



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

PRIVACY COMPLAINT REPORT

PRIVACY COMPLAINT MC-010012-1

County of Prince Edward

November 5, 2001

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PRIVACY COMPLAINT NO. **MC-010012-1**

MEDIATOR: **Leslie McIntyre**

INSTITUTION: **County of Prince Edward**

SUMMARY OF COMPLAINT:

This investigation was initiated as a result of a complaint under the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) that Prince Edward-Lennox and Addington Social Services (Social Services) had improperly disclosed the personal information of a client.

Specifically, the complainant reported that a caseworker copied the Children's Aid Society on a letter the caseworker sent to her, which contained the complainant's personal information.

DISCUSSION:

The complainant receives money through the Ontario Works program and as a condition of receiving benefits, the complainant was asked to verify that her former spouse was not residing with her; however, the Social Services worker did not receive the verification prior to the May 25 cut-off date for processing recipients' ongoing direct bank deposits.

On May 28, 2001 the caseworker wrote to the complainant, outlining the concerns around the possibility of her former spouse residing with her, suggested that the complainant had provided false information to Ontario Works and noted that her assistance would be delayed. She also indicated that because of a concern for the complainant's children, Social Services was obliged to advise the Children's Aid Society, which they did by way of a copy of this letter.

The Social Services indicated to the Mediator that they provided this information to the Children's Aid Society in compliance with section 72 of the *Child and Family Services Act*, "duty to report child in need of protection".

CONCLUSION:

The *Child and Family Services Act* requires an individual who has reasonable grounds to suspect that a child is in need of protection, to report the suspicion and the information on which it is based to a Children's Aid Society. It is the complainant's lawyer's position that the caseworker disclosed personal information of the complainant beyond what was required by the legislation. The County does not dispute this.

In fact, the Director of the Prince Edward-Lennox and Addington Social Services has provided a letter to the complainant's lawyer, with a copy to the Mediator, in which he acknowledges that "I agree that information provided to Family and Children's Services contained both necessary information as well as some extraneous information. I regret the inclusion of this extraneous information and staff have been advised in similar future cases, to develop a separate communique to other agencies such as Family and Children's Services". He also offered his apologies to the complainant.

In discussions with the mediator, the Director has indicated that a different letter will be issued to the CAS in any future instance, ensuring that only relevant information is disclosed.

I recommend that the Director continue to ensure that all social services staff are aware of how the principles of the Act apply to the collection and disclosure of personal information.

The complaint file is now closed.

November 5, 2001

Leslie McIntyre
Mediator