

SCHEDULE "I" - ACCESS AND PRIVACY CODE

1. Overview:

- 1.1 The Bereavement Authority of Ontario (BAO) is the organization mandated by the Ontario Government to administer provisions of the *Funeral, Burial and Cremation Services Act, 2002*, (FBCSA or Act), which governs the bereavement sector in Ontario. The BAO's mission is to protect consumers by promoting awareness and compliance as part of the efficient and effective regulation of Ontario's bereavement industry.
- 1.2 The Administrative Agreement between the Minister of Public and Business Service Delivery and the BAO sets out the terms of the delegation to the BAO of the administration of the FBCSA. Subsection 10(3) of the Administrative Agreement requires that the BAO has an Access and Privacy Code addressing issues of access to its records, protection of personal information, and effective procedural rights and remedies. Schedule "I" of the Administrative Agreement contains the BAO's Access and Privacy Code. The Administrative Agreement, including Schedule "I," is posted on the BAO's website or available upon request.
- 1.3 The BAO recognizes the importance of privacy and the protection of personal information. Section 106 of the FBCSA requires that those involved in the administration of the Act keep confidential the information obtained in the course of their duties.
- 1.4 The BAO is committed to collecting, using, and disclosing personal information responsibly and only to the extent necessary to carry out its regulatory activities and to meet its consumer protection mandate.
- 1.5 Although the *Freedom of Information and Protection of Privacy Act* does not apply to the BAO, the BAO is committed to the principles of promoting transparency of, and accountability for, its regulatory activities, while also ensuring the privacy of personal information.
- 1.6 This Access and Privacy Code outlines how the BAO manages personal information in the custody and control of the BAO and safeguard privacy.
- 1.7 The access to information procedures in this Code do not apply to the BAO's sharing of information with the Minister or the Ministry of Public and Business Service Delivery (MPBSD) and other prescribed persons, since effective sharing of information will be essential to the fulfillment of their respective mandates and to consumer protection.

2. Purpose:

- 2.1 The purposes of this Code are:

- (a) to provide a right of access to information under the BAO's custody and control in

accordance with the principles that,

- (i) information should be available to the public; and,
 - (ii) exemptions from the right of access under the Code should be limited and specific.
- (b) to protect the privacy of individuals with respect to personal information about themselves held by the BAO and to provide those individuals with a right of access to that information.

3. **Application:**

3.1 This Code applies to the records and personal information collected, used, or disclosed by the BAO in the course of exercising its statutory mandate.

4. **Definitions:**

In this Code, the following definitions apply:

<u>Term</u>	<u>Definition</u>
<i>access</i>	means access by an individual or an organization to a record of information in the custody and control of the BAO.
<i>Act</i>	means the <i>Funeral, Burial and Cremation Services Act, 2002</i> , S.O. 2002, and the regulations under that Act, as amended from time to time.
<i>BAO</i>	means the Bereavement Authority of Ontario
<i>bulk data</i>	means records requested in bulk or selective form (not an individual record) that may have commercial value.
<i>CEO</i>	means the CEO of the Bereavement Authority of Ontario
<i>control</i>	means the power or authority to decide about the use or disclosure of a record.
<i>custody</i>	means the keeping, care, watch, preservation, or security of a record for a legitimate business purpose.
<i>data breach</i>	means the loss of unauthorized disclosure of, or unauthorized access to information resulting from a breach of BAO's technological, organizational, or physical security safeguards, or from a failure to establish such safeguards.

<u>Term</u>	<u>Definition</u>
<i>enforcement</i>	means: (a) action by a police service; (b) action taken further to complaints from the public, inspections, or investigations by the BAO or other provincial or federal enforcement bodies that lead or could lead to proceedings in a court or tribunal; or, (c) action taken by the BAO or other regulatory agency to further compliance with regulatory requirements (d) any conduct or proceedings referred to in (b)
<i>frivolous and vexatious request</i>	means any request for access to information that is: • made without any reasonable basis; • 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 for the purpose of revisiting a previously addressed issue; • is made in bad faith; or, • is a speculative and/or indiscriminate demand for information without any reasonable grounds to identify an expected outcome.
<i>MPBSD</i>	acronym for the Ministry of Public and Business Service Delivery.
<i>Minister</i>	means the Minister of Public and Business Service Delivery or any other member of the Executive Council to whom the responsibility for the administration of the Act is assigned.
<i>personal information</i>	means any information about an identifiable individual that is recorded in any form. Personal information can relate to one's personal characteristics, for example, gender, age, income, home address or telephone number, ethnic background, family status; their health or their activities and views. Personal information is to be contrasted with business information, for example, an individual's business address and telephone number, which is not protected by privacy legislation.
<i>public information</i>	means information that is publicly available, including information that BAO has published on its website or that the BAO has otherwise determined is necessary to make available to the public in accordance with its administration of the Act.
<i>record</i>	means any record or information, however recorded, in the custody and control of the BAO pursuant to the BAO's administration of the Act.

