Fact Sheet

Canadian Environmental Law Association
EQUITY. JUSTICE. HEALTH.

Freedom of Information and Protection of Privacy Act (Ontario)

What does the legislation cover?

Ontario's Freedom of Information and Protection of Privacy Act ("FIPPA") **allows members of the public to gain access to records held by provincial government institutions**. This includes Ontario ministries, many provincial agencies, boards and commissions, hospitals, and other designated public bodies.

FIPPA has two main purposes: (1) providing the public with a right of access to government-held information and (2) protecting the privacy of individuals whose personal information is held by provincial institutions.[1]

What can you ask for?

Any person may request access to records in the custody or control of a provincial institution. Requests must be made in writing, identify the records with sufficient detail, and specify that the request is made under FIPPA.

Institutions are generally required to respond within 30 business days, although FIPPA permits extensions in some circumstances, including where requests involve a large volume of records or require consultations with outside third parties.[2]

How much does it cost?

A request under FIPPA generally requires a **$25 application fee**. Additional fees may be charged for searching for records, preparing records for disclosure, photocopying, computer processing, and shipping. You will receive an estimate of the total cost for disclosure of the requested records.

For large or complex requests, institutions may issue fee estimates before processing continues. Fee waivers may be available in certain circumstances, particularly where disclosure would benefit public health or safety.[3]

[1] *Freedom of Information and Protection of Privacy Act, 1996*, c. 1, Sched. K, s. 2; 2017, c. 2, Sched. 12, ss. 24(1).
[2] *Ibid*, ss. 27(1)
[3] *Ibid*, ss. 57(1)(4)

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What is a record?

FIPPA defines "**record**" broadly, and it covers information in virtually any format, including paper records, emails, reports, maps, plans, photographs, electronic data, audio or video recordings, and technical or scientific material.

In the environmental context, **records commonly requested under FIPPA include:**

- Environmental assessment reports;
- Environmental impact statements;
- Scientific and technical studies;
- Inspection and enforcement records;
- Internal ministry communications;
- Policy documents;
- Contamination or spill records;
- Water quality data; and
- Communications relating to approvals, permits, or resource development projects.

FIPPA applies only to existing records; institutions are generally not required to create new documents in response to a request.

What if you are unhappy with the decision?

A requester may appeal a decision to the Ontario Information and Privacy Commissioner ("IPC"). Appeals may relate to refusals of access, delays, fee estimates, inadequate searches, severing of records, or extensions of time.

Appeals generally must be filed within 30 business days of the institution's decision. The IPC may attempt mediation and, if necessary, conduct a formal inquiry and issue a binding order.[4]

Additional information and appeal forms are available from the IPC:

- **https://www.ipc.on.ca**

If you wish to search for recent IPC decisions, they are available here:

- https://www.ipc.on.ca/en/decisions/latest-decisions

[4] *Ibid*, ss. 51(2).