

THE HURON-PERTH CATHOLIC DISTRICT SCHOOL BOARD



The  
Municipal  
Freedom of Information  
and  
Protection of Privacy Act

Procedure Manual

May 25, 1998

Municipal Freedom of Information and  
Protection of Privacy Act, 1989

SECTION	PAGE
1. <b>Introduction to the Municipal Freedom of Information and Privacy Act</b>	1.0
general	1.1
purposes	1.2
definitions	1.3
2. <b>General Right to Access to Information</b>	2.0
access	2.1
confidentiality	2.1
exemptions	
mandatory	2.2
discretionary	2.3
access procedures - severing	2.3
third party information	2.4
fees	2.5
estimates	2.5
waiver of payment, review by Commissioner	2.6
3. <b>Privacy Protection Code</b>	3.0
privacy protection code	3.1
collection of personal information	3.2
manner of collection	3.2
access to own personal information	3.3
correction of personal information	3.3
access procedures	3.4
exemptions to access to own personal information	3.5
access to another Person's personal information	3.5
4. <b>Appeals</b>	4.0
appeals	4.1
persons who can appeal	4.1
decisions that can be appealed	4.2
appeals process, mediation	4.2
time limit, receipt of appeal, inquiry, order	4.3
5. <b>Sample Notification Letter</b>	5.0
6. <b>Appendix</b>	6.0
7. <b>Tracking and Recording Form</b>	7.0

# SECTION

# 1

Introduction to the Municipal Freedom  
of Information and Protection of  
Privacy Act

## INTRODUCTION OF THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

### GENERAL

The Municipal Freedom of Information and Protection of Privacy Act, 1989, was passed by the Ontario Legislature on December 14, 1989, and comes into effect on January 1, 1991.

## PURPOSES OF THE ACT

The purposes of the Act are:

- a) to provide a right of access to information under the control of The Huron-Perth Catholic District School Board in accordance with the principles that:
  - i) information should be available to the public,
  - ii) necessary exemptions from the right of access should be limited and specific, and
  - iii) decisions on the disclosure of information should be reviewed independently of The Huron-Perth Catholic District School Board controlling the information; and
- b) to protect the privacy of individuals with respect to personal information about themselves held by The Huron-Perth Catholic District School Board and to provide individuals with a right of access to that information.

## DEFINITIONS

**HEAD:** The "**Head**" of the Huron-Perth Catholic District School Board, for the purposes of this Act, is the chairperson, chosen by the Board, to assume the duties assigned under the Act.

**DELEGATION  
OF POWERS  
AND DUTIES:**

While the Act grants powers under the Act to the "head", the "head" in writing may delegate his/her powers and duties to the Director of Education.

(See Appendix I)

**DESIGNATION  
OF POWERS AND  
DUTIES:**

The Director of Education (Delegate) may designate some or all of its powers and duties to an employee of the Huron-Perth Catholic District School Board.

**RECORD:**

A "**record**" means any record of information however recorded. This includes printed material, information on audio or video tape, information stored electronically or by any other means. A wide range of information is included within the definition of "**record**" including: correspondence, memorandums, books, plans, maps, photographs, videotapes and machine readable information such as that stored in computer memories.

The record must be in the custody or under the control of the Huron-Perth Catholic District School Board.

"**Custody**" means in the Board's physical possession.

"**Control**" means the power of authority to make a decision about the use or disclosure of the records and may include those records in the custody at the Board office as well as those records in its schools and other properties.

**PERSONAL  
INFORMATION**

1. "**Personal Information**" means recorded information about an identifiable individual, including:

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transaction in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, telephone number, fingerprints or blood types of the individual;
- e) the personal opinions or views of the individual except if they relate to another individual;
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the view or opinions of another individual about the individual, and;
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

2. Personal information does not include information about an individual who has been dead for more than thirty years.

PERSONAL  
INFORMATION  
BANK:

**“Personal information bank”** means a collection of personal information that is organized and capable of being retrieved using an individual's name or an identifying number or particular assigned to the individual.

# SECTION

# 2

General Right to Access  
to Information

2.0

## GENERAL RIGHT TO ACCESS TO INFORMATION

### ACCESS (Section 4 (1))

Any person may make a request for a record. The Municipal Freedom of information and Protection of Privacy Act, 1989, established an access process, with deadlines and notification procedures for requests made under the Act.

The Act provides that the information available to the public before the Act comes into force, will continue to be available, except personal information. The Act also states that the Board can provide access to information in response to an oral inquiry and continue its past practices.

If the information being requested is not available in response to an oral request, the Act describes a procedure for handling requests.

The request:

- must be in writing
- be made to the head of the Board who decides what is to be disclosed
- must be in sufficient detail to enable an employee to locate a record.

### CONFIDENTIALITY:

With very few exceptions existing statutory barriers to the disclosure of information are removed in favor of the procedures and limitations described in the Municipal Freedom of Information and Protection of Privacy Act. This Act prevails unless this Act or other legislation specifically directs otherwise.

EXEMPTIONS:

While a general right of access to information exists it is not without restriction. In some instances it is necessary to protect the confidentiality of certain records and in others to protect the privacy of personal information held by the Board.

There are two types of exemptions: mandatory and discretionary.

MANDATORY EXEMPTIONS:

Mandatory exemptions requires the Board to refuse to disclose a record if it falls within the scope of the exemption, subject to exceptions. The three mandatory exemptions are:

- information that relates to relations with governments if the information was received in confidence (s. 9)
- third party information if supplied in confidence and its disclosure could prejudice the interests of the third party (s. 10)
- personal information about individuals other than the requester (s. 14)

Each of these exemptions provides an exception, i.e., that where consent is given the record can be disclosed. Section 14 also provides factors to consider in determining whether the disclosure of personal information would be an unjustified invasion of privacy.

### DISCRETIONARY EXEMPTIONS:

Discretionary exemptions allows the Board to determine whether it will disclose the requested record, subject to exceptions that require some records to be disclosed.

