

INTERPRETATION BULLETIN

Correction of Personal Information

This interpretation bulletin outlines the factors for determining whether an individual's request to correct their personal information may be granted. In cases where a correction is not granted, it explains whether a statement of disagreement should be attached to the information, as set out in section **47(2)** of the *Freedom of Information and Protection of Privacy Act* (FIPPA) and section **36(2)** of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

Section 47(2) of FIPPA and section 36(2) of MFIPPA state:

Every individual who is given access under subsection (1) to personal information is entitled to,

- (a) request correction of the personal information where the individual believes there is an error or omission therein¹;
- (b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and
- (c) require that any person or body to whom the personal information has been disclosed within the year before the time a correction is requested or a statement of disagreement is required be notified of the correction or statement of disagreement.

¹ MFIPPA section 36(2)(a) differs slightly from section 47(2)(a) of FIPPA. Section 36(2)(a) states: "(a) request correction of the personal information if the individual believes there is an error or omission;"



What is the purpose of sections 47(2) of FIPPA and 36(2) of MFIPPA?

Section 47(2) of FIPPA and section 36(2) of MFIPPA give individuals a right to ask an institution to correct personal information about them that is held by the institution. If the institution denies an individual's correction request, these provisions may require that a statement of disagreement be attached to the record.

Requirements for a correction request to be granted

Three requirements must be met before an institution (or, on appeal, the Information and Privacy Commissioner of Ontario, also known as the IPC) can grant a request for correction under section 47(2)(a) of FIPPA or section 36(2)(a) of MFIPPA:

1. The information must be the requester's personal information,
2. The information must be "inexact, incomplete or ambiguous," and
3. The correction cannot be a substitution of opinion.

1. The requester's personal information

The right of correction can apply only to the personal information of the individual asking for the correction. "Personal information" is defined in section 2(1) of FIPPA and MFIPPA as "recorded information about an identifiable individual," including the types of information mentioned in paragraphs (a) to (h). The list of examples under section 2(1) is not exhaustive; information that does not fall under paragraphs (a) to (h) may still qualify as personal information.² For more information about the definition of personal information, please see the [interpretation bulletin](#) on this topic.

To make a correction request under s. 47(2) of FIPPA or s. 36(2) of MFIPPA, an individual must have been given access to the personal information at issue.³ For example, in one decision, the appellant requested correction to information they assumed was provided to the police by their former spouse.⁴ The request was denied partly because it also involved the personal information of the former spouse and that of other affected parties. The adjudicator found the appellant had no right under section 47(2) of FIPPA to request correction of information in the records. The adjudicator concluded that the appellant was only entitled to request the correction of their own personal information in records they were granted access to.

2. Inexact, incomplete or ambiguous

For there to be an error or omission in the personal information within the meaning of section 47(2)(a) of FIPPA and section 36(2)(a) of MFIPPA, the

² Orders [P-11](#) and [PO-4090](#).

³ Order [PO-2783](#).

⁴ Order [PO-4146](#).

information must be “inexact, incomplete or ambiguous.” If the information sought to be corrected is someone’s opinion, section 47(2)(a) of FIPPA and section 36(2)(a) of MFIPPA do not apply and there is no basis for correction.⁵

IPC adjudicators have consistently found that records of an investigatory nature cannot be said to be “incorrect,” “in error” or “incomplete” if they simply reflect the views of the person whose impressions are being set out in the record.⁶ The IPC need only decide whether the information accurately reflects the observations and impressions of the person at the time the information was recorded or noted, and not whether the information is actually true or not.⁷

For example, in one decision, an adjudicator declined to order the correction of personal information contained in an Ontario Provincial Police (OPP) occurrence report.⁸ The appellant claimed that the record contained a warning flag for police, and the appellant wanted it removed. The adjudicator found that the record at issue contained the appellant’s personal information as it contained the appellant’s name and other personal information as well as the OPP officer’s views or opinions of the appellant. However, the adjudicator agreed with the ministry’s refusal to correct the record on the grounds that “...the OPP officer stated in the law enforcement record that he had warned the driver and that there is nothing inexact, incomplete or ambiguous about the OPP officer’s warning.” The IPC adjudicator concluded that it is not the truth of the recorded information that determines whether a correction request should be granted, but rather whether that what is recorded accurately reflects the author’s observations and impressions at the time the record was created.

