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Freedom of Information and Protection of Privacy Act

R.R.O. 1990, REGULATION 459

DISPOSAL OF PERSONAL INFORMATION

Consolidation Period: From December 6, 2016 to the e-Laws currency date.

Last amendment: 440/16.

Legislative History: [+]

This is the English version of a bilingual regulation.

1. In this Regulation,

“Archives” means the Archives of Ontario. R.R.O. 1990, Reg. 459, s. 1.

2. (1) An institution, other than an educational institution, may dispose of personal information only by transferring it to the Archives or by destroying it. R.R.O. 1990, Reg. 459, s. 2; O. Reg. 91/07, s. 1 (1).

(2) An educational institution may dispose of personal information in the following ways only:

1. By destroying the personal information.
2. By transferring it to the archives of another educational institution, in accordance with an agreement between the educational institutions authorizing the transfer.
3. By transferring it to the Archives, in accordance with an agreement between the educational institution and the Archivist of Ontario authorizing the transfer. O. Reg. 91/07, s. 1 (2).

(3) An educational institution that transfers personal information to its own archives is not considered to have disposed of the information. O. Reg. 91/07, s. 1 (2).

3. Where personal information is in the custody or under the control of an institution, no person shall destroy it without the authorization of the head. R.R.O. 1990, Reg. 459, s. 3.

4. (1) Every head shall ensure that all reasonable steps are taken to protect the security and confidentiality of personal information that is to be destroyed, including protecting its security and confidentiality during its storage, transportation, handling and destruction. R.R.O. 1990, Reg. 459, s. 4 (1).

(2) Every head shall ensure that all reasonable steps are taken to protect the security and confidentiality of personal information that is to be transferred to the Archives, including protecting its security and confidentiality during its storage, transportation and handling. R.R.O. 1990, Reg. 459, s. 4 (2).

(3) In determining whether all reasonable steps are taken under subsection (1) or (2), the head shall consider the nature of the personal information to be destroyed or transferred. R.R.O. 1990, Reg. 459, s. 4 (3).

5. Every head shall take all reasonable steps to ensure that when personal information is to be destroyed, it is destroyed in such a way that it cannot be reconstructed or retrieved. R.R.O. 1990, Reg. 459, s. 5.

6. (1) Every head of an institution shall ensure that the institution maintains a disposal record setting out what personal information has been destroyed or transferred to the Archives and the date of that destruction or transfer. R.R.O. 1990, Reg. 459, s. 6 (1).

(2) The head shall ensure that the disposal record maintained under subsection (1) does not contain personal information. R.R.O. 1990, Reg. 459, s. 6 (2).

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