#### Discretionary exemptions include:

- draft by-laws, records of closed meetings where such are authorized by statute (s. 6)
- advice or recommendations, except where the material relates primarily to factual information (s. 7)
- law enforcement (s. 8)
- information which could prejudice the financial or other specified interests of the Board (s. 11)
- solicitor-client privilege (s. 12)
- information which could endanger the safety or health of an individual (s. 13)
- information already available to the public or soon to be published (s. 15)

Certain exemptions do not apply if a compelling public interest exists in disclosing the information. In addition, the head of the Board is required to disclose information where there is a grave environmental, health or safety hazard, regardless of whether a formal request has been received. (s. 5 and s. 16)

### ACCESS PROCEDURES:

The access scheme in the Act sets out specific time limits - usually 30 days within which the Board must respond to a request for access to records.

The steps in the process are:

- receipt of request - determining whether the request is in sufficient detail to locate the record requested
- locate record - determine whether a record exists, whether another institution has a greater interest
- preliminary review - whether exemptions apply, third party notices required, extension of time limit, fee estimate
- process request - retrieve records, apply exemptions, sever, determine fee
- grant/deny access

(See Appendix II)

SEVERING (s. 4(2))

If a document contains exempt and non-exempt material, the exempted material must be removed and the balance of the record disclosed to the requester.

THIRD PARTY INFORMATION: (Appendix III)

Where the Board receives a request for information supplied in confidence including trade secrets or scientific, technical, commercial, financial or labour relations information or information about an individual other than the requester, and where the head intends to release the information, the head shall give notice to the third party.  
The head shall provide the third party an opportunity to make representations.

If after hearing representations from the affected third party or named individual, the head decides to release the requested record, the head must give notice of that decision to the affected parties. Third parties then have opportunity to appeal the head's decision to the Information and Privacy Commissioner.

FEES:

Costs are to be borne by those who request access to information, except for requests for access to one's own personal information.

The fee schedule will be the one established by regulation under the Act.

Costs that shall be charged to the requester includes:

- a search charge for every hour of manual search in excess of two hours that is required to locate a record
- cost of preparing the record for disclosure
- costs of developing a computer program or some other method of producing a record from a machine readable record
- costs incurred to copy a record
- shipping costs.

NOTE: Costs of retrieving records to determine if an exemption applies will not be charged.

ESTIMATES:

Whenever the cost of processing a request is over **\$25.00**, the Board will provide the requester with a reasonable estimate.

WAIVER OF PAYMENT:

In certain circumstances fees can be waived. The head may waive, in whole or in part, a fee required to be paid. The waiver of fees is based on grounds that it is fair and equitable in the circumstances as stated in section 45 (4) of the Act.

The decision to waive the fee or reduce the fee is made on a case-by-case basis.

REVIEW BY COMMISSIONER:

Any person required to pay a fee may ask the Commissioner to review the decision to charge a fee or the amount of the fee.

# SECTION

# 3

Privacy Protection Code

PRIVACY PROTECTION CODE:

The personal information held by the Huron-Perth Catholic District School Board is available to the person to whom the information relates but must be protected from unauthorized disclosure.

The Act has a number of provisions dealing with the collection, use and disclosure of personal information.

The privacy provisions do not apply to personal information that is maintained for the purpose of creating a record that is available to the general public.

Such a record must be one to which all members of the public have equal access.

COLLECTION OF PERSONAL INFORMATION:

For personal information to be collected:

- the collection of personal information is authorized by statute, or
- the information is used for purposes of law enforcement, or
- the collection is necessary for the proper administration of a lawfully authorized activity

The information to be collected is limited to necessary information only.

(See Appendix IV, V, VI, VIII)

MANNER OF COLLECTION:

The legislation requires that personal information be collected directly from the individual to whom it relates, unless certain circumstances, described below, exist:

- an individual may authorize another manner of collection
- information may be disclosed to the Board under the Freedom of Information and Privacy Act (legislation covering provincial ministries and agencies)
- the Commissioner authorizes the manner of collection
- the information is in a report from a reporting agency in accordance with the Consumer Reporting Act
- the information is collected for the purpose of determining an honour or reward
- the information is to be used in a court or judicial or quasi-judicial proceeding
- the information is collected for law enforcement purposes
- another manner of collection is authorized by or under a statute.

ACCESS TO OWN PERSONAL INFORMATION:

The legislation provides an individual with a right of access to his/her own personal information, whether or not the information is held in a personal information bank.

A request by an individual for access to his/her personal information:

- must be a complete request
- must be in writing
- should identify the personal information bank where the record is held, or otherwise identify the location of the personal information sought.

The individual must provide sufficient information to enable an experienced employee to locate and retrieve the information.

**NOTE: THE BOARD MUST CONFIRM THE IDENTITY OF THE REQUESTER TO ENSURE THAT THE PERSONAL INFORMATION IS DISCLOSED ONLY TO THE PERSON TO WHOM THE INFORMATION RELATES.**

CORRECTION OF PERSONAL INFORMATION:

Every individual who is given access to their own personal information has the right to request correction of that information if they believe the information to be in error or incomplete.

Requests for correction may relate to factual information or to opinions.

The requester should provide evidence to support the change requested.

### 3.3

The head of the Board will decide whether the correction will be made.

The requester should be notified within 30 days regarding the decision of the head to correct the record.

If the correction is not made, the individual must be informed of the right to:

- appeal the decision; and
- request that a statement of disagreement be attached to the record.

If the requester files a statement of disagreement with the Board, the Board will attach the statement to the personal information record if requested.

The individual has the right to request that any person or body to whom the information was disclosed during the past 12 months be notified of the correction or statement of disagreement.

#### ACCESS PROCEDURES:

Procedures for granting access to personal information are essentially the same as those for granting access to general records. The provisions which apply include:

- requirement to sever exempt information
- the requirement to assist in locating the record sought
- the requirement to forward a request to the institution with control or custody
- the option to transfer a request to the institution with the greater interest and
- time limits for responding to a request.

Where an individual is given access to personal information, the individual can examine the personal information or obtain a copy.

EXEMPTIONS TO ACCESS TO OWN PERSONAL INFORMATION:

While there is a general right to access to one's own information, there are some circumstances under which the **head** may refuse to disclose information to the person to whom the information relates.

Those circumstances are:

- if one of the exemptions in sections 6, 7, 8, 9, 10, 11, 12, 13, or 15 applies;
- if the disclosure would constitute an unjustified invasion of another individual's privacy;
- if the information is evaluative or opinion material compiled to determine suitability for employment, or a contract where the information would reveal the identity of the source of the information where it may have been assumed that the identity of the source would be confidential;
- if the information is medical where its disclosure could reasonably be expected to prejudice the health of the individual; or
- if the information is a research or statistical record.

