Ontario One Call is now operating as Ontario Dig Authority (effective October 1, 2026). This is a legacy document and therefore may contain Ontario One Call branding and references

SCHEDULE "F" – ACCESS AND PRIVACY CODE

ONTARIO ONE CALL

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1. Overview

1.1. Ontario One Call (the Corporation) is a not-for-profit corporation established pursuant to the *Ontario Underground Infrastructure Notification System Act, 2012* (the "Act"). This document establishes policies and practices regarding information in the custody or control of the Corporation including:

a. Access to information collected or maintained by the Corporation in carrying out its statutory mandate, including personal information;
b. The protection of personal information;
c. The collection, use and disclosure of personal and other information by the Corporation in the carrying out its statutory mandate; and
d. Effective and timely procedural remedies concerning the handling of personal and other information collected by the Corporation in carrying out its statutory mandate.

1.2. The access to information procedures in this Code do not apply to the Corporation's sharing of information with the *Minister* or Ministry of Public and Business Service Delivery and Procurement (MPBSDP).

1.3. The Corporation is committed to the principles of promoting transparency and accountability of its regulatory activities, while also ensuring the privacy of personal, confidential and sensitive business information.

2. Purpose

2.1. The purposes of this Code are to:

a. To provide a right of access to information under the custody or control of the Corporation, that is not sensitive or confidential information, in accordance with the principles that,
    i. information should be available to the public, and
    ii. exemptions from the right of access should be limited and specific; and
b. To protect the privacy of individuals with respect to personal information about themselves held by the Corporation and to provide those individuals with a right of access to that information.

3. Application

3.1. This Code applies to records and personal information collected, used or disclosed in the course of the Corporation's statutory mandate. It does not apply to documents collected, used or disclosed in the course of activities covered by Schedule G (Non-Regulatory Business Policy) of the MOU signed with the Minister.

4. Definitions

4.1. In this Code:

Access	means access by an individual or an organization to a record in the custody or c*ontrol* of the Corporation.
Act	*Ontario Underground Infrastructure Notification System Act, 2012*
Bulk data	means records requested in bulk or selective form (not an individual record) that may have commercial value.
Confidential Information	means the information of or about an individual or organization that is not publicly available, is the property of the individual or organization, or could reasonably be regarded as confidential by the individual or organization, including, but not limited to, permit documents, maps, site plans, sketches, and other excavation or underground infrastructure-related information directly or indirectly in order to fulfil the Corporation's objects.
Control	means the power or authority to decide on the use or disclosure of a record.
Custody	means the keeping, care, watch, preservation, or security of a record that relates to a legitimate business purpose
Data Breach	means the loss of, unauthorized disclosure of or unauthorized access to information resulting from a breach of the Corporation's technological, organization or physical security safeguards or from a failure to establish such safeguards
Enforcement	means: a. complaints from the public, or investigations, deliberations or inspections by the Corporation's or other provincial or federal enforcement bodies that lead or could lead to proceedings in a court or tribunal; b. compliance with regulatory requirements; or c. the conduct of proceedings referred to in (a).
Frivolous and Vexatious Request	means any request for information instituted, for example, without any reasonable ground; whose purpose is not legitimate, but is designed to harass or to accomplish some other objective unrelated to the process being used; is a repeat request to revisit the previously addressed issue; or is made in bad faith; or, a speculative and/or indiscriminate demand for information without any reasonable grounds to identify an expected outcome.
Minister	means the *Minister* of Public and Business Service Delivery and Procurement or any other member of the Executive Council to whom the responsibility for the administration of the *Act* is assigned under

	the *Executive Council Act*.
MPBSDP	means the Ministry of Public and Business Service Delivery and Procurement.
Personal Information	means information about an identifiable individual or by which an individual's identity could be deduced. It does not include business information, including the name, title, business address or business telephone number of an officer, director or employee of an organization or an individual acting in a business capacity.
Public Information	means information that is publicly available, including information that the Corporation has published on its website or that the Corporation has otherwise determined is necessary to make available to the public to carry out its duties and responsibilities under the Act and regulations.
Record	means any record of information, however recorded, whether in printed form, or film, by electronic means or otherwise in the custody or control of the Corporation pursuant to the Corporation carrying out the duties and responsibilities under the *Act*.

