

Town of Ingersoll – Policy & Procedure

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Policy Title	Routine Disclosure/Active Dissemination Policy		

PURPOSE

This policy is written to record a process for routine disclosure and active dissemination of Town records. This policy will encourage accessibility and transparency, foster openness and enhance the feeling of safety among residents by ensuring the safeguarding of their personal information. This policy will also reduce access barriers by decreasing the number of requests subject to the FOI process.

SCOPE

This policy applies to all employees of the Town of Ingersoll. It also applies to all records in the custody and/or control of the Town.

DEFINITIONS

Routine Disclosure (RD) is the routine or automatic release of certain types of records in response to informal requests.

Active Dissemination (AD) is the periodic release of general records in the absence of a request. For example, the publication of records on a website.

Personal Information as defined by MFIPPA, means recorded information about an identifiable individual. Examples include an individual's name, address or phone number.

MFIPPA means Municipal Freedom of Information and Protection of Privacy Act.

Freedom of Information (FOI) means a formal request made through an FOI request form, under MFIPPA.

LEGISLATION

Section 224 of the *Municipal Act, 2001*, S.O. 2001, c. 25 states that one of the roles of council is to ensure the accountability and transparency of the operations of the Town.

MFIPPA states that the purpose of the Act is:

- (a) To provide a right of access to information under the control of institutions 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 received independently of the institution controlling the information; and
- (b) To protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information. R.S.O. 1990, c. M.56, s. 1.

POLICY/PROCEDURE

The main goal is for information in the custody of the Town to remain as accessible as possible. When a department receives a request for information in the custody of the Town of Ingersoll, they must first see if the information is already readily available by active dissemination. If not, the department must then check the policy to see if the information can be released by routine disclosure. Information must only be directed to FOI if it is not eligible for active dissemination or routine disclosure, or it falls under any MFIPPA exemptions.

Active Dissemination

- Select Town of Ingersoll records (see Appendix A) may be actively disclosed and periodically updated on the Town of Ingersoll website, social media pages or by other means such as physical copies available for viewing at Town Hall, provided that the records do not contain any personal information or fall under any of the exemptions under MFIPPA (see Appendix B).

Routine Disclosure

- Select Town of Ingersoll records may be routinely disclosed to the public by informal request (see Appendix A), provided that the records responsive to the request do not contain any personal information or fall under any of the exemptions under MFIPPA (see Appendix B). If a record contains personal information, employees should use caution and redact information when necessary or dependent on the nature of the request and responsive records, refer the requester to the Clerk's department for the FOI process.
- If staff receive a request for records and it is not included in Appendix A, or receives a request and are unsure if it should be shared, refer the requester to the Clerk's department for the FOI process.

- Prior to retrieving the requested record, staff must review Appendix A to check if the record is already available through active dissemination, and if not, ensure the record is approved to be routinely disclosed.
- With certain requests indicated in Appendix A, fees may be charged. Any fees determined for routine disclosure must be reasonable and follow this policy's fee recommendations (see below). Any fees determined for routine disclosure must be updated in the fees and charges by-law.
- The municipality reserves the right to require that a routine disclosure request be submitted in writing or by application form.
- Any requests for surveys or drawings must be stamped with: "*copyright act applies to use and reproduction*" prior to disclosure.
- Records related to a business or information related to individuals operating in a business capacity are not considered personal information, however this information may involve the interests of a third party and therefore, depending on the nature of the records, the requester may need to be referred to the Clerk's department for the FOI process.

Freedom of Information Requests

- Requesters should only be referred to the Clerk's department for the FOI process if the information is not already available through active dissemination or routine disclosure. If Appendix A indicates that a request is subject to the FOI process, or the request is not listed on Appendix A, or the nature of the request or responsive records involves or contains personal information or one of the exemptions under MFIPPA – refer the requester to the Clerks department for the Clerk or designate to carry-out the FOI process.
- Provided that the request is deemed voluminous in nature, additional fees may be charged prior to the service being performed as per MFIPPA's fee schedule.

Personal Information Requests

- If an individual requests records or information pertaining to themselves or their own property, staff shall confirm their identity through one piece of photo ID at the time of the request.
- If an individual requests records or information pertaining to another individual or property, the request must be forwarded to the Clerk's department to go through the FOI process.

