



**Information and Privacy
Commissioner/Ontario**
**Commissaire à l'information
et à la protection de la vie privée/Ontario**

ORDER P-325

Appeal P-9100272

Ministry of Community and Social Services



80 Bloor Street West,
Suite 1700,
Toronto, Ontario
M5S 2V1

80, rue Bloor ouest
Bureau 1700
Toronto (Ontario)
M5S 2V1

416-326-3333
1-800-387-0073
Fax/Télé: 416-325-9195
TTY: 416-325-7539
<http://www.ipc.on.ca>

ORDER

The Ministry of Community and Social Services received a request under the Freedom of Information and Protection of Privacy Act, (the Act) for a copy of all information contained in the Child Abuse Registry relating personally to the requester.

The institution advised the requester that access to the one responsive record was denied, pursuant to section 67(2) of the Act. This section states that the confidentiality provision contained in section 75(6) of the Child and Family Services Act (the CFSA) prevails over the Act.

The requester appealed the institution's decision to this office.

Attempts to settle the appeal through mediation were unsuccessful, and the matter proceeded to inquiry. Notice that an inquiry was being conducted to review the decision of the head was sent to the appellant and the institution. Enclosed with the Notice of Inquiry was a report prepared by the Appeals Officer, intended to assist the parties in making their representations concerning the subject matter of the appeal. Representations were received from the institution only.

The sole issue arising in this appeal is whether the record is covered by the confidentiality provision contained in section 75(6) of the CFSA.

Section 75(6) of the Child and Family Services Act states:

Despite any other Act, no person shall inspect, remove, alter or permit the inspection, removal or alteration of information maintained in the register, or disclose or permit the disclosure of information that the person obtain from the register, except as this section authorizes.

The institution in its representations states:

"It is clear from the Ministry perspective that any request related to any information that might be maintained in the register is governed by the CFSA and is therefore subject to the confidentiality provision of the Act. Paragraph 67(2)2. of FIPPA acknowledges the validity of that confidentiality provision and recognizes the special nature and importance of the Child Abuse Register".

The institution also points out that a person whose name has been placed on the register is permitted to examine the information about him or her, but not to obtain a copy of any records containing this information.

I have reviewed the representations submitted by the institution, and, in my view, I have been provided with sufficient evidence to establish that the record is part of the Child Abuse Registry. As such, it is covered by section 75(6) of the CFSA, and this confidentiality provision prevails over the access rights provided to the requester under the Act.

I uphold the head's decision to deny access to the record.

Original signed by: _____ July 2, 1992
Tom Mitchinson
Assistant Commissioner