

TABLE OF CONTENTS

Dedication	iii
About the Author	v
Introduction	vii
Table of Concordance	xv
Table of Commissioner’s Orders and Privacy Complaints	xxiii
Table of Cases	lxxix

MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

1	Purposes	1
2	Interpretation	1
3	Designation of head	3
PART I — FREEDOM OF INFORMATION (SS. 4–26)		
<i>Access to Records</i>		
4	Right of access	4
4.1	Measures to ensure preservation of records	4
5	Obligation to disclose	4
<i>Exemptions</i>		
6	Draft by-laws, etc.	5
7	Advice or recommendations	5
8	Law enforcement	6
8.1	Civil Remedies Act, 2001	7
8.2	Prohibiting Profiting from Recounting Crimes Act, 2002	7
9	Relations with governments	7
9.1	Relations with Aboriginal communities	7
10	Third party information	8
11	Economic and other interests	8
12	Solicitor-client privilege	9
13	Danger to safety or health	9
14	Personal privacy	9
15	Information soon to be published	11
16	Exemptions not to apply	11
<i>Access Procedure</i>		
17	Request	11
18	Definition	12
19	Notice by head	12
20	Extension of time	13
20.1	Frivolous request	13
21	Notice to affected person	13

Table of Contents

22	Contents of notice of refusal	15
23	Copy of record	16
	<i>Information to be Published or Available</i>	
24	Publication of information re institutions	16
25	Information available for inspection	17
26	Annual report of head	17
	PART II — PROTECTION OF INDIVIDUAL PRIVACY (SS. 27–38)	
	<i>Collection and Retention of Personal Information</i>	
27	Application of Part	18
28	Definition	18
29	Manner of collection	18
30	Retention of personal information	19
	<i>Use and Disclosure of Personal Information</i>	
31	Use of personal information	19
32	Where disclosure permitted	19
33	Consistent purpose	20
	<i>Personal Information Banks</i>	
34	Personal information bank index	20
35	Inconsistent use or disclosure	21
	<i>Right of Individuals to whom Personal Information Relates to Access and Correction</i>	
36	Right of access to personal information	21
37	Request	22
38	Exemptions	22
	PART III — APPEAL (SS. 39–44)	
39	Right to appeal	22
40	Mediator to try to effect settlement	23
41	Inquiry	23
42	Burden of proof	25
43	Order	25
44	Delegation	25
	PART IV — GENERAL (SS. 45–55)	
45	Fees	25
46	Powers and duties of Commissioner	26
47	Regulations	26
48	Offences	27
49	Delegation of head’s powers	28
50	Oral requests	28
51	Information otherwise available	28
52	Application of Act	28
52.1	Non-application re: Hydro One Inc.	29
53	Other Acts	30
54	Exercise of rights of deceased, etc., persons	30
55	[Repealed 2006, c. 34, Sched. C, s. 21.]	30

Table of Contents

ONT. REG. 823 — GENERAL

1	.....	31
2	.....	31
3	.....	31
4	.....	31
5	.....	32
5.1	.....	32
5.2	.....	32
5.3	.....	32
6	.....	32
6.1	.....	33
7	.....	33
8	.....	33
9	.....	33
10	.....	33
11	.....	34
Form [1]	Security and Confidentiality Agreement of Personal Information for Research Purposes	34
Form 1	[Repealed O. Reg. 172/16, s. 2.]	36
Form 2	[Repealed O. Reg. 35/11, s. 4.]	36

ONT. REG. 372/91 — INSTITUTIONS

1	.....	37
2	.....	38

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

1	Purposes	39
1.1	Limited application re Assembly	40
2	Definitions	41

PART I — ADMINISTRATION (SS. 3–9)

3	Responsible minister	72
4	Information and Privacy Commissioner	73
5	Term of office	74
6	Removal or suspension	74
7	Salary and benefits	75
7.1	Designation by Commissioner	76
7.2	Temporary Commissioner	76
7.3	Subsequent appointment not prohibited	77
7.4	Restrictions re other work, etc.	77
7.5	Oath of office	77
7.6	Nature of office	77
7.7	Protection from liability	77
8	Staff	78
9	Premises and supplies	79

Table of Contents

PART II — FREEDOM OF INFORMATION (SS. 10–36)