5. Accountability

5.1. The Corporation is responsible for all records, including personal information and confidential information, under its custody or control and shall designate an individual or individuals who are accountable for the Corporation's compliance with this Code.

5.2. The Chief Executive Officer (CEO) and President shall have accountability for all decisions to release or not release records and for the administration of this Code.

5.3. The CEO and President may delegate some or all of their powers and responsibilities under this Code to a Privacy Officer or other designate. Any decision of any such delegated person shall be deemed to be a decision of the CEO and President.

5.4. The Corporation has appointed a Privacy Officer to investigate and respond to privacy issues and to be accountable for the Corporation's compliance with the Code. The Corporation's Privacy Officer may be contacted by email to privacy@OntarioOneCall.ca or by mail to:

Privacy Officer
Ontario One Call
104 Cooper Dr Suite 1
Guelph, ON
N1C 1C3

5.5. The ongoing collection and processing of information may be the responsibility of other individuals within the Corporation.

5.6. Although the Corporation takes reasonable steps to ensure the accuracy of the

information provided under this Code, it does not warrant or otherwise guarantee that the information is completely accurate and/or up-to-date.

6. Access to Records

6.1. Subject to the exemptions in this Code, every person has a right of access to a record or a part of a record in the custody or under the control of the Corporation containing the following information:

a. their own personal information;
b. public information that is in the custody and control of the Corporation

7. Access Requirements and Procedure – Public Information

7.1. The Corporation will ensure that the public has access to public information, including the information that is required to be public under the Act. The Corporation will make public information available on the Corporation's website and in other ways as determined by the Corporation in accordance with the Act.

8. Access Requirements and Procedure – Other Records

8.1. Requests for access to information shall be made in writing and addressed to the Privacy Officer. The written request shall include sufficient information to allow the Corporation to identify and authenticate the identity of the requester.

8.2. Within a reasonable time of receipt of a written request, having regard to the nature of the information requested, not exceeding 45 calendar days the Corporation shall, subject to the exemptions and provisions of the Act and this Code, provide the person with access to the records requested. As applicable, the Corporation will provide written reasons for denying access, if that is the case.

8.3. Where a person requests access to records that pertain to individuals or organizations other than the requester, this is considered a third-party request for information.

8.4. Where a third-party requests access to information that includes personal information, the Corporation will seek the affected individual's consent prior to providing access to the third party. The Corporation will only provide access to information that includes personal information to a third party where the affected individual consents.

8.5. Before proceeding with any access request the Corporation will provide the requester with the approximate cost, if any, of responding to the request, and then confirm whether the requester still wishes to proceed with the access request, or whether the request is to be withdrawn.

9. Exemption to Access

9.1. **Mandatory Exemptions**: the Corporation shall refuse to disclose records that

constitute:

a. Personal information, disclosure of which violates another individual's right to privacy, unless that individual consents to the disclosure;
b. Confidential Information, disclosure of which should not be made based on the terms on which such information was provided; or
c. records containing commercial, proprietary, technical or financial information of the Corporation or of any person or business that has supplied the records to the Corporation with a reasonable expectation of confidence, if disclosure would result in undue loss or gain, prejudice a competitive position or interfere with contractual or other negotiations unless access is required by law, the information is already public information or access is appropriate in litigation or regulatory proceedings.

