

## ACCESSING YOUR PERSONAL INFORMATION FROM THE

# Federal Government

---

### RESOURCES

**Privacy Act**

<http://laws.justice.gc.ca/en/P-21/index.html>

**Treasury Board of Canada information page**

[http://www.tbs-sct.gc.ca/gos-sog/atip-aiprp/index\\_e.asp](http://www.tbs-sct.gc.ca/gos-sog/atip-aiprp/index_e.asp)

**Justice Canada information page**

<http://www.justice.gc.ca/en/ps/atip/index.html>

**Access to Information and Privacy Act Bulletins**

[http://infosource.gc.ca/bulletin/bulletin\\_e.asp](http://infosource.gc.ca/bulletin/bulletin_e.asp)

**Office of the Federal Privacy Commissioner**

[http://www.privcom.gc.ca/index\\_e.asp](http://www.privcom.gc.ca/index_e.asp)

---

**Disclaimer:**

*We have attempted to ensure that the information provided in this Manual is reasonably accurate and complete as of December 2005. However, we cannot guarantee complete accuracy or comprehensiveness; you should consult the relevant legislation and authorities if you seek fully accurate, complete, and up-to-date information.*

*Moreover, this Manual provides information of a general nature and does not constitute legal advice. Should you need legal advice, seek a lawyer.*

*Please report any errors or omissions in this Manual to [cippic@uottawa.ca](mailto:cippic@uottawa.ca)*

---

### WHO CAN REQUEST PERSONAL INFORMATION?

Any Canadian citizen or permanent resident of Canada can request, under the *Privacy Act* access to his or her own personal information held by the federal government. For information on requesting personal information about someone else, see *Accessing Government Information from the Federal Government*.

### WHAT INFORMATION CAN I ACCESS?

You have the right to access any record containing your own personal information that is in a personal information bank or that is under the control of a government institution, subject to certain exceptions described below. A list of government institutions can be found at: <http://laws.justice.gc.ca/en/P-21/95598.html#rid-95626>. As further discussed below, in limited circumstances you may also have the right to access someone else's personal information. For more information, see: [http://www.privcom.gc.ca/fs-fi/02\\_05\\_d\\_11\\_01\\_e.asp](http://www.privcom.gc.ca/fs-fi/02_05_d_11_01_e.asp).

If a record contains information that cannot be disclosed, the institution must remove that information where possible and give you access to the rest of the record.

### WHAT IF THERE'S A MISTAKE IN MY PERSONAL INFORMATION?

You have the right to correct mistakes of fact (not of opinion) found in your personal information, but only if that information is being used for an administrative purpose. To make such a correction, simply contact the relevant government institution and request that a correction be made. If your request is denied, you have the right to insist that a notation be attached to your information indicating that a correction was requested but not made.

### WHAT ARE THE EXCEPTIONS TO MY RIGHT OF ACCESS?

There are a number of circumstances in which you may be denied access to your personal information, including the following:

#### ***Privileged information***

Your request for information may be denied if the information is protected by legal privilege such as solicitor-client privilege.

#### ***Third party privacy***

Your request to access someone else's personal information will generally be denied.

Personal information includes:

- information revealing the race, ethnic origin, religious or political beliefs, or marital status of a third party;
- information relating to the educational, medical, criminal or employment history of an individual or to financial transactions between an individual and the government institution; and
- a third party's personal opinions or views (except where these are about another individual or a grant proposal or award application to a government institution).

Note that this is not an exhaustive list.

Personal information does not include information about the position or function of a government institution employee.

There are, however, circumstances when disclosure will be permitted. These include:

- when the relevant third party consents to disclosure; and
- when the public interest in disclosure outweighs the invasion of privacy.

### ***Individual safety***

Your access request may be denied if disclosure could threaten the safety of individuals.

### ***Law enforcement and legal proceedings***

Your access request may be refused if disclosure could be harmful to the enforcement of federal law. This includes information that could compromise a penal institution, reveal investigative techniques, or facilitate the commission of an offence. It also includes investigations conducted by the RCMP while under contract with a province or municipality other than British Columbia.

If the information is more than 20 years old, it cannot be refused under this rule.

### ***Exceptions related to other access requests***

For requests to access personal information about someone else, or to access government information, see *Accessing Government Information from the Federal Government*.

### HOW DO I MAKE A REQUEST?

#### **1. Check whether the information is available to the public**

There are several ways to find out whether the records you want have been made available to the public. First, you can search Government of Canada Publications and order a copy of the available records. This will usually require you to pay a fee. See: <http://publications.gc.ca/>. You can also obtain records through the Depository Services Program. See: <http://dsp-psd.pwgsc.gc.ca/index-e.html>. This program requires government departments to submit manuscripts of published information for public distribution. The DSP works with about a 1,000 libraries to send information across Canada. In addition, you can check the database at <http://www.foi.net> to see if someone has already requested the same record. Finally, you can call the government institution and ask whether the record has been released. Contact information for each government institution's Access to Information Coordinator can be found at <http://infosource.gc.ca>.

