



At a Glance

Freedom of Information and Protection of Privacy Act

The *Freedom of Information and Protection of Privacy Act* (the *FOIPP Act*) gives people a right to access government records and their own personal information, in the custody or control of a “public body”, subject to limited and specific exceptions. Public Bodies are departments, branches or offices of the Government of Prince Edward Island, and agencies, boards, commissions, corporations, offices or other bodies designated as a public body in the regulations. The *FOIPP Act* sets out the rules for the collection, use, disclosure and security of personal information by public bodies. It also gives an individual the right to request a correction to their own personal information, and to request an independent review of public body decisions by the Information and Privacy Commissioner.

The word ‘individual’ is used here to include anybody who is authorized to exercise rights on behalf of another individual. Examples include a parent on behalf of a child, a guardian or trustee on behalf of an incompetent person, and a personal representative on behalf of a deceased individual.

Acronym Alert:

FOIPP Act – *Freedom of Information and Protection of Privacy Act*

Protection of personal information

The *FOIPP Act* requires that a public body:

- make reasonable security arrangements to protect personal information from such risks as unauthorized access, collection, use, disclosure, disposal or destruction.
- use and disclose only that personal information which is needed to do the job; no more.
- provide personal information only to those with a need to know.

Access to Information

- An individual has a right to view or obtain copies of records containing general information, or their own personal information.
- A public body has a duty to help individuals with their requests, and respond openly, accurately and completely.
- In some limited and specific circumstances, a public body may refuse access, for example, if providing access to information to an applicant would cause harm.
- A public body must respond to access requests within 30 days. In some circumstances, this time can be extended.
- A public body may charge a fee for providing access to information, according to the fee schedule in the regulations.
- If an individual disagrees with a public body's response time, its decisions about access, or fees, the individual may ask the Information and Privacy Commissioner to review these issues.

Collection of Personal Information

A public body may only collect personal information if:

- a law authorizes the collection,
- the information is for law enforcement, or
- it is directly related to and necessary for an operating a program or activity of the public body;

Generally, a public body must provide

- the purpose for collecting your personal information,
- its authority for collection, and
- the business title, address and telephone number of one of its officers or employees who can answer your questions about the collection;

A public body must collect personal information directly from the individual whenever possible, subject to enumerated exceptions.

An individual may ask the Information and Privacy Commissioner to review a public body's collection of their personal information.

Use of Personal Information

A public body may use personal information:

- for the purpose for which the information was collected or compiled or for a use consistent with that purpose; or
- if the individual the information is about has identified the information and consented, in writing, to the use.

A public body may use personal information only to the extent necessary to enable the public body to carry out its purpose in a reasonable manner.

An individual may ask the Information and Privacy Commissioner to review a public body's use of their personal information.

Disclosure of Personal Information

- A public body can disclose personal information to another public body with the individual's consent, but consent may be refused or withdrawn, with limited exceptions.
- A public body may disclose personal information without consent in several circumstances, such as:
 - if it is required to do so by law, e.g. courts and subpoenas;
 - to an employee of the public body or a minister if the information is necessary for the performance of their work duties;
 - for the purpose of enforcing a legal right that the public body has against any person (e.g. collecting a fine or debt)
 - for the purpose of determining suitability or eligibility of a program or benefit
 - to a law enforcement agency to assist in an investigation.
 - For managing or administering personnel of a public body.

A public body may disclose only information that is reasonably necessary.

An individual may ask the Information and Privacy Commissioner to review a public body's disclosure of their personal information.

More Information

This document provides general information only, and is not advice. For more detailed information about the *FOIPP Act*, please see resources on the Office of the Information and Privacy Commissioner's website at www.oipc.pe.ca. The Office of the Information and Privacy Commissioner may also be contacted at (902) 368-4099.