5. Accountability:

- 5.1 The BAO is responsible for all records and personal information under its custody and control.
- 5.2 The CEO is accountable for the administration of this Code and for all decisions to release or not release records.
- 5.3 The CEO may delegate some or all of the powers and responsibilities to a Privacy Officer or other designate.
- 5.4 The CEO has appointed a Privacy Officer to have accountability for the administration of this Code.
- 5.4.1 The BAO shall assess the privacy impacts of new or significantly modified programs, systems, or information sharing arrangements involving personal information, and shall take reasonable steps to address identified privacy risks prior to implementation.
- 5.5 In the temporary absence of the Privacy Officer, the CEO may delegate the role to another designate.
- 5.6 The contact information of the Privacy Officer is as follows:

Bereavement Authority of Ontario
5160 Yonge Street, Suite 1200
Toronto, Ontario M2N 6N5
Telephone: (647) 483-2645
Email: privacyofficer@thebao.ca

- 5.7 The ongoing collection, use, and management of information may be the responsibility of individuals within the BAO other than the Privacy Officer.
- 5.8 The BAO will keep information accurate and up to date based on the information provided to it. Licensees will be reminded periodically in the BAO newsletter, "In the News" of their statutory obligation to keep information current and up to date.
- 5.9 Although the BAO 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 complete, accurate, or up to date.

6. Statutory Duty of Confidentiality:

- 6.1 The BAO is committed to openness and transparency about its regulatory activities.
- 6.2 The BAO also has a statutory duty under Section 106(1) of the Act to maintain confidentiality over information that is obtained in the course of exercising a power or carrying out a duty related to the administration of the Act subject to exceptions.

6.3 Section 106(1) of the Act states:

106(1) A person who obtains information in the course of exercising a power or carrying out a duty related to the administration of this Act, or the regulations shall preserve secrecy with respect to the information and shall not communicate the information to any person except,

- (a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act or the regulations;
- (b) to a ministry, department or agency of a government engaged in the administration of legislation similar to this Act or legislation that protects consumers or to any other entity to which the administration of legislation similar to this Act or legislation that protects consumers has been assigned;
- (c) to a prescribed entity or organization, if the purpose of the communication is consumer protection;
- (d) to a law enforcement agency;
- (e) to counsel of the person communicating the information; or
- (f) with the consent of the person to whom the information relates. 2006, c.34, Sched. D. s.71.

6.4 Where permitted under the Act, the Safety and Consumer Statutes Administration Act, 1996, and the Administrative Agreement with the Minister of Public and Business Service Delivery and Procurement, the BAO will provide access to information in accordance with this Code.

6.5 Before disclosing information to third parties the BAO will take reasonable steps in accordance with this Code to ensure that the third party has measures in place to protect the personal information requested.

7. Access to Records:

7.1 Subject to the Act and the exemptions under the Code, every person has a right of access to a record or a part of a record in the custody and under the control of the BAO containing the following information:

- (a) their own personal information;
- (b) information relating to the person's license, renewal of license, application for license, or Compensation Fund claim;
- (c) the status of an individual or entity licensed by the BAO; and,
- (d) public information.

8. Access to Records Procedure:

8.1 Step 1 – Informal Request:

The BAO encourages individuals to informally request information as a first step. The BAO routinely provides information to licensees on the status of their licence. The BAO will need to

confirm the requester's identity before providing access to information. As well, the BAO routinely provides information to the public without recourse to the formal access procedure set out below. The BAO makes public information available on its website and in other ways determined by the CEO in accordance with the Act. Information that is routinely available includes annual reports, audited financial statements, consultation reports, etc.