IMPLEMENTATION UPON APPROVAL

Upon approval of this policy, the Clerk or designate will meet with the responsible departments, for requests that are newly available through routine disclosure to set up a procedure and answer any questions about the disclosure of the applicable records. The responsible departments will determine reasonable routine disclosure fees and propose any changes to council to amend the fees and charges by-law.

Routine Disclosure Fee Recommendations

- Any fees determined for the routine disclosure of records must be reasonable. To determine a reasonable flat fee per record type, the responsible department may use MFIPPA's FOI request fee regulations as outlined in the following table as a guideline. For example: if one record type takes 45 minutes to find (\$7.50 per 15 min.), 15 minutes to prepare (\$7.50 per 15 min) and is 4 pages on average (20 cents per page), the responsible department may determine that the flat fee for that record type is \$35.80.

Fee Type	General Records	Access to Personal Information	Correction Request
Application Fee	\$5.00	\$5.00	-
Search Fees	\$7.50 per 15 min.	-	-
Preparation Fees	\$7.50 per 15 min.	-	-
Computer Programming	\$15.00 per 15 min.	\$15.00 per 15 min	-
Photocopying/Printing	20 cents per page	20 cents per page	-
Digital Media	\$10.00 per disc or USB	\$10.00 per disc or USB	-
Other Costs	As invoiced	As invoiced	-
IPC Appeal Fee	\$25.00	\$10.00	\$10.00

- An individual may request a fee waiver under MFIPPA. If so, refer them to the Clerk's department for the FOI request process.

APPENDICES

Appendix A: Schedule of Records for Routine Disclosure (RD) and Active Dissemination (AD)

Appendix B: Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56 – Exemptions

Appendix A

Schedule of Records for Routine Disclosure (RD) and Active Dissemination (AD)

Policy Name

Routine Disclosure/Active Dissemination Policy

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Department	Record	Disclosure	Access
Administration	Policies and Procedures	AD	Select policies and procedures available on our website. https://www.ingersoll.ca/en/town-hall/by-laws-and-policies.aspx
		RD	All others available upon request.
	Strategic Plan	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/ingersoll-strategic-plan.aspx
	Town of Ingersoll Multi-Year Accessibility Plan	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/accessibility.aspx
	Town of Ingersoll Integrated Accessibility Standards Regulation General Overview	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/accessibility.aspx
	SW Ingersoll Secondary Plan	AD	Available on our website. https://www.ingersoll.ca/en/do-business/sw-ingersoll-secondary_plan.aspx
	Accessible Election Plan	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/municipal-

			election.aspx#Accessibility
Clerks/Council	Council Agenda, Minutes and Resolutions (excluding closes session materials)	AD	Select years available on our website. https://ingersoll.civicweb.net/Portal/MeetingTypeList.aspx
		RD	All other years available upon request.
	Board and Committee Agendas and Minutes	AD	Select years available on our website. https://ingersoll.civicweb.net/Portal/MeetingTypeList.aspx
		RD	All other years available upon request.
	Town of Ingersoll Boards and Committees Handbook	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/boards-and-committees.aspx
	Disclosures of Pecuniary Interest	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/disclosures-of-pecuniary-interest.aspx#2024
	By-laws	AD	Select by-laws available on our website. https://www.ingersoll.ca/en/town-hall/by-laws-and-policies.aspx

		RD	All others available upon request.
	Agreements and Contracts	RD	Public agreements and contracts available upon request.
		FOI	Any other agreements are subject to the FOI process.
	Planning and Development applications and materials	RD	Public Site Plan Agreements and respective drawings available upon request.
		FOI	Other related materials subject to the FOI process.
	Election Results	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/municipal-election.aspx#Ingersoll-2022-Election-Results
	Election Candidate Information Package	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/municipal-election.aspx#Offices-to-be-Elected
	Vital Statistics Registers	RD	Public registers available at Oxford County Archives. *current registers held at Town Hall contain personal information and are not

			available for disclosure.
Human Resources	External Job Postings	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/employment-opportunities.aspx
	Job descriptions	RD	Available to employees upon request.
	Organizational Chart	RD	Available upon request.
Economic Development	Community Improvement Plan	RD	Available on our website. https://www.ingersoll.ca/en/do-business/community-improvement-plan.aspx
	Media Releases	AD	Available on our website. https://www.ingersoll.ca/Modules/News/en
Finance/Treasury	Property Tax Certificates	RD	Available to property owners and legal representation upon request. *ID must be shown. *subject to fees.
	Financial Statements	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/financial-information.aspx#Financial-Statements
	Budget	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/financial-information.aspx#2024-2027-Budget