ACCESS TO ANOTHER PERSON'S PERSONAL INFORMATION:

A disclosure of personal information to a requester who is not the person who is the subject of the record does not constitute an unjustified invasion of personal privacy if the information:

- discloses the classification, salary range, and benefits or employment responsibilities; or
- discloses financial or other details of a contract for personal services between an individual and the Board.

(See Appendix VII)

# SECTION

# 4

Appeals

APPEALS:

If an affected person, including a third party disagrees with a decision by the Huron-Perth Catholic District School Board, relating to the disclosure of a record, or with respect to certain other matters, that person may ask the Information and Privacy Commissioner for Ontario to review the decision. The Commissioner is appointed as an Officer of the Legislature and is independent of the Government or any institution.

The Commissioner has the right to inspect the record, examine witnesses under oath, and to hear from parties who may be affected by the disclosure of the record. If the record does not fall within an exemption, the Commissioner can order its disclosure.

The Commissioner can also order the Huron-Perth Catholic District School Board to cease an information collection practice or to destroy collections of personal information where they are found to contravene the legislation.

PERSONS WHO CAN APPEAL:

- a person who has made a request for access to a record;
- a person who has made a request for access to his/her own personal information or for correction of that information;
- a third party who has received notice that the head intends to disclose a record that may affect the interests of the third party.

DECISIONS THAT CAN BE APPEALED:

Any decision that the **head** makes under the Act may be appealed to the Commissioner. In particular, the following decisions are subject to appeal:

- refusal to grant access to the record on the ground that the record is exempt or does not exist;
- granting access to only part of a record;
- granting a request for access to a record that may contain third party information or where disclosure may be an unjustified invasion of personal privacy;
- refusal to confirm or deny the existence of a record;
- a decision to extend the time limit for responding to a request;
- a refusal to make a correction to personal information;
- the amount of fee charged;
- refusal to waive a fee;
- refusal to allow the requester to examine the original record.

THE APPEAL PROCESS

MEDIATION:

The Commissioner may authorize a mediator to investigate the dispute and try to bring about a settlement or narrow the issues arising in the appeal.

If it is determined that a settlement is not likely, the appeals officer will prepare a report or summary letter, outlining the facts of the appeal and the issues which appear to be relevant in an inquiry. This report is designed to assist a person in making representations to the Commissioner.

TIME LIMIT:

An appeal is initiated by filing with the Information and Privacy Commissioner for Ontario a **written notice within 30 calendar days after the notice is given of the head's decision.**

RECEIPT OF APPEAL:

Upon receipt of an appeal by the Commissioner,

- notice of the appeal is sent to the Huron-Perth Catholic District School Board;
- acknowledgment of the receipt of appeal is sent to the appellant;
- an appeal officer is assigned to conduct an investigation and will review the record(s) in issue.

If an appeal is by a third party:

- the original requester will be notified of the appeal.

INQUIRY:

All affected persons are notified of their right(s) to make representations before a decision is rendered.

The Commissioner's practice is to receive written representations, **with the affected persons requested to do so within 21 days.**

If further information is required, the Commissioner may request further investigation or research, or contact any party and request additional information, in writing or by having the party answer questions at the Commissioner's office.

ORDER:

A copy of the Commissioner's Order is sent to each party to the appeal.

THE ORDER IS BINDING.

# SECTION

# 5

Sample  
Notification  
Letters

## SAMPLE NOTIFICATION LETTERS

- Clarifying request
- Notice to requester granting access to records
- Notice to requester denying access to records or parts of records
- Forwarding or transferring requests
- Notice of Time Extension
- Fee Estimate/Interim Decision Regarding Disclosure
- Notice to requester where third party is affected
- Notice to affected third party (Section 10: third party information)
- Notice to affected third party (Section 14: personal information)
- Notice to affected third party after representations where head intends to release the record(s).

CLARIFYING REQUESTS

DATE: \_\_\_\_\_

\_\_\_\_\_  
(REQUESTER'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

YOUR REQUEST FOR ACCESS TO RECORDS WAS RECEIVED ON \_\_\_\_\_  
\_\_\_\_\_.

UNFORTUNATELY, THE REQUEST DOES NOT PROVIDE SUFFICIENT DETAIL TO  
ENABLE US TO IDENTIFY THE RECORD(S). WOULD YOU PLEASE SUPPLY US  
WITH THE FOLLOWING INFORMATION THAT WILL HELP US IDENTIFY THE  
RECORD(S) YOU HAVE REQUESTED.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SINCERELY,

\_\_\_\_\_  
DELEGATE'S OR DESIGNATE'S SIGNATURE

NOTICE TO REQUESTER  
GRANTING ACCESS TO RECORDS

DATE: \_\_\_\_\_

\_\_\_\_\_  
(REQUESTER'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

I AM REPLYING TO YOUR ACCESS REQUEST UNDER THE MUNICIPAL  
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989.  
ACCESS IS GRANTED TO (SPECIFY DETAILS OF RECORDS)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

(NOTE: In this letter you may want to:

- indicate what the fee for access to the records is,
- give the requester the option to view the record, or
- indicate that identification will be required if access is given to an individual's own personal information.)

5.3  
NOTICE TO REQUESTER  
DENYING ACCESS TO RECORDS  
OR PARTS OF RECORDS

DATE: \_\_\_\_\_

\_\_\_\_\_  
(REQUESTER'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

I AM REPLYING TO YOUR ACCESS REQUEST UNDER THE MUNICIPAL  
FREEDOM OF INFORMATION AND PRIVACY ACT, 1989.

ACCESS IS DENIED TO \_\_\_\_\_ UNDER  
SECTION(S) \_\_\_\_\_ OF THE ACT.

THIS PROVISION APPLIES TO THE RECORD(S) BECAUSE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

YOU MAY REQUEST THAT THIS DECISION BE REVIEWED BY THE  
INFORMATION AND PRIVACY COMMISSIONER \_\_\_\_\_

\_\_\_\_\_  
(INSERT ADDRESS)

PLEASE NOTE THAT YOU HAVE 30 DAYS FROM THE RECEIPT OF THIS LETTER  
TO REQUEST A REVIEW.

