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IPC Practices

PUTTING ONTARIO'S INFORMATION AND PRIVACY LEGISLATION TO WORK

INFORMATION AND PRIVACY COMMISSIONER OF ONTARIO

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You and Your Personal Information at the Ministry of Transportation

Over the years, members of the public have expressed their concerns to the office of the Information and Privacy Commissioner (IPC) over the availability of their personal information held by the Ministry of Transportation under the authority of the Highway Traffic Act. This situation is not unique to Ontario. Most transportation authorities in North America make some, if not all of their driver and vehicle information available to the public. While there may be sound reasons for this practice, the public remains concerned, especially relating to the disclosure of an individual's home address.

Until October 1994, the names and addresses of Ontario drivers and vehicle owners were available from the Ministry of Transportation. In 1988, the IPC received a complaint from a member of the public regarding the Ministry's policy of releasing the names and addresses of drivers and vehicle owners. At that time, we learned that upon payment of a fee, the name and address of a vehicle's registered owner was provided to anyone. Since that time, we have been meeting with Ministry staff to discuss the privacy protection of the personal information it maintains in its databases.

Together with the Ministry, we reviewed the various information contained in the databases and determined that it consisted of a mix of general and personal information. We also determined that the home address was the most sensitive item of personal information in the databases. A number of proposals for administrative changes were developed with the Ministry, and in 1994 privacy was improved when the Ministry began to suppress home address information when responding to vehicle and driver information requests.

Ontario's *Freedom of Information and Protection of Privacy Act* and *Municipal Freedom of Information and Protection of Privacy Act* ensure that government organizations that hold your personal information protect your privacy in the collection, use, storage, dissemination, and disposal of that information.

Here are some answers to questions frequently asked about personal information held by MTO:

What are the Ministry of Transportation (MTO) databases?

MTO has two databases that contain personal information about members of the general public; the *Driver Licence Database* and the *Vehicle Registration Database*.



What is the Driver Licence Database and what personal information does it contain?

The *Driver Licence Database* is a registry of all persons who are licenced to operate a motor vehicle in the Province of Ontario. It contains the information that you provided when you applied for a driver's licence, such as your name, address, date of birth, and gender. It also contains your driver's licence number, a record of any driving convictions and a digitized photograph of your face.

What is the Vehicle Registration Database and what information does it contain?

The *Vehicle Registration Database* is a listing of registered vehicle owners in Ontario. It contains a description of every motor vehicle and trailer (boat, camper, etc.) registered in Ontario, together with the current owner's name, address, and licence plate number. In addition to listing what vehicle or trailer is owned by whom, it also contains a history of the vehicle's or trailer's previous owners.

Why do they keep a record of my driving convictions?

All driving convictions are added to the *Driver Licence Database* by the Ministry of the Attorney General after a person has been found guilty of a driving offence under the *Highway Traffic Act* or *Criminal Code of Canada*. This information is used by the Ministry for monitoring and controlling driver licensing. For example, if your driving record indicates that you have had a number of driving convictions within a short period of time, you may be asked to explain your behaviour to the Ministry and your driver's licence may be suspended by the Ministry.

Can I access my personal information on the Driver Licence Database?

Yes. With the payment of a fee, you can obtain a driver abstract from the *Driver Licence Database*. You must provide your driver's licence number and either your name and date of birth or name and address. You will receive a listing of your driving convictions (speeding, impaired driving, etc.) for the past three years and information as to whether or not your licence has been suspended. This information is known as your "driver record."

Can other people access my "driver record?"

Yes. Your record of the past three years is available upon request (with the payment of a fee). Organizations as well as members of the public request this information from the *Driver Licence Database* on a regular basis. However, your address is not provided to members of the public who request your driver information.

Can I access my vehicle information?

Yes. With the payment of a fee, anyone can obtain either a history of the licence plate or the vehicle. You must supply the Ministry with either the licence plate number or the vehicle identification number (VIN). The VIN can be found on the dashboard in the lower left hand corner of the windshield.

- If you request a *plate* history, you will receive a listing of the various vehicles to which a particular licence plate has been attached, as well as the name and driver's licence number of the plate's owner. This is because a licence plate is assigned to one person and is attached to the various vehicles that person has had.
- If you request a *vehicle* history, you will receive a listing of the names and driver's licence numbers of the people who have owned that particular vehicle as well as the licence plate numbers that have been attached to it.



Can others access information on the Driver Licence Database and the Vehicle Registration Database, and why do they need access to my information?