9.2. **Discretionary Exemptions**: the Corporation may refuse to disclose records, personal information and confidential information where the disclosure:

a. may violate a legally recognized privilege such as solicitor-client privilege, litigation privilege or settlement privilege or may have been prepared by or for counsel in giving or seeking legal advice or in contemplation of litigation;
b. may impair the ability of the Corporation to provide a fair, safe and informed marketplace that supports a competitive economy;
c. may involve *bulk data*;
d. may involve information that may reveal the substance of deliberations by the Corporation's Board of Directors (including its committees, sub-committees and task forces), the Corporation committees, the Corporation executive or other managers including but not limited to, agendas, minutes, policy options and analysis, advice or recommendations to or from employees or an external consultant, proprietary information, and advice to or from government;
e. violates a provision of the *Act*;
f. could reasonably be expected to adversely impact compliance with regulatory requirements;
g. could reasonably be expected to seriously threaten the safety or health of an individual or may not be in the public interest.
h. may be information compiled by the Corporation or supplied to the Corporation for the purposes of risk management or risk-informed decision-making;
i. may be a report or other information supplied by a government, regulatory or enforcement body to the Corporation in confidence, whether explicitly or implicitly;
j. may reveal procurement information, including information submitted to the Corporation in response to a procurement process;
k. may have been generated in the course of a dispute resolution process including, for example, mediation or the handling of a complaint;
l. may be a frivolous and vexatious request.

9.3. Where information that is exempted from an access request can be reasonably severed from that part of the record to which the requester can be given access, the Corporation shall sever the exempted information and provide the requester with access to the remaining part of the record.

9.4. Section 9.3 does not apply where,
   a. The record was generated in the course of a formal dispute resolution process;
   b. The record was collected without knowledge or consent for purposes related to an investigation as permitted by the exception under section 9.1 or 9.2;
   c. The Corporation may refuse to confirm or deny the existence of a Record to which 9.1 or 9.2 applies.

10. Collection of Information

10.1. The Corporation collects, uses and discloses personal information and confidential information to fulfill its statutory mandate. The Corporation is committed to maintaining the privacy and security of that personal information in accordance with applicable Canadian privacy law and best practice principles of privacy.

11. Use and Disclosure of Personal Information

11.1. Subject to the exceptions set out under subsection 12.2 of this Code, the Corporation shall use personal information only for the purposes for which it was collected and/or shall disclose such personal information only with the consent of the individual, except as otherwise required by law.

12. Retention and Security of Information

12.1. The Corporation shall ensure that reasonable measures respecting records containing personal information and confidential information are developed and put into place to preserve personal information and confidential information in its custody or control.

12.2. The Corporation shall adopt administrative and security mechanisms to prevent the unauthorized access, disclosure, use, copying or modification of personal information and confidential information in its custody or control, including:

   a. issuing login and password details in order to keep its systems secure.
   b. taking reasonable steps to prevent theft, loss or misuse of records, and to protect them from unauthorized access, modification or destruction;
   c. implementing physical and organizational protections for paper records;
   d. implementing technological protections for electronic records;
   e. ensuring that all employees, the Board of Directors, committee members, service providers and all consultants or contract workers employed or retained by the Corporation have received adequate training to comply with this Code; and
   f. ensuring that any consultant or service provider retained by the Corporation to manage or use the Corporation records on its behalf agrees to have security safeguards in place comparable to those used by the Corporation.

12.3. The Corporation shall retain personal information records for a seven-year retention period. A record containing personal information may be retained beyond this time period in the following circumstances:

a. another law requires or authorizes the retention;
b. the record is reasonably required for the Corporation's future regulatory actions; or
c. the record is transferred to storage or archives for historical research or permanent preservation, provided that any personal information is removed.

12.4. If a record has fulfilled the purposes for which it was collected and is not to be further retained (beyond 7 years), the Corporation shall destroy the record as follows:

a. a paper record and all copies, shall be shredded before it is destroyed;
b. an electronic record shall be deleted from the hardware that hosted the record; and
c. before hardware that hosted electronic records is discarded or destroyed, all electronic records containing personal information or confidential information shall be deleted.