8.2 Step 2 – Formal Request:

When information cannot be obtained through the informal route, a formal request may be made to the BAO's Privacy Officer. The request must be in writing to the Privacy Officer and must describe the requested records. The written request shall include sufficient information to allow the BAO to identify and authenticate the identity of the requester. The BAO will make every effort to respond within 30 days of receipt of the request. If for some reason the Privacy Officer is not able to respond within 30 days, the Privacy Officer shall advise the person making the request and advise the individual of the anticipated date a response can be expected.

When access to a record is not provided by the BAO, reasons will be provided in accordance with the restrictions in the Code. Such revisions shall identify the applicable exemption(s) under this Code and provide a brief explanation of how the exemption applies. The BAO will also provide information on the process to request a review of the decision, if desired.

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. Where a third-party requests access to information that includes personal information, the BAO may seek the affected person's consent prior to providing access to the third party. The BAO will only provide access to information that includes personal information to a third party where the affected individual consents or where access is otherwise permitted by the Act.

Before disclosing a record, the BAO shall make reasonable efforts to give notice to any person to whom the information in the record relates, if it is practicable to do so.

8.3 Step 3 – Review of the Privacy Officer's Decision: When the individual who requested the information is not satisfied with the response to the formal request, the requester may ask the BAO's Governance and Nominations Committee to review the decision. The request for review must be in writing addressed to the BAO's Governance and Nominations Committee and must describe what the requester wants reviewed. A final decision on the formal request will be made within 30 days of receipt of the review request if possible.

If for some reason the Governance and Nominations Committee is not able to respond within 30 days, the Committee shall advise the person making the request and advise the individual the anticipated date a response can be expected.

9. Exemptions to Access or Disclosure of Records:

9.1 Mandatory Exemptions: The BAO shall refuse to disclose records that constitute:

- (a) personal information, disclosure of which violates another individual's right to privacy,

unless the affected individual consents to the disclosure; and/or

- (b) records containing commercial, proprietary, technical, or financial information about the BAO or of any person or business that has supplied records to the BAO with a reasonable expectation of confidence, unless access is required by law, the information is already public information, access is appropriate in litigation or regulatory proceedings, or with the consent of the individual or entity to which the information relates.

9.2 Discretionary Exemptions: The BAO may refuse to disclose records and personal information where the disclosure:

- (a) may involve information that may reveal the substance of deliberations by the BAO's Board of Directors (including its committees), BAO committees, the BAO's Leadership Team or managers, including but not limited to, agendas, minutes, briefing materials, policy options and analyses, advice, or recommendations to or from employees or an external consultant, proprietary information, and advice from government;
- (b) may violate a legal 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;
- (c) may derive from or compromise an enforcement activity, including where access may be refused under the exceptions described in subsection 14(1) of the *Freedom of Information and Protection of Privacy Act* if it applied to the BAO;
- (d) could reasonably be expected to adversely impact compliance with regulatory requirements;
- (e) violates a provision of the Act;
- (f) may involve bulk data and/or other aggregate data that identifies a specific person;
- (g) may not be in the public interest and could reasonably be expected to threaten the life, health, or security of an individual;
- (h) may have been generated in the course of a dispute resolution process including, for example, mediation or the handling of a complaint;
- (i) may be unreasonably costly to provide, considering the nature of the request and the volume of records requested;
- (j) may be a frivolous and vexatious request;
- (k) may reveal procurement information, including information submitted to the BAO in response to a procurement process;
- (l) is an audio recording of a telephone call made for quality assurance purposes;
- (m) may impair the ability of the BAO to provide a fair, safe, and informed marketplace that supports a competitive economy;
- (n) may be information compiled by the BAO or supplied to the BAO for the purposes of risk management or risk-informed decision making;
- (o) may be a report or other information supplied by a government, regulatory or enforcement body to the BAO in confidence, whether explicitly or implicitly; or,
- (p) may reveal proposed plans, policies, or projects of the BAO where disclosure could reasonably be expected to result in premature disclosure of a pending policy decision or

would cause undue financial loss or inappropriate benefit to a person.

- 9.3 The BAO shall disclose as much of the record as can be reasonably severed without disclosing information captured in sections 9.1 or 9.2.
- 9.4 The BAO may refuse to confirm or deny the existence of a record to which section 9.1 or 9.2 applies.

