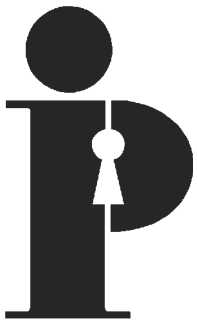

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**The Year-End Statistical Report
for the
Information and Privacy Commissioner/Ontario**

**COMPLETION GUIDE
FOR THE 2005 REPORTING YEAR**

General Information

This Guide is designed to provide step-by-step instructions for the completion of the Information and Privacy Commissioner's (IPC) Year-End Statistical Report as required by the *Freedom of Information and Protection of Privacy Act* (the Act). We encourage you to follow along with it, especially if you are unfamiliar with the Report.

For your convenience:

- The Guide is organized into sections corresponding to those in the Report. For help with a certain section in the Report, turn to the same section in the Guide.
- Certain sections which appear in *italicized text* have been expanded to contain background information that may be helpful to you.
- All terms which appear in **bold** are defined in the **Glossary** at the back of the guide.
- The Reconciliation Chart is designed to help verify the figures in the Report.

If you have specific questions that are not answered by this guide, please call our Support Line at the Information and Privacy Commissioner/Ontario 416-325-9160, or our main switchboard 416-326-3333. If you are calling long distance, use our toll free line: 1-800-387-0073.

Please note incomplete reports may result in your institution's submission being **partly or entirely excluded** from the statistics generated for the annual report.

All institutions must return a report to the Information and Privacy Commissioner. If no requests for access to information or requests for correction of personal information were received, your institution must still complete and return Sections 1 and 2.

Section 1: Identification

- 1.1 Please clearly indicate the name of the institution, name of the person responsible for the content of the report, phone and fax numbers, e-mail and mailing addresses, and the name of the person to contact with any questions regarding the content of the report.
- 1.2 Please indicate whether your institution is a ministry or agency by checking one of the boxes provided.
- 1.3 Check the box that identifies the number of full-time employees at your institution. For part-time and seasonal workers estimate the proportion of full-time hours. For example, if an employee works half-time for the reporting year, count him or her as $1/2$ an employee. Likewise if an employee works half-time for four months of the reporting year ($1/3$ of a year) count him or her as $1/6$ of an employee for that year ($1/2 \times 1/3 = 1/6$).

Section 2: Inconsistent Use of Personal Information

What is an Inconsistent Use?

An inconsistent use occurs when personal information from a personal information bank is used or disclosed differently from the way it is used on a regular basis (see Section 46 of the Act). The Act requires the institution to attach a record or notice of the inconsistent use or disclosure to the personal information involved. This record then becomes part of the personal information it is attached to.

- 2.1 Please enter the number of times your institution made **inconsistent use of personal information** contained in its **personal information banks**.

What is Personal Information?

Personal information is recorded information about an identifiable individual including:

- the individual's address, telephone number, fingerprints or blood type,
- information about the individual's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status,
- information about the individual's educational, medical, psychological, criminal, or employment history or information concerning his or her financial transactions,
- any identifying number, symbol or other particular assigned to the individual,
- the individual's personal opinions or views except when they relate to someone else,
- private or confidential correspondence sent to an institution by the individual, and replies to that correspondence that would reveal the contents of the original correspondence,
- the views or opinions of someone else about the individual, and
- the individual's name when it appears with other **personal information** about that individual or when disclosure of the name would reveal other **personal information** about that individual.

If your institution received **no requests for access** to information or **correction** of personal information PLEASE STOP HERE AND RETURN ONLY SECTIONS 1 AND 2 OF THE REPORT.

If your institution received (or carried forward from last year) **at least one request for access** to information, PLEASE COMPLETE THE REST OF THE REPORT.

If your institution received **at least one request for correction** of personal information, PLEASE COMPLETE SECTION 11 AT THE BACK OF THE REPORT, AS WELL AS SECTIONS 1 AND 2.

Section 3: Number of Requests Completed

Please Note: *There are two types of information requests, and these need to be entered separately:*

- *personal information requests, where the requester, or authorized representative, is asking for information about himself or herself.*
- *general records requests, where the requester is asking for general information or information that includes personal information about someone else.*

3.1 Enter the number of new **personal information** and **general record** requests your institution received during the **reporting year** (January – December).

