

RELEASE OF INFORMATION

Effective: June 2009
Reviewed: July 2010
Revised: July 2010

AUTHORITY

Ombudsman, Fiona Crean

PURPOSE

173 (1) Subject to subsection (2), the Ombudsman and every person acting under the instructions of the Ombudsman shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 11, Sched. A, s. 173 (1).

Disclosure

(2) The Ombudsman may disclose in any report made by him or her under this Part such matters as in the Ombudsman's opinion ought to be disclosed in order to establish grounds for his or her conclusions and recommendations. 2006, c. 11, Sched. A, s. 173 (2) 1. City of Toronto Act

POLICY

The Office's file work is conducted in confidence pursuant to the provisions of the *City of Toronto Act*. Staff shall discuss the particulars of complaints with the complainant(s) and respondent(s) only. While other sources may be contacted to obtain relevant information, they are not advised of the details or outcome of a review or investigation. It is understood that sufficient information must be given to 'other sources' so that they can provide informed responses in an appropriate context.

The Office's files and case management system are private and are not subject to disclosure. Section 173 (1) and (2) prevails over the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) as follows:

(3) This section prevails over the MFIPPA. 2006, c 11, Sched. A, s. 173 (3).

PROCEDURE

Complainant requests a copy of their file

Release only the information the complainant has provided the Office, or only the information provided to our Office by a division, agency, board or commission about which the complainant was copied.

Do not release letters or documents to the complainant this Office has received from a respondent or other party.

Respondent requests a copy of the file

Release only the information the respondent has provided the Office or only the information provided to our Office by a complainant, about which the respondent was copied.

Do not release letters or documents to the respondent this Office has received from a complainant, or other source, without prior written authorization to do so.

Media and other interested parties

The Office's file work is conducted in confidence. Staff shall discuss the particulars of complaints with the complainant(s) and respondent(s) only. Media or other interested parties, such as elected representatives, family, associates, colleagues and friends are not privy to information about our enquiries, reviews or investigations without express authorization from the Ombudsman.

Request for information related to the 'enquiry/review/investigation process'

When an interested party requests information related to the Office of the Ombudsman, staff must emphasize that, under Section 173 of *City of Toronto Act, 2006*, we are bound by strict confidentiality provisions. We cannot confirm or deny the existence of a complaint.

Offer to provide general information related to our process or other activities of the Office such as education and prevention initiatives. Be as helpful as possible, keeping in mind the confidentiality requirements of *City of Toronto Act, 2006*.

Request for Information regarding specific files

Media representatives requesting information regarding a specific investigation or complaint must be referred to the Ombudsman or in her absence to the Director.

Other requestors should be handled as outlined above and if insistent on talking to the Ombudsman, they should be referred to the Director.

If the caller specifically requests to speak to the Ombudsman after they have been directed to the Director, advise the caller that you will have the Director bring this to the attention of the Ombudsman and that every effort will be made to have their call returned as soon as possible.