

QUESTIONS AND ANSWERS

CERTIFICATE OF AUTHORITY TO OBTAIN PERSONAL INFORMATION

Q1. What is the Certificate of Authority?

The Certificate of Authority is used by MLAs and their constituency offices when individuals request their assistance. The Freedom of Information and Protection Act provides that a public body may disclose personal information inside Canada “to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem”.

Q2. In addition to the Certificate of Authority, is consent from the individual that the information is about necessary?

No additional consent is required. Section 33.2(g) of the Freedom of Information and Protection of Privacy Act allows disclosure without consent in the circumstance, as noted above in Q1.

Q3. Who created the form?

The Office of the Information and Privacy Commissioner proposed the simplified process, and the ministries of Attorney General and Citizens’ Services worked on its implementation.

Q3. Can the Certificate of Authority be used by constituency offices with all ministries?

Yes. Ministers and Deputy Ministers have been made aware of its implementation.

Q4. Can it also be used by other government agencies such as Health Authorities?

Yes. While policy has been directed to ministries, other government agencies identified as public bodies within the Freedom of Information and Protection of Privacy Act can also adopt the form.

Q5. Why did some ministries require individuals to sign consent forms in the past?

Protection of personal information is a responsibility taken very seriously by ministries. As such, different ministries used different forms to obtain consent, wanting to ensure that they were protecting personal information appropriately. However, obtaining consent to disclose personal information to an MLA or constituency staff is unnecessary when an individual has requested the MLA’s assistance in resolving a problem that involves disclosure of that individual’s personal information.

Q6. Why is this change being made?

The Certificate of Authority eliminates multiple forms currently in use by various ministries. It also provides for a standardized government-wide process and consistent staff practice, and eases ministry staff’s concerns regarding the release of personal information.

Q7. What happens if an individual received assistance from a constituency office and, three months later, that same individual returns for further assistance? Does the certificate that was completed three months ago still apply, or does a new certificate need to be prepared every time an individual requests assistance?

If the issue is unchanged from three months ago, the existing certification document may be used.

If the issue is different from that documented on the existing form, there are two options:

- A. Text referencing the new issue would either have to be added to the existing form as part of the problem description; or*
- B. A new form would need to be completed identifying the new issue.*

Q8. Does the Information and Privacy Commissioner agree with this protocol?

The Office of the Information and Privacy Commissioner proposed the new simplified process.

Q9. Does the Constituency Assistant need to sign the Certificate of Authority form?

Yes, the form includes a space for the Constituency Assistant to both sign the form and print his/her name.

Q10. Whom do we call if we are having difficulty with the online version of the form or if we have any other questions with regard to its use?

If you or your staff have any further questions regarding the Certificate, its use or implementation, please contact the Office of the Chief Information Officer, Knowledge and Information Services at 250 356-0361.