How Are Requests Counted?

The information in this section is important to help you decide how many requests for information your institution received, since the form or letter the requester sends may actually contain a number of separate requests.

- *for general records requests, if the request deals entirely with **one subject**, it should be counted as **one request**. This is still the case even if the information is retrieved from different locations in your institution, or*
- *if a general records request deals with information about **TWO (OR MORE) subjects**, the request should be divided into **TWO (OR MORE) REQUESTS**, or*
- *any personal information request is counted as **ONE REQUEST** because it is about only **ONE SUBJECT**, the person asking for the information, or*
- *if you receive a request that must be **RETURNED TO THE SENDER** for clarification, **DO NOT COUNT** this as a request received until the requester returns it to you with all the information you need to **complete** the request.*

3.2 Indicate the number of **personal information** and **general records** requests that were **transferred** to you from other institutions to be **completed** by your institution.

3.3 Enter the number of **personal information** and **general records** requests that your institution could not complete in the previous **reporting year** (January – December) and **carried forward** to be **completed** in the current reporting year.

3.4 Please enter the total **personal information** and **general records** requests you entered into these three questions (3.1, 3.2 and 3.3).

- 3.5 Enter the number of **personal information** and **general records** requests that had to be **transferred** to another institution because that institution had custody or control of the information, or a greater interest in the information.
- 3.6 Enter the number of **personal information** and **general records** requests your institution received that had to be **carried over** to the next reporting year.
- 3.7 Add items 3.5 and 3.6.
- 3.8 **Subtract** Box 3.7 from box 3.4 and write the totals in Box 3.8, **Total Requests Completed**. Many of the following sections are based on the amounts in Box 3.8.

Section 4: Source of Requests

- 4.1-4.8 Enter the number of **personal information** and **general records** requests you completed from the source listed. If the request comes from an employee of your institution, enter the request in the individual category. Use the “Don’t Know” category for those times when you are completely unsure which category to use.
- 4.9 Add all the requests you have entered for both **personal information** and **general records** and write the totals in Box 4.9. These totals should be the same as those in box 3.8 (Total Requests Completed).

Section 5: Time to Completion

- 5.1-5.6 Enter the number of **completed personal information** and **general records** requests in the appropriate categories. If your institution received a **transferred** request from another institution, the time to **completion** starts when the first institution received the request.

When locating and reviewing records, an institution may **extend the time** to provide a response to the requester under s.27(1).

The time from when a fee estimate/interim decision letter has been issued (s.57, O.Reg 460 s.6, s.6.1 and s.7) up to the time the deposit has been paid is not included when calculating the number of days to complete a request.

- 5.7 Enter the totals of the previous entries (5.1–5.6) into this box. These totals should be equal to the **Total Requests Completed** in Box 3.8.

Section 6: Compliance with the Act

The Act states that requests for access to information should be completed within 30 days. In cases where there is a need to search numerous records or to make consultations with a person outside the institution, the head of the institution can extend the 30-day time limit and still be in compliance with the Act. This can be achieved by issuing a Notice of Extension (s.27(1)) and/or Notice to Affected Person (s.28(1)).

This section has been broken down into four different situations that are mutually exclusive and will be used to determine the number of requests that are in compliance or not in compliance with the statutory time lines under the Act.

A. No Notices Issued

- 6.1 Enter the number of completed requests within the 30 days where neither a Notice of Extension nor a Notice to Affected Person was issued.
- 6.2 Enter the number of completed requests beyond the 30 days where neither a Notice of Extension nor a Notice to Affected Person were issued.
- 6.3 Add sections 6.1 and 6.2 to determine the total number of completed requests where no notices were issued.

B. BOTH a Notice of Extension (s.27(1)) and Notice to Affected Person (s.28(1)) Issued

- 6.4 Enter the number of completed requests within the time limits permitted under **both** the Notice of Extension and Notice to Affected Person.
- 6.5 Enter the number of completed requests that exceeded the permitted time limit where a Notice of Extension and/or a Notice to Affected Person were issued.
- 6.6 Add sections 6.4 and 6.5 to determine the total number of completed requests where notices were issued.

