

Freedom of Information and Protection of Privacy Act
and
Personal Information Protection Act
and
Access to Information and Privacy

This document is for information only and does not serve as legal information or advice. You are personally responsible for the use of this information. Consult the Federal and Provincial government websites and contact those departments for more information.

*The **Access to Information Act*** is Federal and gives Canadian citizens and permanent residents, as well as individuals and corporations present in Canada, the right to seek access to federally controlled information and records.

*The **Freedom of Information and Protection of Privacy Act*** is Provincial and gives you the right to request access to records held by "public bodies" including provincial government ministries, local governments, municipal police forces and crown corporations. You can request records that contain your own personal information, and records such as reports, audits, and financial information of the public body.

Freedom of Information and Privacy Act may be called by a different name in your province/territory. For example: it is FIPPA in BC, Manitoba and Ontario; FOIP in Alberta; and FOIPOP in Nova Scotia. Familiarize yourself with the Legislation and how to file a request in your province/territory. See pages 8-12 of this document.

*The **Personal Information Protection Act*** is Provincial and gives you the right to request access to your own personal information in the custody or control of a private sector "organization" including corporations, non-profit societies and professional associations. Private organizations do not have to provide you with their operational, financial, or other company records.

For example: use a PIPA request to access all records relevant to your EI being denied. Request all communications related to your file eg. emails, attachments, meeting minutes, transcripts, diary notes, instructions, directives, orders, all memoranda, and policies and procedures that EI is following in regards to those who have been terminated due to COVID-19.

Tips for Writing a Good FOIA Request

1. Be clear about the exact information you are requesting. Narrow your scope to a very specific request and time period or the specific date of an event. Your response will be expedited if your request is for a period of several months rather than a full year. You can submit additional requests for other time periods and information.
2. When requesting a Freedom of Information be thorough. Describe the issue (eg. terminated/put on unpaid leave for not getting the job; request for information re explicit books for minors).

Your request should be very specific eg. **This is a request for information regarding termination/ unpaid leave; request for information re explicit books for minors. I request all emails, attachments, meeting minutes, transcripts, diary notes, instructions, directives, orders, all memoranda, policies and procedures, all communication and information regarding this matter.**

3. You must submit a separate request to each Government ministry, even if you are requesting the same information.
4. Provide accurate titles and full names, and include any news stories discussing the subject of your request.
5. Request that the fees be waived because “the records relate to a matter of significant public interest.” You may also add “due to personal financial hardship.” *See references for “financial hardship” on page 11 of this document.

Request all items that are relevant to your request such as emails, attachments, instructions, directives, orders, all memoranda, briefing notes, meeting agendas, meeting minutes, transcripts, diary notes, policies, procedures, incident reports, investigation files, intelligence reports, contracts, agreements, memorandum of understanding (MOU), invoices, budgets, audit reports, etc. You might also request all records of public statements and all communications about the decisions on the public statements made, associated with your issue of concern.

The Freedom of Information process grants you the right to access internal data that the authority holds on your particular request. It does not involve general correspondence, background details or the rights and wrongs of a situation.

You should not include the following in your FOI:

- arguments about your case
- libelous statements or allegations that could defame or insult others
- questions or requests for comment rather than for specific information

Government of Canada

Glossary of terms related to access to information and privacy

<https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/glossary-access-information-privacy.html>

Access to Information Act

<https://laws-lois.justice.gc.ca/eng/acts/A-1>

Access to Information Act (ATIP)

<https://www.international.gc.ca/gac-amc/publications/atip-aiprp/index.aspx>

ATIP coordinators and offices

<https://www.tbs-sct.canada.ca/ap/atip-aiprp/coord-eng.asp>

Access to Information and Privacy (ATIP) Online Request

<https://atip-aiprp.apps.gc.ca/atip/welcome.do>

Federal and Provincial Legislation relating to Access to Information and Privacy

<https://www.international.gc.ca/gac-amc/publications/atip-aiprp/resources-ressources.aspx>

The above link includes:

Access to Information Act

Access to Information Regulations

Privacy Act

Privacy Regulations

Federal Accountability Act

Personal Information Protection and Electronic Documents Act Policies and Guidelines

Forms: Access to Information and Privacy Act

Provincial and Territorial Legislation *Many of the links in the list are broken.