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

FORWARDING OR TRANSFERRING

FORWARDING OR TRANSFERRING  
REQUEST

DATE: \_\_\_\_\_

\_\_\_\_\_  
(REQUESTER'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

YOUR REQUEST FOR ACCESS TO RECORDS WAS RECEIVED ON \_\_\_\_\_.  
(DATE)

PURSUANT TO SECTION 18 OF THE MUNICIPAL FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY ACT, 1989, YOUR REQUEST HAS BEEN  
FORWARDED TO \_\_\_\_\_

\_\_\_\_\_  
(NAME AND ADDRESS OF OTHER INSTITUTION)

THAT INSTITUTION HAS CUSTODY OR CONTROL OF THE RECORD(S) YOU  
HAVE REQUESTED.

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

NOTICE OF TIME EXTENSION

DATE: \_\_\_\_\_

\_\_\_\_\_  
(REQUESTER'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

YOUR REQUEST FOR ACCESS TO RECORDS WAS RECEIVED ON \_\_\_\_\_  
(DATE)

UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989, THE GENERAL TIME LIMIT FOR RESPONDING TO REQUESTS FOR ACCESS TO RECORDS IS 30 CALENDAR DAYS. WE WISH TO ADVISE YOU THAT THE TIME LIMIT FOR RESPONDING TO YOUR REQUEST HAS BEEN EXTENDED IN ACCORDANCE WITH SECTION 20 OF THE ACT. THE TIME WILL BE EXTENDED FOR AN ADDITIONAL \_\_\_\_\_ DAYS TO \_\_\_\_\_.  
(NO.) (DATE)

THE REASON FOR THIS EXTENSION IS \_\_\_\_\_.  
(INSERT REASON)

YOU MAY REQUEST THAT THIS DECISION BE REVIEWED BY THE INFORMATION AND PRIVACY COMMISSIONER \_\_\_\_\_.  
(INSERT ADDRESS)

PLEASE NOTE THAT YOU HAVE 30 DAYS FROM THE RECEIPT OF THIS LETTER TO REQUEST A REVIEW.

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

5.6  
FEE ESTIMATE / INTERIM DECISION  
REGARDING DISCLOSURE

DATE: \_\_\_\_\_:

---

(REQUESTER'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

FURTHER TO YOUR REQUEST FOR ACCESS TO RECORDS UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989, IT IS EXPECTED THAT FEES UNDER SECTION 45 WILL APPLY TO YOUR REQUEST.

THE ESTIMATED FEE IS \$ \_\_\_\_\_. THE DETAILS OF THE ESTIMATE  
(ENTER AMOUNT)

ARE: \_\_\_\_\_

---

---

---

---

OUR PRELIMINARY REVIEW OF THE RECORDS INDICATES THAT SOME OF THE FOLLOWING EXEMPTIONS MIGHT APPLY TO THE RECORDS YOU HAVE REQUESTED.

---

---

---

---

---

(DESCRIBE IN A GENERAL WAY WHAT EXEMPTIONS MIGHT APPLY TO WHAT KINDS OF RECORDS)

5.7

THE ACT PROVIDES THAT ALL OR PART OF THE FEE CAN BE WAIVED IF IN OUR OPINION IT IS FAIR AND EQUITABLE TO DO SO, IF THE FEE WILL CAUSE YOU A FINANCIAL HARDSHIP OR IF DISSEMINATION OF THE RECORD WILL BENEFIT PUBLIC HEALTH OR SAFETY.

YOUR WRITTEN ACCEPTANCE OF THIS FEE ESTIMATE IS REQUESTED PRIOR TO PROCEEDING WITH THE REQUEST.

FEE ESTIMATE/INTERIM DECISION REGARDING DISCLOSURE

YOU MAY REQUEST THAT THIS FEE ESTIMATE BE REVIEWED BY THE INFORMATION AND PRIVACY COMMISSIONER \_\_\_\_\_.  
(INSERT ADDRESS)

PLEASE NOTE THAT YOU HAVE 30 DAYS FROM THE RECEIPT OF THIS LETTER TO REQUEST A REVIEW OF THE FEE ESTIMATE.

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

NOTICE TO REQUESTER WHERE THE THIRD PARTY  
IS AFFECTED

DATE: \_\_\_\_\_

\_\_\_\_\_  
(REQUESTER'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

YOUR REQUEST FOR ACCESS UNDER THE MUNICIPAL FREEDOM OF  
INFORMATION AND PROTECTION OF PRIVACY ACT, 1989, WAS RECEIVED ON

\_\_\_\_\_.  
(DATE)

THE REQUEST MAY AFFECT THE INTERESTS OF A THIRD PARTY.

THE THIRD PARTY IS BEING GIVEN AN OPPORTUNITY TO MAKE  
REPRESENTATION CONCERNING DISCLOSURE OF THE RECORD. A DECISION  
ON WHETHER THE RECORD WILL BE DISCLOSED WILL BE MADE BY  
\_\_\_\_\_, IN ACCORDANCE WITH SECTION 21 OF THE ACT.  
(INSERT DATE)

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

NOTICE TO AFFECTED THIRD PARTY  
(SECTION 10: THIRD PARTY INFORMATION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(AFFECTED THIRD PARTY'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

THE HURON-PERTH CATHOLIC DISTRICT SCHOOL BOARD HAS RECEIVED A REQUEST UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989, TO DISCLOSE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(DESCRIBE IN DETAIL THE RECORDS AS THEY RELATE TO THE AFFECTED THIRD PARTY, NOTING THAT THE RECORDS MUST CONTAIN INFORMATION DESCRIBED IN SECTION 10 AND THAT THE RECORDS MUST HAVE BEEN RECEIVED IN CONFIDENCE).

UNDER SECTION 10 OF THE ACT, WE ARE OBLIGATED TO RELEASE THESE RECORDS UNLESS IT CAN BE SHOWN THAT DISCLOSURE OF THESE RECORDS WOULD:

- (1) PREJUDICE YOUR COMPETITIVE POSITION OR INTERFERE WITH ANY CONTRACTURAL RIGHTS YOU POSSESS, OR
- (2) RESULT IN YOU NO LONGER SUPPLYING THIS OR SIMILAR INFORMATION TO \_\_\_\_\_ OR,  
(NAME OF INSTITUTION)
- (3) RESULT IN UNDUE LOSS OF GAIN TO ANY PERSON, BUSINESS OR ORGANIZATION OF WHICH YOU ARE AWARE.