C. ONLY a Notice of Extension (s.27(1)) Issued

- 6.7 Enter the number of requests completed within the time limit stipulated in the Notice of Extension where a Notice to Affected Person was not issued.
- 6.8 Enter the number of requests completed that exceeded the permitted time limit stipulated in the Notice of Extension where a Notice to Affected Person was not issued.
- 6.9 Add sections 6.7 and 6.8 to determine the total number of completed requests where only a Notice of Extension was issued.

D. ONLY a Notice to Affected Person (s.28(1)) Issued

- 6.10 Enter the number of requests completed within the time limit stipulated in the Notice to Affected Person where a Notice of Extension was not issued.
- 6.11 Enter the number of requests completed that exceeded the permitted time limit stipulated in the Notice to Affected Person where a Notice of Extension was not issued.
- 6.12 Add sections 6.10 and 6.11 to determine the total number of completed requests where only a Notice to Affected Person was issued.

E. Total Requests Completed (sections A to D)

- 6.13 Enter the overall total number of requests completed for the year by your institution by adding sections A through D together. This total must equal the total number of requests shown in Section 3.8.

$(6.3+6.6+6.9+6.12=6.13)$ and $(6.13 \text{ must equal } 3.8)$

Section 6a: Contributing Factors

Write any reasons that made it difficult to meet the 30-day time limit. Also, include circumstances that will improve your ability to be in compliance with the *Act*.

Section 7: Disposition of Requests

This section asks you to indicate how your institution dealt with each of the requests for access to information it received. The options are as follows:

- 7.1 All Information Disclosed Enter the number of **personal information** and **general records** requests that resulted in full disclosure of all information requested.
- 7.2 Disclosed in Part: (partly **exempt**, excluded, or frivolous or vexatious) Enter the number of requests for which the **head** of your institution disclosed only part of the information requested. Some of the information was **exempted**, excluded or frivolous or vexatious.
- 7.3 Disclosed in Part: (some records non-existent or outside of the *Act*) Enter the number of requests for which the **head** of your institution disclosed only part of the requested information because some of the information did not exist.
- 7.4 Nothing Disclosed: (fully **exempt**, excluded or frivolous or vexatious) In this category, enter any requests for which the **head** of your institution disclosed no information. All of the requested information was exempted, excluded or frivolous or vexatious.
- 7.5 Nothing Disclosed: (no record exists or outside of the *Act*) In this category, enter any requests for which the **head** of your institution disclosed no information because none of the requested information existed or was outside of the *Act*.
- 7.6 Request **Withdrawn** or **Abandoned** In this category enter the number of requests that were **withdrawn** or **abandoned** by the requester.

- A **withdrawn** request is one in which the requester notifies your institution that he or she does not wish to proceed with the request.
- A request is considered **abandoned** when the requester does not respond to your attempts to proceed with the request.
 - for **general records** the request can be considered **abandoned** if the requester does not respond to correspondence that is necessary to **complete** the request (for example, a notice of fee estimate), within 30 days of the date you sent the communication. The **head** of your institution may **extend** this time limit, and this practice is encouraged.
 - for **personal information** requests, the policy is to allow up to 365 days (one year) before considering the request **abandoned**.

- 7.7 Indicate the number of requests from section 7.6 that were withdrawn or abandoned after a fee estimate was sent out.

- 7.8 Total Requests The sum of all the entries in **personal information** and **general records** for questions 7.1 to 7.6 should be equal to or greater than the amounts in 3.8 (**Total Requests Completed**).
- 7.9 Total Requests with Exemptions and Exclusions: The sum of the entries in 7.2 and 7.4 gives the **Total Requests with Exemptions**. These totals are important for the next section.

Section 8: Exemptions and Exclusions Applied

To complete this section you will need to be familiar with the exemptions described in the Act. Please refer to the section on exemptions in:

- your copy of the Act, or
- the *Freedom of Information and Protection of Individual Privacy Manual* produced by the Ministry of Government Services.