Correct links are provided on page 8-10 of this document.

How access to information and personal information requests work

<https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/how-access-information-personal-information-requests-work.html>

The above website includes:

What is the difference between the Access to Information Act and the Privacy Act?

What are the roles and responsibilities of institutions concerning my request?

How do I make a request for government records or my personal information?

Payment and length of time to process my request

What type of information is excluded or exempt from my request?

How do I view records?

How do I correct my personal information?

How do I make an access to information or privacy complaint?

Make an access to information or personal information request

<https://www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/request-information.html>

The above website includes:

Make a request by mail or email

Step 1. Search existing summaries

Step 2. Find who holds the information you are requesting

Step 3. Fill in the form.

Download the forms: Access to Information Request Form

Personal Information Request Form

Record Correction Request Form

Step 4. Send the request.

Provinces and Territories

Personal Information Protection and Electronic Documents Act (PIPEDA)

<https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/roprov-pipeda/#h01>

Provincial and territorial privacy laws and oversight

<https://www.priv.gc.ca/en/about-the-opc/what-we-do/provincial-and-territorial-collaboration/provincial-and-territorial-privacy-laws-and-oversight>

*Many of the links in the above document are broken. Correct links are listed below.

Alberta

Freedom of Information and Protection of Privacy Act (FOIP)

<https://www.qp.alberta.ca/documents/Acts/F25.pdf>

<https://www.canlii.org/en/ab/laws/stat/rsa-2000-c-f-25/latest/rsa-2000-c-f-25.html>

How to make an Access to Information request

<https://www.oipc.ab.ca/action-items/how-to-make-an-access-request.aspx>

FOIP online course for employees of public bodies

<http://www.servicealberta.gov.ab.ca/foip/training/online-training.cfm>

Ontario

Freedom of Information and Protection of Privacy Act (FIPPA)

<https://www.ontario.ca/laws/statute/90f31>

Freedom of Information and Protection of Privacy Act (FIPPA) Manual

<https://www.ontario.ca/document/freedom-information-and-protection-privacy-manual>

FIPPA Manual covers *Freedom of Information and Protection of Privacy Act* (FIPPA) and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

Freedom of Information and Privacy Coordinators

<https://www.infoqo.gov.on.ca//infoqo/home.html#orgProfile/1803>

Each ministry or agency has designated an individual as its Freedom of Information and Privacy Coordinator. This person is responsible for coordinating the administration of The Freedom of Information and Protection of Privacy Act and responses to requests received under this legislation

Office of the Information and Privacy Commissioner of Ontario

www.ipc.on.ca

Saskatchewan

The Freedom of Information and Protection of Privacy Act (FOIP)

<https://laws.yukon.ca/cms/images/LEGISLATION/acts/atipp.pdf>

<https://www.canlii.org/en/sk/laws/stat/ss-1990-91-c-f-22.01/latest/ss-1990-91-c-f-22.01.html>

Office of the Saskatchewan Information and Privacy Commissioner

<https://oipc.sk.ca/legislation-main/foip>

Manitoba

Freedom of Information and Protection of Privacy Act (FIPPA)

<https://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php>

Freedom of Information and Protection of Privacy

<https://www.gov.mb.ca/fippa>

Quebec

Protection of Personal Information

<https://www.legisquebec.gouv.qc.ca/fr/document/lc/A-2.1>

New Brunswick

Right to Information and Protection of Privacy Act (RTIPPA)

https://www2.gnb.ca/content/gnb/en/departments/finance/office_of_the_chief_information_officer/content/rti.html