10. Collection of Personal Information

- 10.1 The BAO has the authority to collect, use, and disclose personal information for the purpose of carrying out its regulatory objectives.
- 10.2 The BAO shall only collect, use, or disclose personal information than is reasonably necessary to carry out its regulatory activities and fulfill its consumer protection mandate.
- 10.3 Primary Purposes for Collecting Information: The BAO collects information about licensees, about members of the general public, and about contract staff as follows:

(a) *About Applicants/Licensees:*

Personal information will be collected by lawful means directly from the applicant or licensee to whom it relates whenever possible and will be compiled only where there is a demonstrable need for the information in order for the BAO to administer the Act. Individuals will be informed of the purposes for which personal information is collected, unless the information is collected as part of an inspection, investigation, or a complaint. BAO staff involved in the collection of personal information will communicate the reasons personal information is required at the request of the individual to whom the information pertains. The primary purposes of collecting the information are to determine if a person is qualified for licensure under the statute and to ensure that the legislation is being complied with.

An individual's written consent will be obtained before personal information is collected from third parties except for the conduct of an inspection, investigation, or complaint. The BAO Registration and Renewal Forms contain a consent provision with respect to the collection of relevant personal information from third parties to determine if the applicant is eligible for or remains entitled to the licence applied for under the Act.

(b) *About Members of the General Public:*

Personal information is collected from members of the general public (consumers) so that the BAO may assist them with complaint matters or in making a claim against the Compensation Fund. The primary purpose of collecting this information is to assess whether the individual has a valid claim against the Compensation Fund or a complaint that the BAO can assist them with, to advise them regarding their rights and responsibilities, and to investigate and mediate any dispute the consumer may have with a

licensee.

(c) *About Contract Staff:*

Personal information is collected from people who are contracted to do work for the BAO (temporary workers), to ensure that they can be contacted in the future for new assignments or for other necessary work-related communications such as sending out payments or year-end tax receipts. Examples of the type of personal information we collect for those purposes include home addresses and telephone numbers. It is rare for the BAO to collect such information without prior consent, but it might happen in the case of a health emergency (e.g., the outbreak of a contagious disease) or to investigate a possible breach of law (e.g., if a theft were to occur in the office).

(d) *About Job Applicants:*

Personal information is collected from individuals applying for a job at the BAO as part of our review process. The BAO normally retains information from candidates after a decision has been made, unless asked not to retain such information. If an individual is offered a job and they accept, the information will be retained in accordance with our privacy procedures for employee records.

10.4 Secondary Purposes for Collecting Personal Information: Like most organizations, the BAO also collects, uses, and discloses information for purposes related to or secondary to our primary purposes. The most common examples of our related and secondary purposes are as follows:

- The BAO is delegated to administer provisions of the Act. The MPBSD is responsible for overseeing that the BAO performs that role properly. The MPBSD may conduct performance, governance, accountability, or financial reviews of the Administrative Authority.
- External consultants (e.g., auditors, lawyers, information technology) may do audits or continuing quality improvement reviews of our organization, including reviewing the BAO's database, files, and interviewing staff.
- Professional staff in our organization may be subject to review by their regulatory bodies, which may inspect our records and interview our staff as a part of their regulatory activities in the public interest. For example, our lawyers are regulated by the Law Society of Ontario. Also, like all organizations, various government agencies (e.g., Canada Customs and Revenue Agency, Information and Privacy Commissioner, Human Rights Commission, etc.) have the authority to review the BAO's files and interview BAO staff as part of their mandates.

10.5 By providing the BAO with personal information, a person consents to its use and disclosure for the purpose for which it was obtained or compiled or for a consistent purpose in accordance with this Code.

10.6 Subject to the exception set out in section 10.3 of this Code, where the BAO collects personal information, it shall,

- (a) only collect information directly from the person to whom the information relates, unless the person authorizes another manner of collection; and,
- (b) explain to the person the purpose for collecting the information and, at or before the time of collection, obtain their consent (express or implied) for its collection, use, and disclosure by the BAO for that purpose.

