complaints received by the Compliance department of the IPC are related to the disclosure of personal information by government institutions. This issue of IPC Practices examines how some of these complaints might be prevented.*

In the day-to-day operation of any government office, it is normal to photocopy records for use by fellow staff, or as a service to the public. However, any decision to release the contents of a record that contains personal information requires careful scrutiny.

In order to determine whether personal information may be disclosed to another party, it is essential to refer to the use and disclosure sections of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*. (Sections 31-33 of the municipal *Act*; sections 41-43 of the provincial *Act*.)

Section 32 of the municipal *Act* and section 42 of the provincial *Act* set out the rules for the disclosure of personal information to anyone other than the individual to whom the information relates. These sections state that an institution shall not disclose personal information in its custody or under its control except in specific circumstances.

Bearing this in mind, the following information is provided for your general consideration:

### Within the Institution

The use of a record containing personal information should be considered before a decision is made to make it available to fellow staff. The record should be copied only to staff members who need it in the performance of their duties; the record should not be copied to an individual for information only (unless one of the specific circumstances enumerated in sections 32 or 42 applies).

If a record deals with a topic that needs to be shared with several staff yet contains personal information, the institution should consider severing the personal identifiers before copying. Alternatively, a separate memo may be written that addresses the topic yet contains no personal information.

A "c.c." listing should appear on the original correspondence, indicating all parties who are being copied.

### Outside the Institution

Before a decision is made to copy a record containing personal information to a party outside of the institution, consider whether the individual to whom the information relates might reasonably expect such a disclosure.



For example, if Jane Citizen wrote to Mike Institution and copied the Mayor of Anytown, Ms. Citizen might reasonably expect that Mr. Institution would c.c. the mayor in her response. However, Ms. Citizen might not expect that Mr. Institution would send a c.c. to the ABC Company, which was the subject of Ms. Citizen's original letter.

## Discretion Required

When deciding whether to copy information either for internal or external use, staff in an institution must

exercise discretion. It is always better to act with caution and sever personal identifiers or paraphrase a record, than to reveal personal information inadvertently through a copy. If staff members bear in mind the purpose for which information was collected and act in the spirit of the legislation, they can help avoid complaints and subsequent investigation by the IPC.

When staff members have doubts about copying a particular record, they should consult with either their institution's Co-ordinator or the Freedom of Information and Privacy Branch, Management Board Secretariat.

## IPC Practices

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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, contact:

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