Protection of Personal Information Act

<https://www.canlii.org/en/nb/laws/stat/snb-1998-c-p-19.1/latest/snb-1998-c-p-19.1.html>

Nova Scotia

Information Access and Privacy (FOIPOP)

<https://novascotia.ca/just/IAP>

Freedom of Information and Protection of Privacy Act (FOIPOP)

<https://nslegislature.ca/sites/default/files/legc/statutes/freedom%20of%20information%20and%20protection%20of%20privacy.pdf>

Newfoundland and Labrador

Access to Information and Protection of Privacy (ATIPP)

<https://www.assembly.nl.ca/legislation/sr/statutes/a01-2.htm>

How to make an information access request

<https://www.gov.nl.ca/atipp/accessrequestform>

PEI

Freedom of Information and Protection of Privacy (FOIPP)

<https://www.princeedwardisland.ca/en/information/justice-and-public-safety/freedom-of-information-and-protection-of-privacy-foipp>

Freedom of Information and Protection of Privacy Act

[https://www.princeedwardisland.ca/sites/default/files/legislation/f-15-01-freedom of information and protection of privacy act.pdf](https://www.princeedwardisland.ca/sites/default/files/legislation/f-15-01-freedom%20of%20information%20and%20protection%20of%20privacy%20act.pdf)

<https://www.canlii.org/en/pe/laws/regu/pei-reg-ec564-02/latest/pei-reg-ec564-02.html>

Yukon

Access to Information and Protection of Privacy Act (ATIPP)

https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2018/2018-0009/2018-0009_1.pdf

Yukon Information and Privacy Commissioner

<https://www.yukonombudsman.ca/yukon-information-and-privacy-commissioner/for-the-public/i-want-access-to-request-records>

NWT

Access to Information and Protection of Privacy Regulations (ATIPP)

<https://oipc-nt.ca/wp-content/uploads/2021/03/ATIPP-Act-Regulations.pdf>

Office of the Information and Privacy Commissioner

<https://oipc-nt.ca>

Nunavut

Access to Information and Protection of Privacy Act (ATIPPA)

<https://atipp-nu.ca/node/79>

https://atipp-nu.ca/sites/default/files/ATIPP%20Act%20CSNucA20%20%28English%29_0.pdf

British Columbia

In BC there are two laws that set out what kinds of records the public can access:

Freedom of Information and Protection of Privacy Act (FIPPA)

Personal Information Protection Act (PIPA)

Types of Records

<https://www.oipc.bc.ca/for-the-public/how-do-i-request-records>

Privacy Act

<https://laws-lois.justice.gc.ca/eng/acts/P-21/index.html>

An Act to extend the present laws of Canada that protect the privacy of individuals and that provide individuals with a right of access to personal information about themselves

Personal Information Protection Act (PIPA)

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03063_01

Section 75 (5)

If the head of a public body receives an applicant's written request to be excused from paying all or part of the fees for services, the head may excuse the applicant if, in the head's opinion, (a) the applicant cannot afford the payment or for any other reason it is fair to excuse payment, or (b) the record relates to a matter of public interest, including the environment or public health or safety.

Freedom of Information and Privacy Association (FIPPA)

<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information/freedom-of-information>

Freedom of Information (FOI) FAQ

<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information/freedom-of-information/foi-faq>

Submit a Personal Freedom of Information Request

<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information/freedom-of-information/submit-a-personal-freedom-of-information-request>

Submit a General Freedom of Information Request

<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information/freedom-of-information/submit-a-general-freedom-of-information-request>

Freedom of Information and Protection of Privacy Act

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96165_00

British Columbia cont.

Office of the Information and Privacy Commissioner

<https://www.oipc.bc.ca>

What are my Rights?

<https://www.oipc.bc.ca/for-the-public/what-are-my-rights>

Forms

<https://www.oipc.bc.ca/forms/individuals>

Guide to Access and Privacy Protection under FIPPA

<https://www.oipc.bc.ca/guidance-documents/1466>

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Does FIPPA apply to private businesses, corporations, organizations or individuals? FIPPA does not apply to private sector organizations in BC, including businesses, non-profits, landlords or doctors in private practice.

