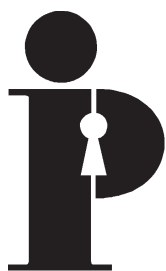


# Your Privacy and Ontario's Information and Privacy Commissioner



July 2007

## *Introduction*

Ontario's *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (the provincial and municipal Acts) help to protect your personal information held by provincial and local government organizations. It is the responsibility of the Office of the Information and Privacy Commissioner of Ontario (IPC) to ensure that government organizations abide by the Acts.

A third law, the *Personal Health Information Protection Act, 2004 (PHIPA)*, governs the collection, use and disclosure of personal health information within the health care system and also gives you the right to request access to your own personal health information held by health information custodians. (See the IPC brochure entitled *The Personal Health Information Protection Act and Your Privacy* for more information about PHIPA.)

The following are answers to questions most frequently asked about personal privacy and government-held information, under the provincial and municipal Acts.

### *To which government organizations do the provincial and municipal Acts apply?*

The provincial Act, which came into effect on January 1, 1988, applies to all provincial ministries and most provincial agencies, boards and commissions, as well as community colleges, universities and Local Health Integration Networks (LHINs).

The municipal Act came into effect January 1, 1991. It applies to local government organizations, including municipalities, school boards, electrical corporations, transit and police commissions, fire departments, conservation authorities, boards of health and other local boards.

### *What is personal information?*

"Personal information" means recorded information about you. This may include your name, address, sex, age, education, medical or employment history – and any other information about you.

### *How does a government organization obtain information about me?*

Government organizations collect personal information

as part of their role in providing services to the public. You give personal information to a government organization when you fill out an application for programs or services, such as a driver's licence or building permit.

### *How do Ontario's Acts protect my personal information?*

The Acts require government organizations to protect the privacy of your personal information in their possession. There are specific rules on how they may collect, use, retain, disclose and dispose of your personal information.

### *How does a government organization use the personal information it collects?*

The government organization must tell you how it intends to use the information it collects. It must also provide you with the name of the person in the organization who can answer any questions you may have about how your personal information will be used.

### *Who has access to my personal information?*

Access to your personal information is usually available only to persons in the government organization who need the information to do their jobs.

There are certain public records containing personal information which are open to all members of the public. Land registration records and assessment rolls are examples of this type of record.

### *Where is my file?*

There is no master file about you. If you've dealt with a government organization, it will probably have information about you. For example, the Ministry of Transportation has your driving record, a school board has your child's school records and the Ministry of Health has your doctor's billing records.

### *How do I find out what personal information provincial and local governments have about me?*

In most circumstances, the Acts give you the right to see your personal information held by a government organization. In many cases, you should be able to obtain your personal information just by calling, writing or visiting the appropriate government organization. (If unsure of an address or telephone number, consult the Blue Pages in your telephone directory.)

## ***How do I request correction of my personal information?***

Contact the government organization which has the information and explain that you would like to correct your personal information. If the government organization refuses to correct your personal information, you may require that a statement of disagreement be attached to your file.

## ***That didn't work – now what?***

If you didn't obtain the information you want, or they refuse to correct your personal information, make a written freedom of information request.

## ***That sounds complicated. Is it?***

Not really. Simply follow these steps:

**Step 1:** Complete a request form, or write a letter stating that you are requesting information or asking for a correction of your personal information under one of the two *Acts*. (A generic *request form* is available in the Forms section of the IPC's website – [www.ipc.on.ca](http://www.ipc.on.ca).)

**Step 2:** Forward the completed request form or letter to the "Freedom of Information and Privacy Coordinator" at the government organization most likely to have the information you are looking for.

## ***Is there a fee?***

A \$5 application fee must accompany your request for access to your personal information. As well, you may be charged for photocopying and shipping costs. No fees are charged for the time required to locate and prepare records containing your personal information.

## ***How long must I wait?***

Government organizations that receive information requests under the *Acts* must respond within 30 calendar days of receipt of a request, unless there are special circumstances.

## ***I'm not satisfied with the government organization's response. What do I do?***

If the government organization won't allow you to see or correct your *personal information*, you have the right to appeal the decision to the IPC. The appeal fee is \$10.

(The cheque or money order should be made out to *The Minister of Finance*.)

To appeal, write a letter to the Registrar at the IPC, describing why you are not satisfied with the government organization's decision. Or download, complete and mail in the *appeal form* that can be found in the Forms section of the IPC website ([www.ipc.on.ca](http://www.ipc.on.ca)).

## ***I'm not satisfied with how my personal information is being handled. What can I do?***

If you feel your personal information has been improperly collected, used or disclosed by a government organization, call, write or visit the appropriate government office and try to resolve the matter yourself.

## ***That didn't work - now what?***

If you still can't obtain satisfaction, you may write to the Registrar at the IPC and explain your concern. Or, you can download, complete and mail in the privacy complaint form that can be found in the Forms section of the IPC website.

## ***What happens next?***

An *IPC intake analyst* may call you to clarify your concern and to tell you what has happened in similar cases. The *intake analyst* may also direct your complaint to other government organizations if they are in a better position to deal with your situation.

In some cases, a *mediator* will be assigned to your file to look into the matter and attempt to resolve your complaint.

## ***What happens to the government organization?***

If your personal information is not being handled properly, the IPC will make recommendations to the government organization to prevent similar occurrences from happening again.

## ***I have more questions. Who can answer them?***

If you have questions about the handling of your personal information held by government organizations or about Ontario's access and privacy legislation, please call the IPC and ask to speak with an *information officer*.

## ***About the Commissioner***

The Information and Privacy Commissioner of Ontario 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;*

*A Mini Guide to Ontario's Freedom of Information and Protection of Privacy Act;*

*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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