11. Public Safety

- 11.1 Despite any provision of this Code, the BAO may disclose any record to the public or persons affected if the BAO has reasonable and probable grounds to believe that it is in the public interest to do so and that the record reveals a grave environmental, health or safety hazard to an individual or the public.
- 11.2 Before disclosing a record under section 11.1, the BAO shall make reasonable efforts to give notice to any person to whom the information in the record relates if it is practicable to do so.
- 11.3 Any notice given under this section must include a statement that if a person makes representations forthwith to the BAO as to why the record or part thereof should not be disclosed, those representations shall be considered by the BAO before the BAO discloses the information in question.

12. Security and Retention of Personal Information

- 12.1 The BAO will take reasonable steps, including implementing policy and security mechanisms, to ensure that the personal information in its custody or under its control is protected against unauthorized access, use or disclosure, and to ensure that the records containing the information are protected against unauthorized copying, modification, or destruction. What constitutes reasonable steps shall be determined taking into consideration the volume of information, its sensitivity, and the format in which it is stored.
- 12.2 Some steps that the BAO takes to safeguard information include:
 - All staff will be provided with a copy of the BAO's Access and Privacy Code upon its approval.
 - All new staff will be provided with such information when they are hired or retained.
 - Staff will be trained to collect, use, and disclose personal information only as necessary to fulfill their duties and in accordance with the Access and Privacy Code. The importance of confidentiality and methods of maintaining the security of personal information will be emphasized. Access to information by staff is on a need-to-know basis.
 - A refresher training session will be held for all staff annually.
 - Staff members are required to sign confidentiality agreements.

- The BAO uses a number of professional consultants and agencies that may, in the course of their duties, have limited access to personal information. These include IT consultants, office security and maintenance, a file storage company, temporary workers, website hosting managers, cleaners, our landlord, lawyers, and auditors. We limit their access to personal information as much as is reasonably possible. The BAO's Access and Privacy Code will be shared with external consultants, and agencies with access to personal information and assurances will be sought that appropriate privacy principles will be adhered to.
- Access to the premises of the BAO is controlled by security cards.
- Paper information is either under supervision or kept in a locked or secure area that is protected from unauthorized access.
- Paper information is transmitted through sealed, addressed envelopes or boxes by reputable companies.
- Electronic hardware is either under supervision or secured in a locked or restricted area at all times.
- Password protection, firewalls, virus protection, and other recognized security measures are used for electronic information.

12.3 E-mail is not a 100% secure medium. Individuals should be aware of this when contacting the BAO to send personal information. On request, the BAO may provide a secure link for sharing sensitive information when it is convenient and appropriate to do so.

12.4 Personal information will be retained after use for one year or as long as is necessary to fulfill the purposes for which the information was collected. Retention periods are determined in accordance with the BAO's approved records retention schedule, as amended from time to time. A record of personal information will not be retained after the purpose for which it was collected has been fulfilled unless:

- another law requires or authorizes the retention;
- the record is reasonably required for purposes related to the BAO's regulatory activities including future regulation of licensees; or
- the record is transferred to storage for the purposes of permanent preservation or historical research.

12.5 Where the BAO has used a record of personal information about an individual to make a decision, it shall retain the record long enough after making the decision to allow the individual a reasonable opportunity to request access to or appeal the information. This requirement does not apply if the individual has already been given access to the information before the decision was made.

12.6 Personal information in paper form is required to be placed in a locked shredder box so that it can

be shredded or otherwise destroyed before it is disposed of.

- 12.7 Electronic data is destroyed before the hardware on which the data is discarded.
- 12.8 In the event of a data breach involving personal information in the custody or control of the BAO, the BAO shall take reasonable and timely steps to contain the breach, assess the risks of harm, and mitigate an identified risk.
- 12.9 Where a data breach may pose a risk of harm to an individual, the BAO shall notify the affected individual as soon as practicable, unless such notification could reasonably be expected to interfere with a regulatory, investigative, or enforcement activity.
- 12.10 The BAO shall maintain a record of all material data breaches and the remedial actions taken.