There is, however, legislation called the **Personal Information Protection Act (PIPA)**. This legislation came into effect on January 1, 2004. PIPA applies to more than 350,000 private sector organizations in British Columbia, including **businesses, charities, associations and labour organizations**. It sets out rules about how those organizations may collect, use and disclose personal information. See the section covering the Private Sector on the OIPC website for more information.

Many government and non-government agencies have their own websites:

University of Calgary – Access to Information and Privacy

<https://www.ucalgary.ca/legal-services/access-information-privacy>

City of Toronto – Freedom of Information

<https://www.toronto.ca/city-government/accountability-operations-customer-service/access-city-information-or-records/freedom-of-information>

RCMP – Access to Information Request

<https://www.rcmp-grc.gc.ca/en/making-a-request-the-access-information-act>

Island Health – Access to Information and Records

<https://www.islandhealth.ca/about-us/accountability/information-stewardship-access-privacy/accessing-information-records>

Useful links

The Impact of COVID on Access to Information. Dec. 2021

<https://www.oipc.bc.ca/special-reports/3613> *refer to Legal Duty section

Department of Justice Strengthening the Access to Information Act

<https://www.justice.gc.ca/eng/rp-pr/csj-sjc/atip-aiprp/atia-lai/p5.html>

Read full document – modified 2015

4.2 Review of Information Commissioner's Proposals for Exemptions

h. General Public Interest Override

Notwithstanding any other provision of this Act, the head of a government institution shall disclose a record or part thereof requested under this Act, if the public interest in disclosure clearly outweighs in importance the need for secrecy.

Considerations:

As drafted, this proposed provision is very broadly worded. The practical result of this amendment would be that the head of any entity covered by the Act would be required to disclose any document that could normally be protected using one of the exemptions, if the public interest in disclosing the document were stronger than the need to keep the document confidential.

A public interest override as broad and as general as what the Information Commissioner is proposing is not without precedent in Canada. The freedom of information statutes in British Columbia, Alberta, and Nova Scotia contain public interest overrides that are as broad. Furthermore, in these provinces and in Ontario and Newfoundland there is also a public interest override that is connected to protection of the environment, public health or public safety.

As stated earlier, public interest override provisions currently exist in two sections of the Act – section 19 and subsection 20(6). In its analysis of a general public interest override, the committee may wish to take into account the public interest override found in the other provisions of the ATIA.

Observations and Recommendations from the Information Commissioner on the Government of Canada's Review of the Access to Information Regime. 2021

<https://www.oic-ci.gc.ca/en/resources/reports-publications/observations-and-recommendations-information-commissioner-review>

The Act should include a provision requiring government institutions to disclose information about a risk of significant harm to public health, public safety or the protection of the environment.

Review of the Access to Information Act: Report of the Standing Committee on Access to Information, Privacy and Ethics. 2016

<https://www.ourcommons.ca/Content/Committee/421/ETHI/Reports/RP8360717/ETHIrp02/ETHIrp02-e.pdf>

Access to Information: Making it work for Canadians. 2002

Report of the Access to Information Review Task Force

<https://publications.gc.ca/collections/Collection/BT22-83-2002E.pdf>

Fees: The Act currently gives the head of a government institution the discretion to waive or refund a fee. We believe the *factors should include financial hardship to the requester, the public interest to be served by disclosing the information*

**Response to the report of the Access to Information Review Task Force
Special Report to Parliament, Commissioner John M Reid, September 2002.**

<https://www.oic-ci.gc.ca/sites/default/files/report-publications/IP4-1-2002E.pdf>

Pg. 59 The Government Communications Policy also sets out useful waiver criteria: "Institutions should reduce or waive fees and charges to users where there is a clear duty to inform the public, i.e., when the information:

- *informs the public about dangers to health, safety or the environment.*"

The Ontario legislation ... asks departments to consider "whether the payment will cause a *financial hardship for the person requesting the record*".