Yes, both individuals and organizations may access this information. Because many adults in Ontario either have a driver's licence or own a vehicle, these databases are considered to be a reliable source of current name and address information. Various bulk or account clients have signed agreements with the Ministry to access these databases. In order to be accepted as an account client (or "authorized requester"), the organization must meet strict criteria set by the Ministry. The agreement stipulates what personal information will be provided (for example: name, address, type of vehicle) and that the information must only be used for a specific purpose and cannot be shared with other organizations. Account clients fall into the following eight categories:

- **Insurance companies** access driver records (e.g., driving convictions, name, address, date of birth) to assess people's driving habits and set premiums accordingly.
- **Financial institutions** access vehicle records (e.g., name, address and vehicle owner) to verify ownership, provide loans, and locate bad debtors.
- **Private security companies** access vehicle and driver records (e.g., name and address of registered owners of illegally parked vehicles) to assist in the investigation of parking problems on private property.
- **Private investigators** access vehicle and driver records (e.g., name and address of registered owners of vehicles under investigation) to assist in the investigation of insurance claims for companies and contacting owners of vehicles, and for other investigations that may give rise to legal proceedings.
- **Judicial services** access vehicle and driver records (e.g., name, address, suspension and conviction notices) to assist in settling court cases involving a driver and/or vehicle.
- **Motor vehicle manufacturers** access vehicle records (e.g., name and address of current registered owners) to support manufacturer's vehicle recalls and demographic reports.
- **One charitable organization** (War Amputees of Canada) accesses driver records (e.g., name and address) to solicit support for the WarAmps "key tag" service, for the safe return of lost keys.
- **Other government organizations** such as the police and municipalities access vehicle and driver records (e.g., name and address of registered owners) for law enforcement purposes.

While individuals requesting my information are not given my address, I notice that some organizations (such as authorized requesters) can get it. Can I have my address information kept private for personal safety reasons?

Yes, if you feel that the release of your name and address to third parties may pose a threat to you or your family's well being. Written confirmation from the police is required in order to have the address suppressed. For example, if you feel you are, or may be, stalked or abused by an ex-spouse, your address will then be removed from the computer database. However, it is still the responsibility of the driver and/or vehicle owner to keep his or her address current in order to comply with the *Highway Traffic Act*. This act states that a driver or vehicle owner must notify the Ministry within six days of moving. Furthermore, if the request is approved, the driver or vehicle owner would no longer receive any driver or vehicle renewal application. Therefore, it is also the driver's and/or vehicle owner's responsibility to ensure that they are driving with a valid driver's licence and/or vehicle permit. For more information on how you can suppress your address information, please call the Ministry of Transportation at (416) 246-7103 ext. 1514 or write to the Ministry at: Licensing Administration and Support Office, Special Enquiry Unit, Building A, 2680 Keele Street, Downsview, Ontario, M3M 3E6.



Is there any other type of personal information that may be on my “driver record?”

While the above are the principal types of information in the Ministry’s databases, the Ministry also collects medical information as it relates to a person’s ability to safely operate a motor vehicle. The *Highway Traffic Act* requires the Ministry to ensure that persons licensed to operate a motor vehicle are physically fit and requires all qualified medical practitioners and licensed optometrists to report any instances which might indicate that it would be dangerous for a person to operate a motor vehicle. [Thus, if you have had a seizure or lost consciousness for no apparent reason, your doctor must report this to the Ministry and your licence may be suspended for medical reasons for a period of time. Similarly, licensed optometrists are also required to report any person, who in their opinion, is suffering from an eye condition that may make it dangerous for the person to operate a motor vehicle.] For more information regarding the collection and use of your medical information, please call the Ministry of Transportation’s Medical Department at (416) 235-1773 or 1-800-268-1481, or write to the Ministry at: Driver Improvement Office, Medical Review Section, Building A, 2680 Keele Street, Downsview, Ontario, M3M 3E6.

How can I get driver or vehicle information?

You may complete an “Application for Driver Record Search” or “Application for Vehicle Record Search” form. These are available at any of the ServiceOntario licence issuing offices. Or, you may obtain this information by using one of the ServiceOntario kiosks located in major centres throughout the province, or visit the ServiceOntario website at <http://www.serviceontario.ca>.

Where’s the privacy?

Currently, the home address of drivers and vehicle owners in Ontario is not released when vehicle and driver record searches are conducted by individuals. If you know the plate number of a vehicle, you can find out the owner’s name and, in most cases, the owner’s driver licence number. Once you know the driver’s licence number, you can find out the driver’s driving history. It is difficult to balance the apparent need for access by third parties to information contained in the *Driver Licence Database* and *Vehicle Registration Database* with the need for an appropriate level of privacy that is expected by the public. While various organizations may be able to access your personal information on the Ministry’s databases, there are formal agreements in place that limit the use and disclosure of this personal information by these organizations. If an organization does not follow the terms of agreement, the Ministry can terminate it.

Any questions or complaints?

If you have any questions or complaints about the collection and use of your personal information contained in the Ministry of Transportation’s *Driver Licence Database* or *Vehicle Registration Database*, please call the ServiceOntario Driver & Vehicle Licensing call centre at (416) 235-2999 or 1-800-387-3445 or write to the Ministry at: Licensing Administration and Support Office, Main Floor, Building A, 1201 Wilson Ave., Downsview, Ontario, M3M 1J8.

See also: Collection of Personal Information at www.mto.gov.on.ca

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