YOUR VIEWS REGARDING THE DISCLOSURE OF THESE RECORDS WOULD BE APPRECIATED. IF YOU HAVE CONCERNS ABOUT THE RELEASE OF THE RECORDS, PLEASE CONTACT US BY LETTER NO LATER THAN \_\_\_\_\_, OUTLINING YOUR CONCERNS. YOU WILL BE NOTIFIED IN (INSERT DATE)

WRITING BY \_\_\_\_\_ ABOUT OUR DECISION REGARDING THE (INSERT DATE)

RELEASE OF THESE RECORDS.

IF YOU REQUIRE FURTHER INFORMATION, PLEASE CONTACT THE UNDERSIGNED.

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

[NOTE: ATTACH A COPY OF SECTION 10 WITH THIS LETTER]

NOTICE TO AFFECTED THIRD PARTY  
(SECTION 14: PERSONAL INFORMATION)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(AFFECTED THIRD PARTY'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

THE HURON-PERTH CATHOLIC DISTRICT SCHOOL BOARD HAS RECEIVED A REQUEST UNDER THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989, TO DISCLOSE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(DESCRIBE IN DETAIL THE RECORDS AS THEY RELATE TO THE AFFECTED INDIVIDUAL.)

YOUR VIEWS REGARDING THE DISCLOSURE OF THESE RECORDS WOULD BE APPRECIATED. PLEASE INDICATE IN WRITING WHETHER OR NOT YOU CONSIDER THAT THE DISCLOSURE OF THESE RECORDS WOULD BE AN INVASION OF YOUR PERSONAL PRIVACY. YOUR RESPONSE MUST BE RECEIVED BY

\_\_\_\_\_. YOU WILL BE NOTIFIED IN WRITING BY \_\_\_\_\_  
(DATE) (DATE)

ABOUT OUR DECISION REGARDING THE RELEASE OF THESE RECORDS.

IF YOU REQUIRE FURTHER INFORMATION, PLEASE CONTACT THE UNDERSIGNED.

SINCERELY,

\_\_\_\_\_  
(DELEGATE'S OR DESIGNATE'S SIGNATURE)

NOTICE TO AFFECTED THIRD PARTY AFTER  
REPRESENTATIONS WHERE HEAD INTENDS  
TO RELEASE THE RECORD(S)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(AFFECTED THIRD PARTY'S NAME AND ADDRESS)

DEAR \_\_\_\_\_:

FOLLOWING YOUR REPRESENTATIONS CONCERNING DISCLOSURE OF

\_\_\_\_\_  
\_\_\_\_\_  
(DETAILS OF THE RECORD(S))

A DECISION HAD BEEN MADE TO GRANT ACCESS [OR PARTIAL ACCESS] TO THE REQUESTER.

IN ACCORDANCE WITH SECTION 21 OF THE MUNICIPAL FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT, 1989, YOU ARE ENTITLED TO REQUEST THAT THIS SECTION BE REVIEWED BY THE INFORMATION AND PRIVACY COMMISSIONER \_\_\_\_\_

\_\_\_\_\_  
(INSERT ADDRESS)

YOU HAVE UNTIL \_\_\_\_\_ TO REQUEST A REVIEW,  
(INSERT DATE)

OTHERWISE ACCESS TO THE RECORD(S) WILL BE PROVIDED TO THE REQUESTER.

SINCERELY,

\_\_\_\_\_

(DELEGATE'S OR DESIGNATE'S SIGNATURE)

5.14

# SECTION

# 6

Appendix

6.0

I, \_\_\_\_\_, chairperson of the Huron-Perth Catholic District School Board delegate all powers and duties under the Municipal Freedom of Information and Protection of Privacy Act, 1989, to the Director of Education.

#### POWER OF DUTY

Severing Records (s. 4 (2))

Disclosing records: grave environmental, health, or safety hazard (s. 5)

Deciding if exemptions apply:

- draft by-laws, private bills, closed meetings (s. 6)
- advice or recommendations (s. 7)
- law enforcement (s. 8)
- relations with governments (s. 9)
- third party information (s. 10)
- economic and other interests (s. 11)
- solicitor-client privilege (s. 12)
- danger to safety or health (s. 13)
- personal privacy (s. 14)
- information available or soon to be published (s. 15)
- individual's access to own personal information (s. 38)

Determining compelling public interest (s. 16)

Assisting requester clarify request (s. 17 (2))

Forwarding and transferring request (s. 18)

Issuing notices:

- forwarding or transferring requests (s. 18 (2), (3))
- regarding access to records (s. 19, 20, 21, 22)
- time extensions (s. 20)
- to affected parties (s. 21)

Decisions concerning manner of third party representations (s. 21 (6))

Granting access to original record (s. 23)

Making record descriptions available (s. 25, 34)

Preparing annual report (s. 26)

Notice of collection of personal information (s. 29 (2))

Ensuring accuracy of personal information (s. 30 (2))

Disposal of personal information (s. 30 (4))

Personal information banks (s. 35)

Access to personal information (s. 37 (3))

Representing institution on appeal (s. 41)

APPENDIX I (CONTINUED)

APPENDIX I (CONTINUED)

Requiring examination of record on site (s. 41 (6))

Fees (s. 45)