List of access to information and privacy coordinators by institution

<https://www.tbs-sct.canada.ca/ap/atip-airpr/coord-eng.asp>

Completed Access to Information Requests

<https://open.canada.ca/en/search/ati>

<https://open.canada.ca/en/access-to-information>

<https://web.archive.org/web/20220603174119/https://open.canada.ca/en/search/ati>

<https://web.archive.org/web/20180626130112/https://open.canada.ca>

Search the summaries of completed Access to Information (ATI) requests to find information about ATI requests previously made to the Government of Canada. If you find a summary of interest, you can request a copy of the records at no cost.

Open Information

<https://www2.gov.bc.ca/gov/content/governments/about-the-bc-government/open-government/open-information>

Open information helps the people of B.C. track the use of public funds and see how government does business. This commitment to disclosure creates opportunities for you to take part in government decisions and learn about the choices being made.

Office of the Privacy Commissioner

https://www.priv.gc.ca/en/opc-actions-and-decisions/ar_index/202021/ar_202021

FOI Sample

British Columbia

Where to submit a Freedom of Information (FOI) request depends on which public body holds the records. Information Access Operations (IAO) is the FOI service provider for B.C. government ministries and the Office of the Premier. FOI requests for records of B.C. public bodies that are not served IAO should be submitted to those bodies directly.

FOI requests for general (non-personal) records held by B.C. government ministries may be submitted to IAO using the [online FOI form](#) (recommended). These requests also may be sent by email to FOI.Requests@gov.bc.ca by fax to 250-387-9843, or by hardcopy mail to:

*Freedom of Information Request
PO Box 9569
Stn. Prov Govt
Victoria BC V8W 9K1*

*How can I make a request for records to a B.C. government ministry?
.... FOI requests must be in writing.*

If you are requesting records from a B.C. government ministry or the Office of the Premier, please [submit your request to Information Access Operations](#) (IAO). Select/identify the ministry from which you are requesting records and describe those records clearly and concisely. If you are requesting records from other public bodies not served by IAO, you will need to send your request to those public bodies directly. Most public bodies have their own websites with contact information.

If you have questions about the Freedom of Information (FOI) process for B.C. government ministries or the Office of the Premier, contact Information Access Operations:

*Information Access Operations
PO Box 9569
Stn Prov Govt
Victoria BC V8W 9K1
250-387-1321 Fax: 250-387-9843
Email: FOI.Requests@gov.bc.ca*

T:

Sample from Christine Massey

Subject line: FOIPPA Request re: mask mandate for schools

Date:

To:

FOIPPA Manager
Freedom of Information Request
PO Box 9569
Stn. Prov Govt
Victoria BC V8W 9K1
Email: FOI.Requests@gov.bc.ca

Dear FOIPPA Manager,

This is a formal request for access to general records, made under the Freedom of Information and Protection of Privacy Act (FOIPPA).

Description of Requested Records:

1. All records in the possession, custody or control of the Ministry of Health that explain/describe/detail/list/make clear who is liable for injuries or death resulting from the new "mask mandate" for schools.
2. All records in the possession, custody or control of the Ministry of Health that explain/describe/detail/list/make clear what risk/benefit analysis was carried out to determine that the new "mask mandate" for schools is in the public interest.

Please note that my request for records is not limited to records that were authored by the Ministry of Health or that pertain to work done by the Ministry of Health. My request includes any sort of record, for example (but not limited to) any published peer-reviewed study that the Health Minister or Ministry of Health has downloaded or printed.

If any records match the above description of requested records and are currently available to the public elsewhere, please provide enough information about each record so that I may identify and access each record with certainty (i.e. title, author(s), date, journal, where the public may access it). Please provide URLs where possible.

Format

Pdf documents sent to me via email; I do not wish for anything to be shipped to me.

Contact Information:

Last name:

First name:

Address:

Phone:

Email: