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Backgrounder

FOR SENIOR MANAGERS ON THE ROLE OF FREEDOM OF INFORMATION AND PRIVACY CO-ORDINATORS RELATING TO ACCESS TO INFORMATION

Introduction

Freedom of Information and Privacy Co-ordinators play a critically important role in the administration of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*. Co-ordinators assist institutions in meeting their statutory obligations under the *Acts*, promoting open government, and fostering an organizational culture that advances three fundamental access principles of these *Acts*:

- information (general records) should be available to the public;
- individuals should have access to their own personal information;
- exemptions to access should be limited and specific.

Expertise

Co-ordinators are not only highly knowledgeable about the statutory requirements of the *Acts*, but also about the operations of their institutions. A Co-ordinator must know the types of records held by the institution, how they are organized, and where they can be located. This records management expertise puts the Co-ordinator in a position to assist in the operation of the institution's records management system. Knowledge in this area, as well as expertise in applying the statute to individual requests, is essential for a Co-ordinator in providing quality customer service and ensuring that the organization meets the 30-day statutory response time requirement for access requests.

Management's Commitment

While a personal commitment to the principles of the *Acts* is important, Co-ordinators by themselves cannot ensure compliance with the *Acts*. It is essential that a Co-ordinator has the support and commitment of the institution, starting at the top, and extending throughout the senior management and program-delivery structure. Generally, it is the program staff who create the records and store them who will subsequently search for them in response to an access request. It is important that the roles and relationships between Co-ordinators and key program area officials are clearly understood, and that processes are in place to ensure that statutory rights are respected and obligations met.

Resources

The Co-ordinator's Office is, in most cases, the primary point of contact for members of the public seeking access to information. To ensure the effective administration of the access to information program, including quality customer service, prompt response times, and efficient processing of requests and appeals, it is vital that Co-ordinators are provided with adequate staff support.



Decision Making

A centralized decision-making structure focused in the Co-ordinator's Office holds many advantages. As the experts in access to information issues, Co-ordinators with delegated decision-making authority under the Acts are in the best position to apply the law in response to individual requests. Centralized decision-making also clearly focuses accountability for adherence to time standards, and helps to ensure consistency in the application of the statute. Institutions which have not delegated decision-making authority to the Co-ordinator have a further responsibility to ensure that processes are in place to ensure that the extra levels of review required to respond to requests do not compromise the statutory response times.

Education

Providing staff with ongoing access and privacy education and training is an important area of responsibility for Co-ordinators. Reinforcing the importance of the underlying value of open government, as well as statutory interpretations and technical requirements of the access to information scheme, are essential to an effective access to information program. This role takes on particular importance in institutions that have not delegated decision-making authority to their Co-ordinator.

Access Practices

To assist senior managers and Co-ordinators alike, the Office of the Information and Privacy Commissioner has published a number of *Practices* on specific matters relating to requests for information and the appeal process. These *Practices* have been divided into three groups and numbered accordingly for ease of use: *Access Overview*, *Access Request Stage*, and *Access Appeal Stage*. An index and copies of these *Practices* are enclosed with this *Backgrounder*. Additional copies of the *Backgrounder* and the *Practices* can be obtained from the IPC website (www.ipc.on.ca) or by contacting the Commissioner's Office.

Our Thanks

The IPC would like to give a special thanks to Chris Berzins, Freedom of Information and Privacy Co-ordinator for the Ministry of Labour, for working with us to identify best practices for the operation of a Co-ordinator's Office, and for his valuable input into this *Backgrounder*.



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If you have any comments regarding this publication, please contact:

Communications Department

Information and Privacy Commissioner/Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
Telephone: 416-326-3333 • 1-800-387-0073
Facsimile: 416-325-9195
TTY (Teletypewriter): 416-325-7539
Website: www.ipc.on.ca



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