---

Date

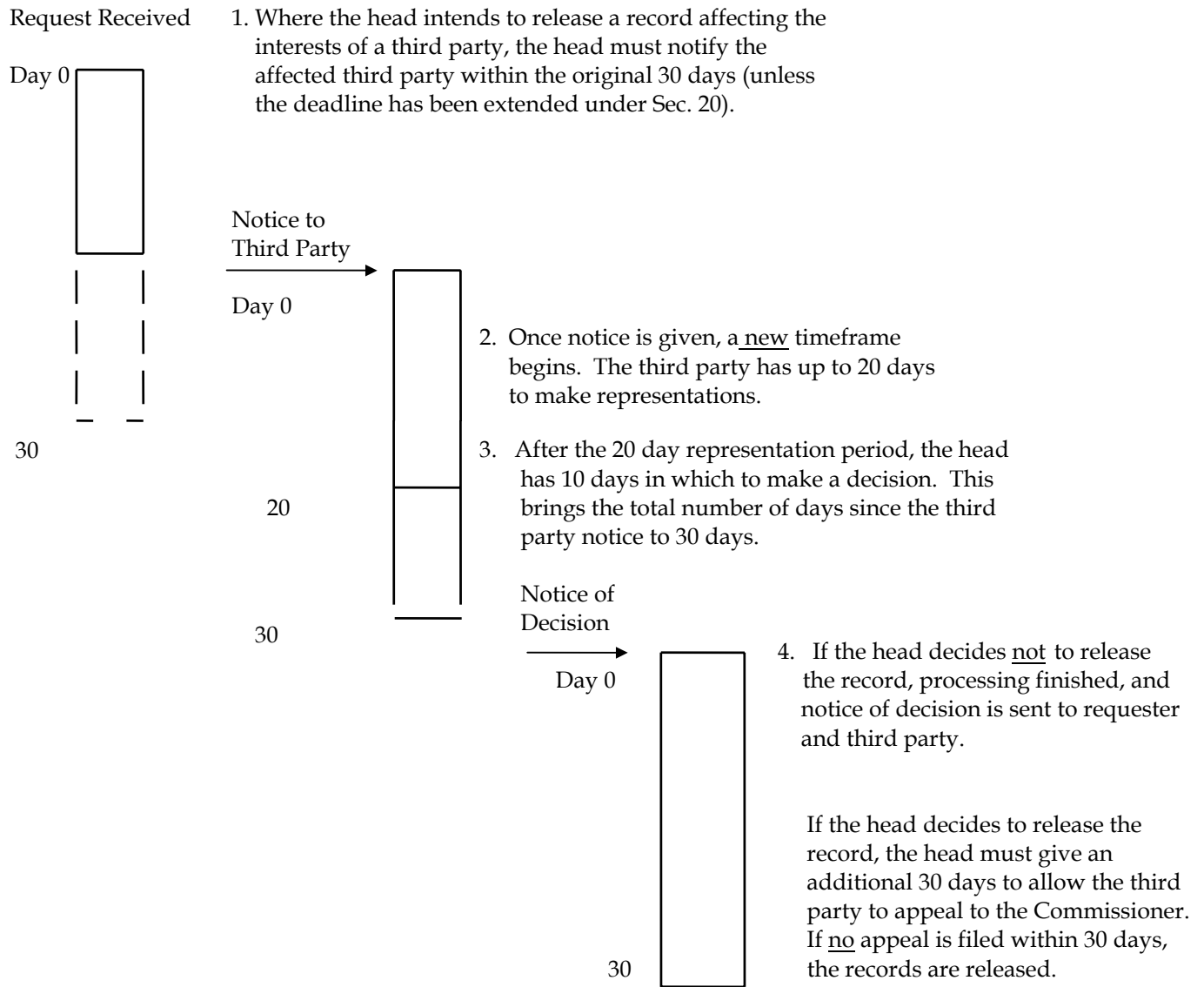
---

Signature

PROCESSING A REQUEST

1. RECEIPT OF REQUEST	2. LOCATE RECORD
<ul style="list-style-type: none"> <li>-Written access request received [17(1)]</li> <li>-Sufficient detail? [s. 17(1)]</li> <li>-Institution to assist in reformulating request? [s. 17(2)]</li> <li>-Date stamp request, open file, begin tracking</li> </ul>	<ul style="list-style-type: none"> <li>-Does record exist? [s. 17(1)]</li> <li>-If machine-readable record, can record be produced? [s. 2]</li> <li>-Does institution have custody or control/greater interest in record? [s. 18(2)(3)]</li> <li>-Transfer request if necessary [s. 18 (2)(3)]</li> </ul>
3. PRELIMINARY REVIEW	4. PROCESS REQUEST
<ul style="list-style-type: none"> <li>-Potential exemption [s. 6-15]</li> <li>-Third party notices and representation required [s. 21]</li> <li>-Extension (and notice) required? [s. 20]</li> <li>-Fee estimate over \$25? [s. 45(3)]</li> <li>-Suspend 30-day count?</li> </ul>	<ul style="list-style-type: none"> <li>- Retrieve records</li> <li>-Do exemptions apply?</li> <li>-Compelling public interest? [s. 16]</li> <li>-Determine access method (original vs. copy) [s. 23]</li> <li>-Sever records where required [s. 4(2)]</li> <li>-Determine fee [s. 45]</li> <li>-Fee to be waived? [s. 45 (4)]</li> </ul>
5. GRANT/DENY ACCESS	6. END
<ul style="list-style-type: none"> <li>-Provide notice <u>re</u> access exemptions and fee [s. 19, 22 (3)]</li> <li>-Where appropriate, provide third party notice and wait 30 days.</li> <li>-Collect fee where applicable.</li> </ul>	<ul style="list-style-type: none"> <li>-Provide record or part of record to requester, or</li> <li>-Provide notice that access is denied or record does not exist [s. 22(1))</li> <li>-Document request</li> <li>-Close file</li> </ul>

THIRD PARTY NOTICE AND REPRESENTATION PROCESS  
SECTION 21



CHECKLIST FOR COLLECTING OF  
PERSONAL INFORMATION

1. Is there legal authority to collect the personal information?

Is the collection (Section 28 (2)):

- authorized by a statute, regulation or by-law;
- to be used for purposes of law enforcement; or
- necessary to the proper administration of a lawfully authorized activity?

2. Is the personal information being collected directly from the person about whom the information relates? (Section 29 (1)).

If not, does the Act permit the collection of the information indirectly?

- has the individual authorized a collection from another source [Section 29 (1) (a)];
- has the collected information been disclosed to the institution from another institution under Section 32 of the Act [Section 29 (1) (b)];
- has the indirect collection been authorized by the Commissioner [Section 29 (1) (c)];
- is the information collected under the Consumer Reporting Act [Section 29 (1) (d)];
- is the information collected for the purpose of making an honour or award [Section 29 (1) (e)];
- is the information collected for use before a judicial proceeding or tribunal [Section 29 (1) (f)];
- is the information collected for the purpose of law enforcement [Section 29 (1) (g)];
- is an indirect collection authorized by a statute [Section 29 (1) (h)]?