Access to Records

10	Right of access	79
10.1	Measures to ensure preservation of records	101
11	Obligation to disclose	102

Exemptions

12	Cabinet records	103
13	Advice to government	116
14	Law enforcement	127
14.1	Civil Remedies Act, 2001	146
14.2	Prohibiting Profiting from Recounting Crimes Act, 2002	147
15	Relations with other governments	147
15.1	Relations with Aboriginal communities	152
16	Defence	153
17	Third party information	154
18	Economic and other interests of Ontario	178
18.1	Information with respect to closed meetings	194
19	Solicitor-client privilege	194
20	Danger to safety or health	211
21	Personal privacy	213
21.1	Species at risk	264
22	Information soon to be published	265
23	Exemptions not to apply	269

Access Procedure

24	Request	280
25	Request to be forwarded	285
26	Notice by head	287
27	Extension of time	291
27.1	Frivolous request	294
28	Notice to affected person	296
29	Contents of notice of refusal	301
30	Copy of record	306

Information to be Published or Available

31	Publication of information re institutions	309
32	Operation of institutions	310
33	Institution documents	311
34	Annual report of head	312
35	Documents made available	313
36	Information from heads	314

PART III — PROTECTION OF INDIVIDUAL PRIVACY (SS. 37–49)

Collection and Retention of Personal Information

37	Application of Part	314
38	Definition	315
39	Manner of collection	320
40	Retention of personal information	324

Use and Disclosure of Personal Information

41	Use of personal information	326
42	Where disclosure permitted	328

Table of Contents

43	Consistent purpose	337
	Personal Information Banks	
44	Personal information banks	338
45	Personal information bank index	339
46	Inconsistent use or disclosure	340
	Right of Individual to whom Personal Information Relates to Access and Correction	
47	Right of access to personal information	341
48	Request	344
49	Exemptions	349
	PART III.1 — DATA INTEGRATION (SS. 49.1–49.15)	
49.1	Definitions	357
49.2	Purpose for the collection of personal information	358
49.3	General rules re personal information	358
49.4	Collection of personal information	358
49.5	Restrictions on collection	360
49.6	Linking and de-identification	361
49.7	Limits on use of personal information	362
49.8	Limits on use of de-identified information	362
49.9	Disclosure of personal information	362
49.10	Notice of collection	363
49.11	Security and retention	363
49.12	Commissioner’s review of practices	364
49.13	Annual report	366
49.14	Data standards	366
49.15	Regulations	367
	PART IV — APPEAL (SS. 50–56)	
50	Right to appeal	367
51	Mediator to try to effect settlement	376
52	Inquiry	378
53	Burden of proof	390
54	Order	391
55	Confidentiality	403
56	Delegation by Commissioner	404
	PART V — GENERAL (SS. 57–70)	
57	Fees	405
58	Annual report of Commissioner	420
59	Powers and duties of Commissioner	422
60	Regulations	423
61	Offences	425
62	Delegation of head’s powers	426
63	Oral requests	429
64	Information otherwise available	430
65	Application of Act	431
65.1	Service provider organizations	451
65.2	Public consultation before making regulations	452
65.3	Non-application re: certain corporations	454
66	Exercise of rights of deceased, etc., persons	455

Table of Contents

67	Conflict with other Act	460
68	[Repealed 2006, c. 34, Sched. C, s. 12.]	464
69	Application	464
70	Crown bound	465

ONT. REG. 460 — GENERAL

1	. . . . .	467
2	. . . . .	467
3	. . . . .	467
4	. . . . .	467
5	. . . . .	467
5.1	. . . . .	468
5.2	. . . . .	468
5.3	. . . . .	468
6	. . . . .	468
6.1	. . . . .	469
7	. . . . .	469
8	. . . . .	469
9	. . . . .	469
10	. . . . .	469
11	. . . . .	470

SCHEDULE [1]

Form 1	[Repealed O. Reg. 171/16, s. 3.]	478
Form 2	[Repealed O. Reg. 34/11, s. 5.]	478

ONT. REG. 459 — DISPOSAL OF PERSONAL INFORMATION

1	. . . . .	479
2	. . . . .	479
3	. . . . .	479
4	. . . . .	479
5	. . . . .	480
6	. . . . .	480

ONT. REG. 366/19 — DATA INTEGRATION

1	Inter-ministerial data integration units	481
2	Ministry data integration units	481
3	Commencement	481
Index	. . . . .