12.5. Ongoing access to personal information and confidential information in the custody or control of the Corporation shall be restricted to appropriate Corporation employees and contract workers.

13. Correction of Information

13.1. Where a person disagrees with the accuracy of personal information or confidential information in the custody or control of the Corporation, the person has the right to challenge the accuracy and have it addressed as follows:

a. a person requesting a correction to their own personal information or confidential information in order to ensure its accuracy and/or completeness shall send a request in writing to the Corporation's Privacy Officer. The request must include sufficient information to allow the Privacy Officer to authenticate the identity of the person making the request and to identify the applicable personal information or confidential information and the correction being sought; and
b. The Corporation shall respond in writing to a request for a correction to personal information or confidential information within a reasonable amount of time and in any event no later than 45 calendar days from the receipt of the request.

13.2. Where the Corporation agrees to correct a record of personal information or confidential information:

a. A correction to personal information or confidential information received from the person to whom it relates shall be recorded by the Corporation as soon as practically possible; and
b. The Corporation shall provide written notice to every third party to whom the original record was provided within the previous twelve (12) months, unless to do so is impractical or would interfere with the activities of the Corporation.

13.3. If a person's request for a correction is refused, the Corporation shall provide the reason for such refusal in writing to the person to whom the information relates, and the Corporation shall file with the record a brief statement of disagreement.

14. Fees

14.1. Personal information shall be made available to the individual to whom the information relates at a reasonable cost.

14.2. Records, other than bulk data and personal information, shall be made available to a requester for a fee that reflects the total cost of providing the information. The fee for providing bulk data will be determined on a case-by-case basis. In determining fees, the Corporation shall make efforts to be consistent and base costs on publicly available criteria.

14.3. Before proceeding with an access request, the Corporation shall provide the requester with the approximate fee for responding to the request, and then confirm whether the requester still wishes to proceed with the request.

14.4. Fees for access requests are not subject to the Fee setting processes established under Schedule "E" of the Corporation's Memorandum of Understanding with the Minister.

15. Complaints and Data Breaches

15.1. A complaint about the Corporation's handling of information in the Corporation's custody or control, access to information, or correction to records shall be made in writing to the Corporation 's Privacy Officer and shall describe the issue the person wishes to have reviewed. The Privacy Officer shall review all complaints and make efforts to respond within 30 days of receipt of the complaint. If the Privacy Officer is unable to respond within 30 days, the Privacy Officer shall advise the person who made the complaint of the date a response can be expected. If a complaint is found to be justified, the Corporation shall take appropriate measures to resolve the problem including, where necessary, amending its procedures and practices.

15.2. A data breach or suspected data breach involving information in the Corporation's custody or control shall be reported in writing to the Corporation's Privacy Officer and shall describe the concern or incident. The Privacy Officer shall make efforts to respond within 30 days of receipt of the report. If the Privacy Officer is unable to respond within 30 days, the Privacy Officer shall advise the person who made the report of the date a response can be expected. The Privacy Officer shall investigate the reported data breach or suspected data breach. If a data breach has occurred, the Corporation shall take appropriate measures to resolve the problem including, where necessary, amending its procedures and practices.

16. Administration

16.1. The Corporation shall implement practices and procedures required to give effect to this Code, as soon as practicable, including those relating to,

a. advising Board members, management, employees, contract workers and consultants about the Code, and providing appropriate training to ensure compliance with the Code's provisions; and the development of documentation describing this Code and its related practices and procedures.

17. Interpretation

17.1. In the event that this Code conflicts with the *Act,* the *Not-for-Profit Corporations Act, 2010,* or any other applicable legislation, the *Act* or applicable legislation shall prevail.

18. Effective Date and Review

18.1. The Corporation shall review this Code from time to time and shall make any necessary changes to improve the effectiveness of the requirements and procedures in this Code. Any changes to this Code shall be submitted for Minister's approval and, if approved, posted to the Corporation's website.