3. Is the institution required to provide a notice of collection in the circumstances?

NOTICE OF COLLECTION IS NOT REQUIRED WHERE:

- the collection relates to a law enforcement matter referred to in the Sections 8 (1) or 8 (2) of the Act;
- the Minister has waived the notice requirement; or
- a regulation under the Act states that notice is not required in the circumstances [Section 29 (3)].

4. If a notice of collection is required, has the notice been given at the time of collection or shortly thereafter?

## APPENDIX IV

### APPENDIX IV (CONTINUED)

DOES THE NOTICE STATE:

- the legal authority for the collection; and
- the principal purpose(s) for which the information is intended to be used;  
and
- the title, business address and telephone number of a contact person; and
- where appropriate, an indication that the information will be used by a second institution and the name of that institution [Section 29 (2)]?

CHECKLIST FOR USING AND DISCLOSING  
PERSONAL INFORMATION WITHIN THE BOARD

BEFORE USING PERSONAL INFORMATION:

1. Has the subject individual consented to the proposed use? [Section 31 (a)]
  - is the consent in writing?

*or*

- is the use for the purpose as indicated on the collection notice and in the personal information bank description? [Section 31 (b)]

*or*

- is the proposed use consistent with the purpose indicated on the collection notice and in the personal information bank description? [Section 31 (c)]

would the subject individual reasonably have expected such a use? [Section 33]

*or*

- is the proposed use for the purpose for which the personal information was obtained from another institution or from the provincial government? [Section 31 (c)]

*or*

- is the disclosure to an employee of the Board who needs the record in the performance of his/her duties, and is it necessary in discharging the Board's functions? [Section 32 (d)]

2. Before the personal information is used, have reasonable steps been taken to ensure that it is accurate and up-to-date? [Section 30 (2)]

3. If the personal information is in a personal information bank, is the proposed use listed in the personal information bank description? [Section 34 (1)]

If not, has a record of the use been made and attached/linked to the personal information? [Section 35]

4. If the personal information is in a personal information bank, and if the proposed use will be a new regular use, has the personal information bank description been updated? [Section 34 (2)]

APPENDIX V - A

CHECKLIST FOR DISCLOSING  
PERSONAL INFORMATION  
OUTSIDE THE BOARD

BEFORE DISCLOSING PERSONAL INFORMATION OUTSIDE THE BOARD:

1. is the disclosure in response to an access request and allowable under Part I of the Act? [Section 32 (a)]
2. has the subject individual consented to the disclosure? [Section 32 (b)]  
  
is the consent in writing?
3. is the proposed disclosure for the purpose for which the information was originally collected, as indicated on the collection notice and in the personal information bank description? [Section 32(c)]  
  
is the disclosure to a user as listed in the personal information bank description?
4. is the disclosure for the purpose of complying with an Act of the Legislature or and Act of Parliament? [Section 32 (e)]  
  
with what specific section of the legislation in question are you complying?
5. is the disclosure to aid in a law enforcement proceeding? [Section 32 (g)]
6. is the disclosure in compelling circumstances affecting the health and safety of an individual? [Section 32 (h)]  
  
if the personal information is disclosed under this provision has notification been mailed to the last known address of the subject individual?
7. is the disclosure in compassionate circumstances, to facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased? [Section 32 (i)]
8. is the disclosure to the Minister responsible for the Legislation, the Chairman of Management Board? [Section 32 (j)]
9. is the disclosure to the Information and Privacy Commissioner? [Section 32 (k)]
10. is the disclosure to the Government of Canada or to the Government of Ontario to facilitate the auditing of shared cost programs? [Section 32 (l)]

APPENDIX V - B (CONTINUED)

APPENDIX V - B (CONTINUED)

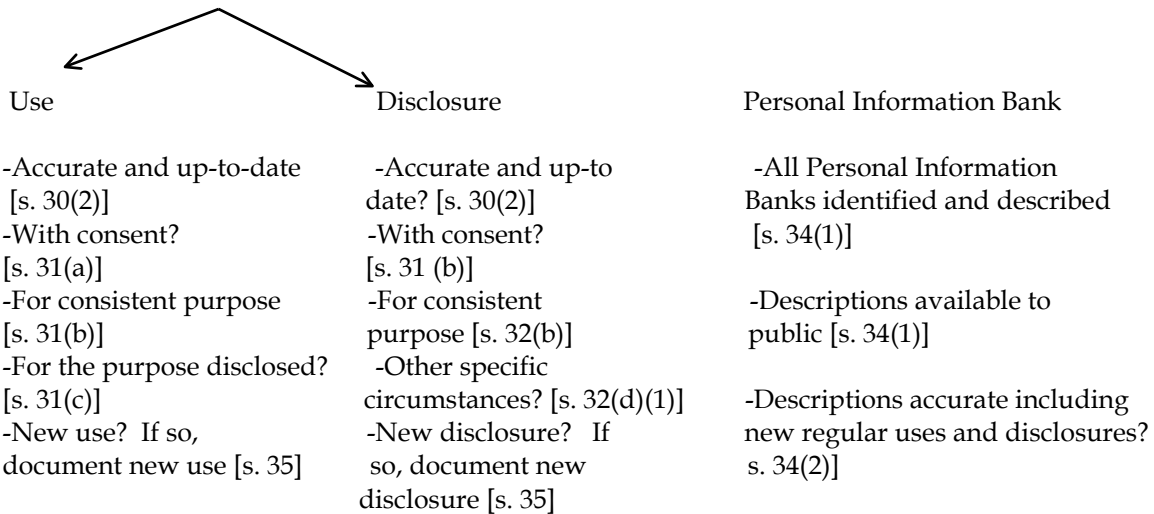
11. before the personal information is disclosed, have reasonable steps been taken to ensure that it is accurate and up-to-date? [Section 30 (2)]
  
12. if the personal information is in a personal information bank, is the purpose of the proposed disclosure and the party to whom the personal information will be disclosed listed in the personal information bank description? [Section 34 (1)]  
  
if not, has a record of use/disclosure been created and attached/linked to the personal information? [Section 35]
  
13. if the personal information is in a personal information bank, and if the proposed disclosure will be a new regular disclosure of the personal information, has the personal information bank description been updated? [Section 34 (2)]

# PRIVACY PROTECTION

## Collection, Use Disclosure, and Disposal of Personal Information

### Collection

- Authority to collect [s. 28(2)]
- Direct collection? [s. 29(1)]
- Notification on collection [s. 29(2)]