	Tax Account Information	RD	Available to property owners upon request. *ID or tax bill must be shown. *select requests subject to fees.
	Council Remuneration and Expense Report	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/mayor-and-council.aspx
	Tax Rates	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/property-taxes.aspx#Tax-Rates
	Property Assessment information (MPAC)	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/property-taxes.aspx#My-Property
	Financial Information Return Reports	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/financial-information.aspx#Financial-Information-Return-Reports
	Municipal Performance Measurement Program Results	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/financial-information.aspx#Municipal-Performance-Measurement-Program
	Ingersoll BMA Study	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/financial-

			information.aspx#BMA-Study
	Election Candidate Financial Statements	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/municipal-election.aspx#Candidate-Financial-Statements-Form-4
	Assessment Roll	AD	Available at Town Hall's front counter.
	Tax Sale	AD	Tax sale results and highest bid available on our website. https://www.ingersoll.ca/en/town-hall/property-taxes.aspx#Tax-Sale-Results
Building	Building Permits	RD	Available to the current registered property owner or agent upon request. This only includes the permit and application with personal information redacted. *ID must be shown. *subject to fees.
		FOI	All other requests <i>including requests for building permit plans and drawings</i> are subject to the FOI process.
	Property Surveys	RD	Available to the property owner upon request. *ID must be shown. *subject to fees.

		FOI	All other requests are subject to the FOI process.
	Clearance Letters (Property Standards and Zoning)	RD	Newly issued letters available to lawyers representing property owner's or purchasers upon request. *ID must be shown. *subject to fees.
		FOI	Requests for previously issued letters are subject to the FOI process.
	Building and Property related inspections	FOI	Subject to the FOI process.
Engineering/Public Works	Environment, Conservation and Demand Management Plan	AD	Available on our website. https://www.ingersoll.ca/en/live-and-play/engineering-services.aspx#Asset-Management-and-Engineering-Reports
	Stormwater Management Strategy Study Executive Summary	AD	Available on our website. https://www.ingersoll.ca/en/live-and-play/engineering-services.aspx#Asset-Management-and-Engineering-Reports
	Town Energy Consumption Report	AD	Available on our website. https://www.ingersoll.ca/en/live-and-play/engineering-services.aspx#Asset-Management-and-Engineering-Reports

			Engineering-Reports
	Current/Ongoing Construction Projects	AD	Available on our website. https://www.ingersoll.ca/en/live-and-play/construction-projects.aspx
	Asset Management Plan	AD	Available on our website. https://www.ingersoll.ca/en/town-hall/financial-information.aspx#Asset-Management
	Municipal Reconstruction Project Drawings (as recorded)	RD	Available upon request.
	Land Development Project Drawings (as recorded)	RD	Available upon request.
	Land Development Project Final Stormwater Management Reports	RD	Available upon request.
Community Services	Program Schedules	AD	Available on our online registration system. https://app.univerusrec.com/ingersollcspub/
	Community Services Master Plan	AD	Available on our website. https://www.ingersoll.ca/en/live-and-play/ingersoll-community-services.aspx#Community-Services-Master-Plan
	Facility and Membership Terms and Conditions	AD	Available on our website. https://www.ingersoll.ca/en/live-and-play/ingersoll-

			community-services.aspx#Victoria-Park-Community-Centre
Fire/Emergency	Records of Past Inspections	RD	Available through the fire department to property owner upon request (or with authorization from the property owner). *subject to fee of \$55+tax.
	Fire Safety Plan	AD	Available on our website. https://www.ingersoll.ca/en/live-and-play/emergency-services.aspx#Fire-Safety-Plan
	Emergency Response Plan	RD	Available upon request.

Appendix B
Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M. 56
s. 6-16 – Exemptions

“Draft by-laws, etc.

6 (1) A head may refuse to disclose a record,

- (a) that contains a draft of a by-law or a draft of a private bill; or
- (b) that reveals the substance of deliberations of a meeting of a council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.

Exception

(2) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record if,

- (a) in the case of a record under clause (1) (a), the draft has been considered in a meeting open to the public;
- (b) in the case of a record under clause (1) (b), the subject-matter of the deliberations has been considered in a meeting open to the public; or
- (c) the record is more than twenty years old. R.S.O. 1990, c. M.56, s. 6.

