

Your Access & Privacy Rights in Ontario

Office of the Information and Privacy Commissioner of Ontario

Karen Hale

Bilingual Communications Officer



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Humber Bay
Library

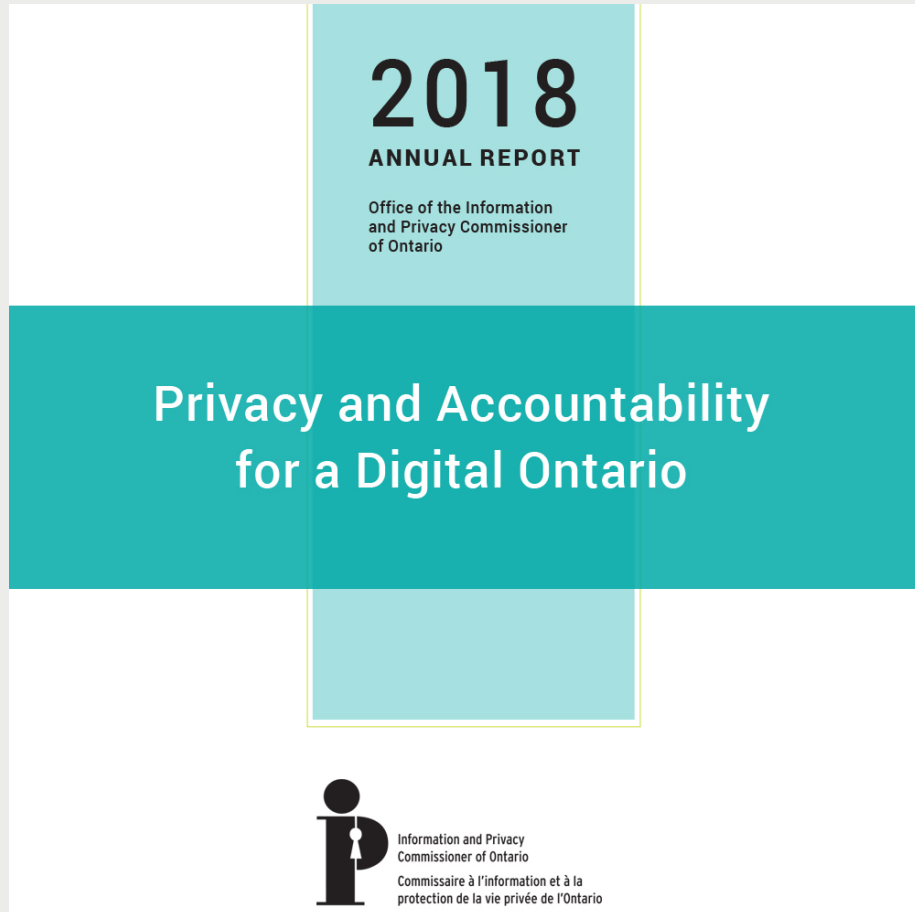
Civil Society – Law
at the library

August 22, 2019

Our Office

- The Information and Privacy Commissioner provides **independent** review of government decisions and practices on access and privacy
- The Commissioner is appointed by and reports to the Legislative Assembly of Ontario, to ensure **impartiality**

Annual Report to the Legislature





Recommendation: Privacy Oversight for Political Parties

- Political parties collect large volumes of sensitive personal information to target voters
- Increasingly sophisticated data practices and tools raise new privacy and ethical concerns
- The IPC is calling for measures that would make Ontario's political parties subject to privacy laws and oversight

The IPC Oversees Three Laws

- *Freedom of Information and Protection of Privacy Act*
 - Covers 300 provincial institutions
- *Municipal Freedom of Information and Protection of Privacy Act*
 - Covers 1,200 municipal organizations
- *Personal Health Information Protection Act*
 - Covers individuals and organizations involved in the delivery of health care services
- Expanded Mandate: Part X of the *Child, Youth and Family Services Act* and *Anti-Racism Act*

Provincial Institutions under *FIPPA*

- Ministries
- Hospitals
- Colleges and universities
- Most provincial agencies, boards, commissions

Municipal Institutions under *MFIPPA*

- Public libraries
- Municipalities
- Boards of health
- Police services boards
- Public transit
- School boards
- Conservation authorities





The Role of the Freedom of Information and Privacy Coordinator

- Your first point of contact for privacy and access questions or concerns
- Ensures that the institution collects, uses and discloses your personal information in compliance with Ontario's privacy laws



Access

Your Right to Access Government-Held Information

- General records
- Information about you (your personal information)
- Records can be in various format: email, correspondence, images for example



FOI in Three Easy Steps!

MAKING A FREEDOM OF INFORMATION REQUEST

1. IDENTIFY

Find the institution most likely to have the information you are looking for.



