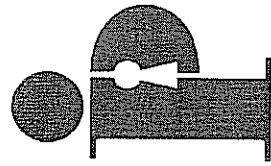


Access to Information under Ontario's Information and Privacy Acts



April 2006

Introduction

Ontario's *Freedom of Information and Protection of Privacy Act* (the provincial Act) and *Municipal Freedom of Information and Protection of Privacy Act* (the municipal Act) give you the right to request access to government-held information, including information about you. It is the responsibility of the Information and Privacy Commissioner/Ontario to ensure your right of access is protected.

A third law, the *Personal Health Information Protection Act, 2004 (PHIPA)*, gives you the right to request access to your own personal health information held by health information custodians. (See the IPC brochure entitled *The Personal Health Information Protection Act and Your Privacy* for more information about PHIPA.)

The following are answers to questions most frequently asked about the right of access to government-held information under Ontario's freedom of information legislation.

To which government organizations do the Acts apply?

The provincial Act came into effect on January 1, 1988. It applies to provincial government organizations, including all provincial ministries and most provincial agencies, boards and commissions, as well as colleges of applied arts and technology and (as of June 10, 2006) universities.

The municipal Act came into effect on January 1, 1991. It applies to local government organizations, including municipalities, police services boards, public library boards, school boards, conservation authorities, boards of health, transit commissions, certain municipal electricity corporations and certain local housing corporations.

The *Directory of Institutions*, which lists all of the government organizations covered by the Acts, can be accessed directly from www.accessandprivacy.gov.on.ca/english/index.html.

What kind of information may I request?

The Acts give everyone a general right of access to general records held by government organizations. The information may be recorded in printed form, on film,

by electronic means or otherwise and it includes things like photographs and maps. You also have the right to request access to, and correction of, your personal information held by government organizations. Your personal information includes your address, sex, age, education and other recorded information about you.

May I use the Acts to request information held by non-governmental organizations?

No. These two Acts apply only to provincial and local government organizations. They do not apply to private companies, banks, credit bureaus or federal government organizations.

Where can I see copies of the Acts?

Copies of the provincial Act are generally available for viewing throughout Ontario at the freedom of information offices of all ministries and other provincial government organizations. Copies of the municipal Act are available at the offices of most local government organizations. Copies of both Acts are also accessible via the IPC's website at www.ipc.on.ca.

If you wish, you may purchase copies of either Act by telephoning Publications Ontario, toll free, at 1-800-668-9938.

How do I find out what records provincial and local government organizations have?

First, you need to know whether the information you want is held by a provincial or local government organization.

Provincial Records

A *Directory of Records* is available for viewing online at www.accessandprivacy.gov.on.ca/english/index.html.

Consult the *Directory of Records* to find out the kinds of records held by ministries and other government organizations covered by the provincial Act. The *Directory*, maintained by the province, describes these provincial government organizations and the types of records they maintain, and it provides the telephone number and address of each such organization's Freedom of Information and Protection of Privacy Coordinator.

municipal records

municipalities and other local government organizations covered by the *municipal Act* have prepared their own directories, which are generally available at their respective offices.

say, I know what information I want — how I ask for it?

You can obtain the information you want, in many ways, just by calling or visiting the appropriate government organization. (If you are unsure of an address or telephone number, consult the Blue Pages or your telephone directory.)

what didn't work — now what?

If you did not obtain the information you want, make a written freedom of information request.

what sounds complicated. Is it?

Not at all. Simply follow these steps:

Step 1: Complete a request form, or write a letter indicating that you are requesting information under one of the two Acts. (Request forms are available from government organizations across the province. A generic request form is also available on the IPC's website, www.ipc.on.ca, under Forms.)

Step 2: Forward the completed request form or letter to the Freedom of Information and Privacy Coordinator at the government organization most likely to have the information you are looking for. Please note: A \$5 application fee must accompany your request, payable to "The Minister of Finance" (municipal Act) or the appropriate local government organization (municipal Act).

are there any other costs?

Fees are charged for the time required to manually search records containing your personal information, to prepare such records for disclosure. However, there may be charged certain other fees, including photocopying fees. For all other records, you may be charged fees for photocopying, shipping costs, or costs of manually searching the records you have

requested or preparing them for disclosure, or any other costs incurred in responding to your request.

How long must I wait for a response to my request?

Once a government organization receives your request and the application fee, you are generally entitled to a response within 30 calendar days.

Will I receive everything I ask for?

Not necessarily. While both Acts provide a general right of access to government-held information, certain exemptions may apply. Exemptions are provisions in the Acts that either permit or require a government organization to deny access to requested information, in whole or in part, if specific requirements are met.

And if access is denied?

If a government organization denies you access to information that you requested under the provincial Act or the municipal Act, it must give you written notice of its decision, and inform you of your right to appeal to the Information and Privacy Commissioner.

Do I have to pay to make an appeal?

Yes, in most cases. If you requested access to your personal information or correction of your personal information, the appeal fee is \$10. The appeal fee associated with any other requests for information is \$2.5. The correct fee must accompany your appeal and may be paid by cheque or money order, payable to "The Minister of Finance."

Is there a time limit for making an appeal?

Yes. You must make your appeal within 30 days after the government organization has given you notice of its decision.

(For more information on your right to appeal, see the IPC brochure entitled *The Appeal Process and Ontario's Information and Privacy Commissioner*.)

I have more questions. Who can answer them?

If you have questions of a general nature about access to government-held information or about the freedom of information and protection of privacy Acts, please contact an Information Officer in our Communications Department.

About the Commissioner

The Information and Privacy Commissioner is appointed by the Ontario Legislature and is independent of the government of the day.

Other brochures available from the Information and Privacy Commissioner include:

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 Freedom of Information and Protection of Privacy Act;

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

The Personal Health Information Protection Act and Your Privacy.

For more information, call or write:

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Facsimile: 416-325-9195
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