In another case, an appellant asked police to make specific corrections to an occurrence report.⁹ The adjudicator determined that the requested corrections were to modify the police officer’s account of what the appellant said while the officer was at the appellant’s residence, the officer’s impression of the appellant, and what the officer said to the appellant. The adjudicator found that, while the officer may or may not have misunderstood portions of what the appellant said to the officer, there was no basis for concluding that the record did not reflect the officer’s observations and impressions at the time the record was created. The adjudicator also found that while the appellant may believe that the officer’s impression was unfounded, the officer’s impressions were their subjective opinion of the appellant and the appellant’s behaviour. The adjudicator upheld the police’s decision to refuse the appellant’s request to make the requested corrections.

3. Correction must not be a substitution for opinion

A correction cannot simply replace one person’s opinion with another person’s opinion that the requester prefers.¹⁰

5 Orders [P-186](#), [PO-2079](#) and [PO-2549](#).

6 Orders [MO-3167](#) and [PO-4211](#).

7 Orders [M-777](#), [MO-1438](#) and [PO-2549](#).

8 Order [PO-3731](#).

9 Order [MO-3167](#).

10 Orders [P-186](#) and [P-382](#).

For example, in another case involving a police occurrence report, the IPC upheld a police service's refusal to correct personal information.¹¹ In that case, the adjudicator found that the correction request challenged the precision of the police's summaries of evidence and sought substantive modifications to the investigation record. In the adjudicator's view, the appellant's proposals constituted significant alterations to the existing record, as they aimed to fundamentally alter its structure, contents and interpretation of evidence to align with the appellant's views. For example, the appellant proposed to replace portions of officers' summaries of what a witness said with what the appellant claimed they meant. The adjudicator stated that IPC orders have consistently held that section 36(2) of MFIPPA cannot be used to replace one person's opinion with another more favourable to the appellant.

Method of correcting personal information

In determining the appropriate method for correcting personal information, the following factors should be considered:

- the nature of the record
- the method of correction the requester has asked for
- the most practical and reasonable method of correction in the circumstances¹²

Discretion to refuse correction

Section 47(2)(a) of FIPPA and section 36(2)(a) of MFIPPA give the institution the discretion to accept or reject a correction request.¹³ This means that even if there is an error or omission in the personal information, the IPC may uphold the institution's decision not to make the correction, as long as there are valid reasons.¹⁴

Appeal of a denied correction request

An individual must first ask the institution to correct the information before the IPC will consider whether the correction should be made.

Statement of disagreement

If the requester asked for the information to be corrected, and the institution does not correct it, the requester can require that a statement of disagreement be attached to the record in accordance with section 47(2)(b) of FIPPA or section 36(2)(b) of MFIPPA. The statement of disagreement describes the correction the requester asked for that was not made, but does not include other information.

11 Order [MO-4597](#).

12 Orders [P-448](#), [MO-2250](#) and [PO-2549](#).

13 Orders [PO-2079](#), [MO-1594](#) and [PO-2149](#).

14 Order [PO-2258](#).

In one case, an appellant made a request for records, including occurrence reports.¹⁵ The appellant requested that the police correct some of the appellant's personal information in the records. The police refused to correct the personal information at issue and attached statements of disagreement accordingly. The individual appealed the police's decision not to make corrections to the occurrence reports and not to attach additional information to the statements of disagreement. The adjudicator found that the right to require an institution to attach a statement of disagreement under section 36(2)(b) is limited to information regarding the correction that was requested but not made. In this case, the adjudicator found that the appellant was seeking to have additional information attached to the statements of disagreement, including background information about other individuals mentioned in the reports as well as descriptions of interactions and events that occurred prior to the incidents documented in the reports. The adjudicator concluded that the police were not required to attach this additional information to the statements of disagreement.

Providing notice about a correction or statement of disagreement

Under section 47(2)(c) of FIPPA and section 36(2)(c) of MFIPPA, if the institution corrects the information or attaches a statement of disagreement to the information, an individual may require the institution to notify any other person or body it disclosed the information to about the correction or statement of disagreement.

The institution must give this notice if the institution had given the information to any other person or body:

- if the information is corrected, **within one year** before the individual asked for the information to be corrected, or
- if a statement of disagreement is required, **within one year** before the institution was required to attach a statement of disagreement.

¹⁵ Order **MO-3974**.