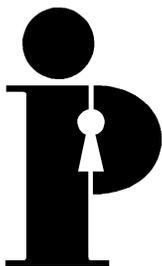


Freedom of Information and Protection of Privacy Act



March 2000

The *Freedom of Information and Protection of Privacy Act* applies to Ontario's provincial ministries and agencies, boards and most commissions, as well as community colleges and district health councils.

The *Act* requires that the government protect the privacy of an individual's personal information existing in government records. It also gives individuals the right to request access to government information, including most general records and records containing their own personal information.

Privacy Protection

The *Act* creates a privacy protection scheme which the government must follow to protect an individual's right to privacy. The scheme includes rules regarding the collection, retention, use, disclosure and disposal of personal information in its custody or control.

If an individual feels his or her privacy has been compromised by a government organization governed by the *Act*, he or she may complain to the Information and Privacy Commissioner who may investigate the complaint.

Individuals who are given access to their personal information have the right to request correction of that information where they believe there may be an error or omission. Where this request is refused, individuals may require that a statement of disagreement be attached to the information. Individuals may also require that all parties to whom the information has been disclosed in the preceding year be notified of the correction or statement of disagreement.

Access

If you want access to government records, begin by contacting the department or agency that has the information. If access is denied, make a written request under the *Act*. Please note: Section 65 of the *Act* outlines some specific types of recorded information that are not subject to the *Act*. Additionally, the *Act* sets out **mandatory** and **discretionary** exemptions to access which are listed below.

Mandatory exemptions require a government organization to refuse to disclose a record. The list includes:

- Cabinet records;
- third party information if supplied in confidence and where disclosure could prejudice the interests of a third party;
- personal information about individuals other than the requester.

Discretionary exemptions allow a government organization to decide whether it should disclose the requested record. They include:

- information about inter-governmental relations, if the information was received in confidence;
- advice or recommendations within the organization;
- law enforcement;
- defence;

- information which could prejudice the financial or other specified interests of the organization;
- solicitor-client privilege;
- information which could endanger the health or safety of an individual;
- information already available to the public or soon to be published.

Government must:

- design and implement records systems which adequately protect personal privacy;
- assist in locating records requested;
- determine if the requested record might contain personal information or third party information that affects the interests of someone other than the requester and, if so, allow the affected person to make representations about the disclosure of this information;
- within 30 days of receipt of a request, make records available, deny access or cite extraordinary circumstances resulting in delay;**
- give written reason for denial;
- inform the person being denied access of his or her right to appeal to the Information and Privacy Commissioner/Ontario within 30 days of receiving the government's response.**

****Fees**

Requests:

You must pay a \$5 application fee, payable to "THE MINISTER OF FINANCE," when you make your request.

Appeals:

You must pay an application fee to the Information and Privacy Commissioner when you make your appeal.

Appeal fees:

- \$10 for requests related to access to or correction of your personal information
- \$25 for requests related to access to general records

The fee must accompany your appeal and may be paid by cheque or money order, payable to "THE MINISTER OF FINANCE."

Please note: Work on requests or appeals will not begin until the fee is received.

Further information is available from the office of the Information and Privacy Commissioner.

About the Commissioner

The Information and Privacy Commissioner is appointed by the Ontario Legislature. This independence from the government of the day allows the Commissioner to be impartial when carrying out duties under the Acts.

Other brochures available from the Information and Privacy Commissioner:

Access to Information under Ontario's Information and Privacy Acts

Your Privacy and Ontario's Information and Privacy Commissioner

The Appeal Process and Ontario's Information and Privacy Commissioner

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

For more information, call or write:

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 Toronto, Ontario M5S 2V1
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