#### Use

- Accurate and up-to-date [s. 30(2)]
- With consent? [s. 31(a)]
- For consistent purpose [s. 31(b)]
- For the purpose disclosed? [s. 31(c)]
- New use? If so, document new use [s. 35]

#### Disclosure

- Accurate and up-to-date? [s. 30(2)]
- With consent? [s. 31 (b)]
- For consistent purpose [s. 32(b)]
- Other specific circumstances? [s. 32(d)(1)]
- New disclosure? If so, document new disclosure [s. 35]

#### Personal Information Bank

- All Personal Information Banks identified and described [s. 34(1)]
- Descriptions available to public [s. 34(1)]
- Descriptions accurate including new regular uses and disclosures? s. 34(2)

#### Retention and Disposal

- Personal Information secure and protected throughout retention and during disposal?
- Minimum retention period as established by regulation

APPENDIX VI

GUIDE TO DECISION

UNDER SECTION 14

Request  
for another  
individual's personal  
information

s. 14(1)  
Does an exception  
apply, i.e. s. 14(1)(a) -  
(e) or s. 14(4)?  
  
-If so, release record  
  
If not, consider  
s. 14(3)

s. 14(3)  
Presumed unjustified  
invasion of privacy to  
release record under  
s. 14(3)?

"YES"

If presumed invasion of  
privacy under s. 14(3), are  
there any grounds in  
s. 14(2) which rebut or  
modify this presumption?

- If "yes", commence  
third party notice  
process  
[s. 21]
- If "no", record not  
disclosed.

"NO"

If not, presumed invasion  
of privacy under s. 14(3),  
are there any grounds  
(including s. 14(2) to  
indicate disclosure would  
be unjustified invasion?

- If "yes", record not  
disclosed.
- If "no", commence third  
party notice process  
[s. 21].

SAMPLE NOTICES

AS REQUESTED BY SECTION 29 (2)

EXAMPLE - ON A JOB APPLICATION:

Personal information on this form is collected under the authority of the Education Act and will be used to determine qualifications for employment with the Huron-Perth Catholic District School Board.

Questions about this collection should be directed to the *Board Office at PO Box 70, DUBLIN, Ontario NOK 1E0, (519) 345-2440.*

AUTHORIZATION FOR RELEASE OF  
EMPLOYMENT INFORMATION

THE HURON-PERTH CATHOLIC DISTRICT SCHOOL BOARD

I, the undersigned, hereby authorize my employer TO RELEASE any and all information or details requested, including, but not limited to, information and details with respect to my employment, social insurance number, date of birth, date of employment, marital status or any such other information required for the purpose of

\_\_\_\_\_

\_\_\_\_\_

TO: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand that this information is to be used by the above named firm ONLY for purposes authorized by the undersigned.

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_

\_\_\_\_\_  
NAME OF EMPLOYEE - PLEASE PRINT

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE

AUTHORIZATION

I, \_\_\_\_\_ hereby grant consent to the Huron-Perth Catholic District School Board to release my name, address, telephone number, marital status, age, sex, social insurance number and any other relevant information which is or might be necessary in order to process the payroll and administer benefits.

I hereby acknowledge that I will have no claim against the Huron-Perth Catholic District School Board under the Municipal Freedom of Information and Protection of Privacy Act, 1989, arising out of the use of the above for its stated purpose.

This consent is given voluntarily in accordance with the Municipal Freedom of Information and Protection of Privacy Act, 1989.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

# SECTION

# 7

Tracking and Recording  
Form



THE HURON-PERTH CATHOLIC  
DISTRICT SCHOOL BOARD

TRACKING AND RECORDING

Municipal Freedom of Information  
and  
Protection of Privacy Act

---

\_\_\_\_\_ (request number)

\_\_\_\_\_ (date)

1.0 Name of requester

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.0 Type of request \_\_\_\_\_ General \_\_\_\_\_ Personal \_\_\_\_\_

Date \_\_\_\_\_

3.0 Initial request (date of receipt) \_\_\_\_\_

Clarification request     Yes             No

If Yes - date \_\_\_\_\_

4.0 Response - due date \_\_\_\_\_

5.0 Request transferred or forwarded       Yes       No

If Yes: complete item 5

\_\_\_\_\_

Location \_\_\_\_\_

Notice given to: Requester

Yes \_\_\_\_\_  
(date)

Transferee

Yes \_\_\_\_\_  
(date)

6.0 Extension required:

Yes       No

If Yes, complete item 6:

\_\_\_\_\_

Reason for extension: \_\_\_\_\_

\_\_\_\_\_

Extension: \_\_\_\_\_

\_\_\_\_\_

Extension Due Date

Requester Notified Date

\_\_\_\_\_

\_\_\_\_\_

7.0 Third party involvement

Yes

No

If Yes, complete item 7

---

Notice to requester \_\_\_\_\_  
(Date)

Notice to 3rd party \_\_\_\_\_  
(Date)

Third Party Response - due date \_\_\_\_\_  
(Date)

Decision on Third Party - due date \_\_\_\_\_  
(Date)

8.0 Exemptions (State Section-s)

---

---

---

---

9.0 Response to request \_\_\_\_\_  
(date)

All disclosed Yes  No

Disclosed in Part Yes  No

Nothing Disclosed \_\_\_\_\_ (see exemptions)

No record \_\_\_\_\_

Third Party Notification

Notice to requester Yes  No  Date \_\_\_\_\_

Notice to 3rd party Yes  No  Date \_\_\_\_\_

10.0 Fees Estimates: \$ \_\_\_\_\_

Notice to requester Yes  No  Date \_\_\_\_\_

If Yes, date requested \_\_\_\_\_

Deposit required \$ \_\_\_\_\_ by \_\_\_\_\_  
(date)

Deposit required \$ \_\_\_\_\_ by \_\_\_\_\_  
(date)

Fee waived \$ \_\_\_\_\_ by \_\_\_\_\_  
(date)

Authority \_\_\_\_\_

Fee requested \$ \_\_\_\_\_ by \_\_\_\_\_  
(date)

Fee received \$ \_\_\_\_\_ by \_\_\_\_\_  
(date)

## 11.0 Appeal

Notice received: \_\_\_\_\_

Reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Result: \_\_\_\_\_ Order \_\_\_\_\_ Settlement

Details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_