8.1-8.18 Box 7.9 of the previous section (**Total Requests with Exemptions**) shows the total number of requests for which the **head** of your institution withheld some or all of the requested information with **exemptions**. In this section you are asked to indicate **which exemptions** were applied to those requests. Every request that was exempted, (in part or in full) must have at least one **exemption** listed, but may have more than one. For example, two different **exemptions** may be used to account for why information was withheld.

Please Note:

- *Section 21 exemption, Personal Privacy (of third party) applies only to general records requests.*
- *Section 49 exemption, Personal Information (of requester) applies only to personal information requests.*

8.19 Enter the sum of all the requests you entered in the **personal information** and **general records** columns. These amounts should be equal to, or greater than those in 7.9 (**Total Requests with Exemptions**).

Section 9: Fees

This section concerns additional fees and application fees.

- 9.1 Enter the number of *requests* for which your institution collected **additional** fees.
- 9.2 Write in the total amount, *in dollars*, that your institution collected for the **application** fees.
 - 9.2.2 Write in the total amount, *in dollars*, that your institution collected for any **additional** fees.
 - 9.2.3 Enter the sum of **application** and **additional** fees, in dollars, for **personal information** and **general record** requests.

Under certain conditions, the head of your institution may waive all or part of the additional fees being charged. These conditions include: the requesters' ability to pay, whether release of the information will benefit public health or safety, how much difference there is between the fee being charged and the actual cost of processing the request, and whether the requester is ultimately given access to the information requested.

- 9.3 Enter the number of *requests*, if any, for which your institution **waived all additional fees** for information.
- 9.4 Enter the number of requests, if any, for which your institution **waived part of the additional fees** for information.
- 9.5 Add 9.3 and 9.4 to get **Total Number of Requests Where Additional Fees Were Waived**.
- 9.6 Enter the total amount of fees that were **waived** by your institution, in dollars.

Section 10: Reasons for Additional Fee Collection

This section concerns the reasons and the number of requests involved for the additional fee collection.

- 10.1- If your institution collected **additional** fees for any requests, please enter the appropriate
- 10.6 number of requests in the given categories to indicate why the fee was charged. A request can be entered into more than one category. For example, an institution may have charged \$10 to process a request, \$5 for reproduction costs and \$5 for shipping costs.

Please note that **additional** fees for **personal information** requests can only be charged for reproduction and computer costs.

- 10.7 Please enter the sum of the requests you entered in Boxes 10.1–10.6. The total should be equal to or greater than the amount you listed in question 9.1 (Number of requests where **additional** fees were collected) since a request can be entered into more than one category.

Section 11: Corrections and Statements of Disagreement

*If a person believes that an institution has **personal information** about himself/herself that is incorrect, under the Act, that person has the right to:*

- *request that the institution correct the information,*
- *require that the institution attach a statement of disagreement to the information if the requested corrections were not made,*
- *require that any person or organization to whom the **personal information** has been disclosed within the last 365 days be notified of the corrections or statement of disagreement.*

11.1 Enter the number of new **correction** requests your institution received in the reporting year.

11.2 Enter the number of **correction** requests that were **carried forward** from the previous year.

11.3 Enter the number of **correction** requests your institution **carried over** to the next year.

11.4 Subtract the number of requests **carried over** to next year from the sum of the **correction** requests received and **corrections carried forward** from the previous year to get the **Total Corrections Completed** [(11.1+11.2)–11.3=11.4]. If this number is zero, skip the rest of this section.

*If your institution received any requests for correction of **personal information**, what course of action was taken with each?*

11.5 Enter the number of **correction** requests for which *all* requested **corrections** were made.

11.6 Enter the number of **correction** requests for which *part* of the requested **corrections** were made.

11.7 Enter the number of requests for which the **head** of your institution refused to make any of the requested changes.

11.8 Enter the number of **correction** requests that were **withdrawn** by the requester before **completion**.

11.9 The total of the requests you entered in the previous four questions (11.5–11.8) should equal the **Total Corrections Completed** from 11.4 above.

11.10 For any requests where **corrections** were denied, in part (11.6, Correction(s) made in part), or in full (11.7, Correction(s) refused), how many statements of disagreement were attached to the information?

11.11 For any requests where your institution either made **corrections** or attached a statement of disagreement, how many notifications of these changes did your institution send to third parties to whom the information was previously released?

Thank you for your co-operation.