2. REQUEST



Complete a request form or write a letter requesting the information.

3. SEND

Forward your request to the Freedom of Information Co-ordinator, along with the \$5.00 application fee.



You should receive a response within 30 calendar days, however, the institution may ask for more time.

INSTITUTION WILL RESPOND



Not Satisfied with an FOI Decision?

- You have the right to file an appeal with the IPC, including if:
 - your request is denied
 - you disagree with the amount of the fee charged
 - you did not receive a decision within 30 calendar days (deemed refusal)
- Complete the appeal form and include the appropriate appeal fee
- Mediation is the preferred method to resolve matters at IPC

In the News!

Commissioner's statement, Aug. 21, 2019:

Why I ordered the Government of Ontario to share its mandate letters

Ontario's freedom of information law is based on the principle that every individual has a right to access government information. This right exists to ensure the public has the information it needs to participate meaningfully in the democratic process, and that politicians and bureaucrats remain accountable to the public (...)

Cabinet Office asking for Judicial Review of Order PO-3973.



Ontario's privacy laws protect your personal information from improper collection, use or disclosure.



What is personal information?

- Recorded information about you
- Name, address, sex, age, education, and medical or employment history
- Social Insurance Number
- Personal views or opinions
- Business information is not personal information

What is Personal Information?

October 2016

INTRODUCTION

The *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* (the acts) protect the privacy of personal information while providing individuals with a right of access to their own information.

In this fact sheet, we provide guidance about how the Information and Privacy Commissioner (IPC) interprets the term “personal information.”

HOW IS PERSONAL INFORMATION DEFINED IN THE ACTS?

The acts define personal information as “recorded information about an identifiable individual,” and include a list of examples of personal information (see Appendix A for the full definition).

Recorded information

Information can be recorded in any format, such as paper records, electronic records, digital photographs, videos or maps.

About an identifiable individual

Information is about an identifiable individual if:

- it is about the individual in a personal capacity; that is, it reveals something of a personal nature about the individual, and
- it is reasonable to expect that an individual can be identified from the information (either alone or by combining it with other information)

The listed examples include a person’s name when combined with other information about them, such as their address, sex, age, education, or medical history. These examples are not exhaustive and many other kinds of information may still qualify as personal information.

Your Privacy Rights

- Institutions must protect your personal information and follow rules on how they collect, use, retain, disclose and dispose of it
- You have the right to expect your personal information will only be collected, used or disclosed for legitimate, limited and specific purposes

Your Privacy Rights

- Institutions must tell you how they intend to use your personal information
- Institutions must provide you with the name of their Freedom of Information and Privacy Coordinator
- You have the right to file a privacy complaint with the IPC

A Breach of Privacy is a Breach of Trust

The proper handling of personal information collected by institutions is fundamental to maintaining the public's trust and confidence

The disclosure of your personal information by an institution is not permitted except in specific circumstances

T R U S T

Privacy Complaint Process

- If you have a privacy concern, first contact the institution's Freedom of Information and Privacy Coordinator to try to resolve your concern
- If you are still not satisfied, you can file a complaint with the IPC Registrar by writing a letter or completing a privacy complaint form





Privacy - An Absolute?

Emergency and Compassionate Situations

Personal information and health information can be released in situations where it is necessary to protect the health or safety of an individual, or in compassionate circumstances, where disclosure is necessary to facilitate contact with loved ones.





Health Access and Privacy Rights

How to Make a Request for Access under *PHIPA*

- Ask your health care provider: clinic, hospital, doctor, dentist, etc.
- Under the law, they are referred to as a “health information custodian”
- You may be asked to make a written request
- Depending on the circumstances, the custodian may take 30 to 60 days to respond
- You can complain to our office if your request is denied

Privacy Breaches under *PHIPA*

- If you believe that your personal health information was improperly collected, used or disclosed, you may file a complaint to the IPC
- The IPC investigates breaches as part of our mandate
- The IPC has power to issue decisions, also called “Orders”

But what about the private sector?

- Ontario does not have its own private-sector access and privacy law
- The Privacy Commissioner of Canada oversees the *Personal Information Protection and Electronic Documents Act*
- *PIPEDA* applies to commercial businesses in Ontario (banks, airlines, retail stores etc.)



QUESTIONS?

CONTACT US

Information and Privacy Commissioner of Ontario

2 Bloor Street East, Suite 1400

Toronto, Ontario, Canada M4W 1A8

Phone: (416) 326-3333 / 1-800-387-0073

TDD/TTY: 416-325-7539

Web: www.ipc.on.ca

E-mail: info@ipc.on.ca

Media: media@ipc.on.ca / 416-326-3965