#### **2. Identify the appropriate government institution**

*a) Determine whether the institution is subject to access to information law*

A list of government institutions can be found at the following websites:

<http://laws.justice.gc.ca/en/A-1/157.html#rid-220>

[http://infosource.gc.ca/fed/fed05\\_e.asp](http://infosource.gc.ca/fed/fed05_e.asp)

*b) Determine whether the information is in the custody or control of the government institution*

Access to information laws, including the *Privacy Act*, only apply to records in the custody or control of a government institution. If a record is destroyed, it is no longer in the custody or control of a government institution, but it is an offence to wilfully destroy records in order to evade an access request.

#### **3. Frame your request carefully**

*a) Use InfoSource to identify likely sources of information*

InfoSource is a website that provides links to government institutions and their information banks. It can be found at: [http://infosource.gc.ca/fed/fed05\\_e.asp](http://infosource.gc.ca/fed/fed05_e.asp). Click on the link to the government institution that has the records you seek. The menu on the left allows you to access the institution's information holdings. By informing the government institution that the requested information may be in a particular file, your request is more likely to be successful and may take less time to process.

The InfoSource menu will also indicate whether the institution has manuals. Manuals can sometimes contain the information you are looking for and can be accessed without a formal request by visiting the institution's reading room or by having it send a copy to your local library. There is no fee for this service.

*b) Request "records"*

Request access to records, not to information, because "record" has a specific and broad definition which includes: "any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microform, sound recording, videotape, machine readable record, and any other documentary material, regardless of physical form or characteristics, and any copy thereof."

*c) Request indexes, catalogues, and other records-management aids*

If you are seeking information that spans a broad area or could involve many records, you should first consider requesting indexes, file lists, file plans, and other records-management aids. These records of records can help you narrow your request and choose only the most relevant materials. This process can also shed light on other issues you may not have been aware of. The only drawback is that this is a two step request process: once you decide which records you would like, you must file another request to which the government institution will have 30 days to respond.

*d) Be specific*

Unless you absolutely need it, try not to request everything available on a subject so as to ensure a faster and less costly response. In addition, the more specific your request is, the less likely the government institution will request a time limit extension on the grounds that answering the request within 30 days would unreasonably interfere with its operations.

#### **4. If you need help**

If you need help, ask the access staff of the relevant government institution. They are required to help you with your request.

For more information, see: [http://www.privcom.gc.ca/fs-fi/02\\_05\\_d\\_11\\_01\\_e.asp](http://www.privcom.gc.ca/fs-fi/02_05_d_11_01_e.asp).

#### **DO I HAVE TO USE A FORM?**

You do not have to use a form but one is provided and may help you to structure your request. It is available at: [http://www.tbs-sct.gc.ca/tbsf-fsct/350-58\\_e.asp](http://www.tbs-sct.gc.ca/tbsf-fsct/350-58_e.asp).

#### **WHAT WILL IT COST?**

There are no fees for requesting your own personal information under the *Privacy Act*.

#### **HOW LONG WILL IT TAKE?**

The government institution must make every reasonable effort to respond to your request within 30 days of receiving it. If your request is transferred to another government

institution, the new institution must respond to you within 15 days of receiving your request.

A transfer to another body is only allowed when:

- the record is in the custody or under the control of the government institution to which your request is being transferred; or
- the record originated with, or was first obtained by, the government institution to which your request is being transferred.

A government institution can extend the time limit for responses when:

- you have requested a large number of records and responding within 30 days would unreasonably interfere with the operations of the government institution; or
- the government institution needs time to consult with, or give notice to, a third party or another government institution before deciding whether to grant access to a record.

Failure to respond to a request within 30 days is considered a denial of access. You can complain to the Privacy Commissioner about both denial of access and failure to respond on time. For more information, see “What else can I complain about?” below.

### **WHAT ARE MY OPTIONS REGARDING FORMAT?**

#### ***Copies v. originals***

The government institution will decide whether to grant access to the original record or to a copy depending on considerations of length and the nature of the record.

#### ***Language***

You have the option of requesting that information be provided in French or English. If it exists only in one of these languages, the government institution may have it translated if to do so would be in the public interest.

#### ***Alternative formats***

A government institution is required to provide records in alternative formats for the hearing or seeing impaired if records already exist in such formats. If they do not exist in such formats, the government institution will give access in that format if necessary to enable the individual to exercise his or her Access to Information rights.

### **WHAT CAN I DO IF MY REQUEST FOR ACCESS IS DENIED?**

If you are not satisfied with a government institution’s response to your access request, you

have the right to make a complaint to the Office of the Privacy Commissioner. For more information, see *Appealing Federal Access to Information Decisions*.