Advice or recommendations

7 (1) A head may refuse to disclose a record if the disclosure would reveal advice or recommendations of an officer or employee of an institution or a consultant retained by an institution.

Exceptions

(2) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record that contains,

- (a) factual material;
- (b) a statistical survey;
- (c) a report by a valuator;
- (d) an environmental impact statement or similar record;
- (e) a report or study on the performance or efficiency of an institution;
- (f) a feasibility study or other technical study, including a cost estimate, relating to a policy or project of an institution;
- (g) a report containing the results of field research undertaken before the formulation of a policy proposal;
- (h) a final plan or proposal to change a program of an institution, or for the establishment of a new program, including a budgetary estimate for the program;
- (i) a report of a committee or similar body within an institution, which has been established for the purpose of preparing a report on a particular topic;
- (j) a report of a body which is attached to an institution and which has been established for the purpose of undertaking inquiries and making reports or recommendations to the institution;
- (k) the reasons for a final decision, order or ruling of an officer or an employee of the institution made during or at the conclusion of the exercise of discretionary power conferred by or under an enactment or scheme administered by the institution.

Idem

(3) Despite subsection (1), a head shall not refuse under subsection (1) to disclose a record if the record is more than twenty years old. R.S.O. 1990, c. M.56, s. 7.

Law enforcement

8 (1) A head may refuse to disclose a record if the disclosure could reasonably be expected to,

- (a) interfere with a law enforcement matter;
- (b) interfere with an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- (c) reveal investigative techniques and procedures currently in use or likely to be used in law enforcement;
- (d) disclose the identity of a confidential source of information in respect of a law enforcement matter, or disclose information furnished only by the confidential source;
- (e) endanger the life or physical safety of a law enforcement officer or any other person;
- (f) deprive a person of the right to a fair trial or impartial adjudication;
- (g) interfere with the gathering of or reveal law enforcement intelligence information respecting organizations or persons;

- (h) reveal a record which has been confiscated from a person by a peace officer in accordance with an Act or regulation;
- (i) endanger the security of a building or the security of a vehicle carrying items, or of a system or procedure established for the protection of items, for which protection is reasonably required;
- (j) facilitate the escape from custody of a person who is under lawful detention;
- (k) jeopardize the security of a centre for lawful detention; or
- (l) facilitate the commission of an unlawful act or hamper the control of crime. R.S.O. 1990, c. M.56, s. 8 (1); 2002, c. 18, Sched. K, s. 14 (1); 2019, c. 7, Sched. 41, s. 1.

Idem

- (2) A head may refuse to disclose a record,
 - (a) that is a report prepared in the course of law enforcement, inspections or investigations by an agency which has the function of enforcing and regulating compliance with a law;
 - (b) that is a law enforcement record if the disclosure would constitute an offence under an Act of Parliament;
 - (c) that is a law enforcement record if the disclosure could reasonably be expected to expose the author of the record or any person who has been quoted or paraphrased in the record to civil liability; or
 - (d) that contains information about the history, supervision or release of a person under the control or supervision of a correctional authority. R.S.O. 1990, c. M.56, s. 8 (2); 2002, c. 18, Sched. K, s. 14 (2).

Refusal to confirm or deny existence of record

- (3) A head may refuse to confirm or deny the existence of a record to which subsection (1) or (2) applies. R.S.O. 1990, c. M.56, s. 8 (3).

Exception

- (4) Despite clause (2) (a), a head shall disclose a record that is a report prepared in the course of routine inspections by an agency that is authorized to enforce and regulate compliance with a particular statute of Ontario. R.S.O. 1990, c. M.56, s. 8 (4).

Idem

- (5) Subsections (1) and (2) do not apply to a record on the degree of success achieved in a law enforcement program including statistical analyses unless disclosure of such a record may prejudice, interfere with or adversely affect any of the matters referred to in those subsections. R.S.O. 1990, c. M.56, s. 8 (5).

Section Amendments with date in force (d/m/y)

[2002, c. 18, Sched. K, s. 14 \(1, 2\)](#) - 26/11/2002

[2019, c. 7, Sched. 41, s. 1](#) - 17/03/2021

Civil Remedies Act, 2001

8.1 A head may refuse to disclose a record and may refuse to confirm or deny the existence of a record if disclosure of the record could reasonably be expected to interfere with the ability of the Attorney General to determine whether a proceeding should be commenced under the *Civil Remedies Act, 2001*, conduct a proceeding under that Act or enforce an order made under that Act. 2001, c. 28, s. 23 (1); 2002, c. 18, Sched. K, s. 15; 2007, c. 13, s. 45 (1).

Section Amendments with date in force (d/m/y)

[2001, c. 28, s. 23 \(1\)](#) - 12/04/2002

[2002, c. 18, Sched. K, s. 15](#) - 26/11/2002

[2007, c. 13, s. 45 \(1\)](#) - 04/06/2007

Prohibiting Profiting from Recounting Crimes Act, 2002

8.2 A head may refuse to disclose a record and may refuse to confirm or deny the existence of a record if disclosure of the record could reasonably be expected to interfere with the ability of the Attorney General to determine whether a proceeding should be commenced under the *Prohibiting Profiting from Recounting Crimes Act, 2002*, conduct a proceeding under that Act or enforce an order made under that Act. 2002, c. 2, ss. 16 (1), 19 (8); 2002, c. 18, Sched. K, s. 16.

Section Amendments with date in force (d/m/y)

[2002, c. 2, s. 16 \(1\)](#) - 01/07/2003; [2002, c. 18, Sched. K, s. 16](#) - 26/11/2002

Relations with governments

9 (1) A head shall refuse to disclose a record if the disclosure could reasonably be expected to reveal information the institution has received in confidence from,

- (a) the Government of Canada;
- (b) the Government of Ontario or the government of a province or territory in Canada;
- (c) the government of a foreign country or state;
- (d) an agency of a government referred to in clause (a), (b) or (c); or
- (e) an international organization of states or a body of such an organization. R.S.O. 1990, c. M.56, s. 9 (1); 2002, c. 18, Sched. K, s. 17.

Idem

(2) A head shall disclose a record to which subsection (1) applies if the government, agency or organization from which the information was received consents to the disclosure. R.S.O. 1990, c. M.56, s. 9 (2).

Section Amendments with date in force (d/m/y)

[2002, c. 18, Sched. K, s. 17](#) - 26/11/2002

Relations with Aboriginal communities

9.1 (1) A head may refuse to disclose a record where the disclosure could reasonably be expected to,

- (a) prejudice the conduct of relations between an Aboriginal community and the Government of Ontario or an institution; or
- (b) reveal information received in confidence from an Aboriginal community by an institution. 2017, c. 8, Sched. 20, s. 1.

Definitions

(2) In this section,

“Aboriginal community” means,

- (a) a band within the meaning of the *Indian Act* (Canada),
- (b) an Aboriginal organization or community that is negotiating or has negotiated with the Government of Canada or the Government of Ontario on matters relating to,
 - (i) Aboriginal or treaty rights under section 35 of the *Constitution Act, 1982*, or

- (ii) a treaty, land claim or self-government agreement, and
- (c) any other Aboriginal organization or community prescribed by the regulations; (“communauté autochtone”)

“institution” includes an institution as defined in section 2 of the *Freedom of Information and Protection of Privacy Act*. (“institution”) 2017, c. 8, Sched. 20, s. 1.

Section Amendments with date in force (d/m/y)

[2017, c. 8, Sched. 20, s. 1](#) - 09/03/2018

Third party information

10 (1) A head shall refuse to disclose a record that reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly, if the disclosure could reasonably be expected to,

- (a) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (b) result in similar information no longer being supplied to the institution where it is in the public interest that similar information continue to be so supplied;
- (c) result in undue loss or gain to any person, group, committee or financial institution or agency; or
- (d) reveal information supplied to or the report of a conciliation officer, mediator, labour relations officer or other person appointed to resolve a labour relations dispute. R.S.O. 1990, c. M.56, s. 10 (1); 2002, c. 18, Sched. K, s. 18; 2017, c. 8, Sched. 20, s. 2.

Consent to disclosure

(2) A head may disclose a record described in subsection (1) if the person to whom the information relates consents to the disclosure. R.S.O. 1990, c. M.56, s. 10 (2).

Section Amendments with date in force (d/m/y)

[2002, c. 18, Sched. K, s. 18](#) - 26/11/2002

[2017, c. 8, Sched. 20, s. 2](#) - 17/05/2017

Economic and other interests

11 A head may refuse to disclose a record that contains,

- (a) trade secrets or financial, commercial, scientific or technical information that belongs to an institution and has monetary value or potential monetary value;
- (b) information obtained through research by an employee of an institution if the disclosure could reasonably be expected to deprive the employee of priority of publication;
- (c) information whose disclosure could reasonably be expected to prejudice the economic interests of an institution or the competitive position of an institution;
- (d) information whose disclosure could reasonably be expected to be injurious to the financial interests of an institution;
- (e) positions, plans, procedures, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of an institution;
- (f) plans relating to the management of personnel or the administration of an institution that have not yet been put into operation or made public;

- (g) information including the proposed plans, policies or projects of an institution if the disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or undue financial benefit or loss to a person;
- (h) questions that are to be used in an examination or test for an educational purpose;
- (i) submissions in respect of a matter under the *Municipal Boundary Negotiations Act* commenced before its repeal by the *Municipal Act, 2001*, by a party municipality or other body before the matter is resolved. R.S.O. 1990, c. M.56, s. 11; 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. K, s. 19.

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. F, Table - 01/01/2003; 2002, c. 18, Sched. K, s. 19 (1-4) - 26/11/2002

Solicitor-client privilege

12 A head may refuse to disclose a record that is subject to solicitor-client privilege or that was prepared by or for counsel employed or retained by an institution for use in giving legal advice or in contemplation of or for use in litigation. R.S.O. 1990, c. M.56, s. 12.

Danger to safety or health

13 A head may refuse to disclose a record whose disclosure could reasonably be expected to seriously threaten the safety or health of an individual. R.S.O. 1990, c. M.56, s. 13; 2002, c. 18, Sched. K, s. 20.

Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. K, s. 20 - 26/11/2002

Personal privacy

14 (1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

- (a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;
- (b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;
- (c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;
- (d) under an Act of Ontario or Canada that expressly authorizes the disclosure;
- (e) for a research purpose if,
 - (i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,
 - (ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and
 - (iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or
- (f) if the disclosure does not constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. M.56, s. 14 (1).

Criteria re invasion of privacy

(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

- (a) the disclosure is desirable for the purpose of subjecting the activities of the institution to public scrutiny;
- (b) access to the personal information may promote public health and safety;
- (c) access to the personal information will promote informed choice in the purchase of goods and services;
- (d) the personal information is relevant to a fair determination of rights affecting the person who made the request;
- (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;
- (f) the personal information is highly sensitive;
- (g) the personal information is unlikely to be accurate or reliable;
- (h) the personal information has been supplied by the individual to whom the information relates in confidence; and
- (i) the disclosure may unfairly damage the reputation of any person referred to in the record. R.S.O. 1990, c. M.56, s. 14 (2).

Presumed invasion of privacy

(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,

- (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
- (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;
- (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;
- (d) relates to employment or educational history;
- (e) was obtained on a tax return or gathered for the purpose of collecting a tax;
- (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;
- (g) consists of personal recommendations or evaluations, character references or personnel evaluations; or
- (h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations. R.S.O. 1990, c. M.56, s. 14 (3).

Limitation

(4) Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

- (a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution;

- (b) discloses financial or other details of a contract for personal services between an individual and an institution; or
- (c) discloses personal information about a deceased individual to the spouse or a close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons. R.S.O. 1990, c. M.56, s. 14 (4); 2006, c. 19, Sched. N, s. 3 (2).

Refusal to confirm or deny existence of record

(5) A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. M.56, s. 14 (5).

Section Amendments with date in force (d/m/y)

[2006, c. 19, Sched. N, s. 3 \(2\)](#) - 22/06/2006

Information soon to be published

15 A head may refuse to disclose a record if,

- (a) the record or the information contained in the record has been published or is currently available to the public; or
- (b) the head believes on reasonable grounds that the record or the information contained in the record will be published by an institution within ninety days after the request is made or within such further period of time as may be necessary for printing or translating the material for the purpose of printing it. R.S.O. 1990, c. M.56, s. 15.

Exemptions not to apply

16 An exemption from disclosure of a record under sections 7, 9, 9.1, 10, 11, 13 and 14 does not apply if a compelling public interest in the disclosure of the record clearly outweighs the purpose of the exemption. R.S.O. 1990, c. M.56, s. 16; 2017, c. 8, Sched. 20, s. 3.

Section Amendments with date in force (d/m/y)

[2017, c. 8, Sched. 20, s. 3](#) - 09/03/2018"