

Municipal Freedom of Information and Protection of Privacy Act



July 2008

The *Municipal Freedom of Information and Protection of Privacy Act* applies to local government organizations, including municipalities, police services boards, school boards, conservation authorities, boards of health and transit commissions.

The *Act* requires that local government organizations protect the privacy of an individual's personal information existing in government records. It also gives individuals the right to request access to municipal 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 the government's 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 is 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.

An individual may appeal a government organization's response to a correction request to the Information and Privacy Commissioner.

Access

If you want access to government records, begin by contacting the government organization that has the information. If you do not obtain the information you want, make a written request under the *Act*. Please note: Section 52 of the *Act* outlines some specific types of records 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 certain kinds of records, including:

- information received in confidence from other governments;
- 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 to disclose certain other kinds of records, including:

- draft bylaws, draft private bills and records of meetings that are authorized by statute to be held in the absence of the public;
- advice or recommendations within the organization;
- law enforcement information;
- information which could prejudice the financial or other specified interests of the organization;
- information subject to 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 organizations 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 before granting access;
- within 30 days of receipt of an access request, make records available, deny access or notify the requester of any delay because of a need to obtain representations from affected persons or because of extraordinary circumstances;
- give written reason for any denial of access;
- inform the person being denied access of his or her right to appeal to the Information and Privacy Commissioner within 30 days of receiving the government organization's response.

Fees

Requests:

You must pay a \$5 application fee to the government organization 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.

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 core 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 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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