APPEALS TO THE IPC

Under Ontario's *Freedom of Information and Protection of Privacy Act*

ACCESSPRIVACY BY OSLER

WHO CAN APPEAL?

1. a person who made an access request;
2. a person who made an access to personal information request;
3. a person who made a request to correct personal information; OR,
4. an affected third-party ("**3P**") who has been been given notice (under section 28) of the head of the government institution ("**head**") decision to release information [s. 50]

WHEN?

An appeal must be made within 30 days of receiving notice of the institution's decision [s. 50(2)].

The Information and Privacy Commissioner (**IPC**) may extend the time limit where reasonably required in the circumstances to accommodate persons in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* s. 50(2.0.1)

FEES?

The appeal must be accompanied by applicable fees prescribed by regulation. [s. 50(1.1)]

REASONABLE BASIS?

Does the appeal present a reasonable basis for concluding that the record or personal information requested actually exists? [s. 50(2.1)]

NO

IMMEDIATE DISMISSAL

The IPC may immediately dismiss the appeal. [s. 50(2.1)]

Mediation [s. 51] and inquiry [s. 52(1)] are not available.

YES

NOTICE OF APPEAL

The IPC shall inform the head and any interested 3P of the appeal received. [s. 50(3)]

MEDIATION

The IPC may authorize a mediator to effect a settlement. [s. 51]

- Settlement
- No settlement

INQUIRY

The IPC may conduct an inquiry. [s. 52]

The inquiry may be conducted in private. [s. 52(3)]

The IPC has broad powers of inquiry. [s. 52(4) – (12)]

The requester, the head, and any interested 3P who received notice of the appeal can make representations to the IPC. [s. 52(13)]

ORDER

The IPC makes an order. [s. 54] (interim or final)

NOTICE OF ORDER

The IPC gives written notice of the order to the appellant and other persons who received notice of the appeal. [s. 54(4)]

JUDICIAL REVIEW

The IPC's decision or order may be challenged by way of judicial review application to the Divisional Court under the *Judicial Review Procedure Act*.