13. Use and Disclosure of Personal Information:

- 13.1 Subject to the exceptions set out under section 12.2 of the Code, the BAO shall use personal information only for the purposes for which it was collected and shall disclose personal information only with the consent of the person to whom the information relates.
- 13.2 The BAO may use or disclose personal information without the consent of the person, or for purposes other than those for which it was collected, if:
- (a) the information is subject to an agreement that the BAO has entered into with a third-party consultant or service provider to manage or use the BAO's records on its behalf, if such agreement requires the third-party to comply with this Code and have in place security safeguards comparable to those used by the BAO;
 - (b) the information is used or disclosed for purposes related to ongoing registration, inspection, investigation, or enforcement activity of the BAO pursuant to the Act;
 - (c) the information is required in connection with a proceeding under the Act or in connection with the administration of the Act;
 - (d) the information is shared with the Minister or a prescribed entity in accordance with the Act;
 - (e) the information is requested by a law enforcement agency;
 - (f) it is required by law or pursuant to a court order;
 - (g) the information is requested by a ministry, department or agency of a government engaged in the administration of legislation similar to the Act or legislation that protects consumers or to any other entity to which the administration of legislation similar to this Act or legislation that protects consumers has been assigned;
 - (h) it is authorized under the *Regulatory Modernization Act, 2007*;
 - (i) the information is disclosed for the purpose for which it was obtained or for a consistent purpose;
 - (j) the information is requested by or disclosed to the person's counsel;
 - (k) the information is disclosed to the BAO's counsel;
 - (l) the information is publicly available;
 - (m) the information is disclosed to a prescribed entity or organization if the purpose of the disclosure is consumer protection; or,
 - (n) It is required for the purpose of establishing or collecting a debt owed to the BAO.

14. Correction of Personal Information:

- 14.1 Where an individual disagrees with the accuracy of their personal information received from a formal request, the individual is entitled to request a correction.
- 14.2 A request for correction must be in writing and addressed to the Privacy Officer. The request must include sufficient information to allow the Privacy Officer to authenticate the identity of the person making the request. The request should identify the applicable personal information and identify

the correction or amendment being sought.

14.3 The BAO shall respond in writing to a request for a correction or amendment to personal information within 30 days. If it is not possible to respond within 30 days, the person will be advised when a response can be expected.

14.4 If an individual can establish that the information in the BAO's records is not accurate and complete, the BAO will take reasonable steps to correct the information, subject to the limitations that may be necessary or appropriate to enable it to carry out its regulatory activities. The following list contains examples of the types of situations where the BAO may decline to correct personal information because correcting the personal information could reasonably be expected to interfere with its regulatory activities:

- where the person requesting the correction does not provide sufficient information to enable the BAO to assess the request to make the correction;
- where the fact that the statement was made, whether it is correct or not, is relevant to the regulatory activities of the organization;
- where correction may reasonably be expected to interfere with a regulatory process including an inquiry, investigation, or hearing;
- where the correction may reasonably be expected to interfere with the regulatory or enforcement activities of another statutory regulatory body or a law enforcement agency;
- where the correction may alter an original document that belongs to someone else and will eventually be returned to that person; or,
- where correction is prohibited by another Act.

14.5 Where the BAO agrees to correct a record of personal information, the correction may be made so as not to obliterate the original entry.

14.6 Where the BAO agrees to correct a record of personal information, BAO shall provide written notice to every person to whom the original record was provided within the previous twelve months unless to do so is impractical or would reasonably interfere with its regulatory activities.

14.7 Where the BAO refuses a request for correction, the Privacy Officer will provide written reasons for the refusal.

14.8 If the correction is refused by the Privacy Officer, the individual may require the BAO to attach a Statement of Disagreement to the file. The Statement of Disagreement shall not exceed 500 words.

15. Complaints and Remedies Process:

15.1 If you wish to make a formal complaint about the BAO's privacy practices, you may make it in

writing to the BAO's Privacy Officer. The Privacy Officer will acknowledge receipt of your complaint, ensure that it is investigated promptly, and that you are provided with a formal decision and reasons in writing.

15.2 The following complaints or concerns should be reported in writing to the Privacy Officer:

- (a) Report of a data breach or suspected data breach involving information in BAO's custody or control;
- (b) Concerns regarding BAO's handling of personal information;
- (c) Complaints regarding the release of records and personal information or the refusal to release records; or,
- (d) Requests for correction of personal information

15.3 The Privacy Officer shall respond to a complaint or concern within 30 days of receipt of the report. If the Privacy Officer is unable to respond within 30 days, they will advise the person who made the report when a response can be expected.

15.4 Complaints with respect to how a matter was handled by the Privacy Officer can be made, in writing, addressed to the BAO's Governance and Nominations Committee. The Governance and Nominations Committee is a committee of the board of directors that has been assigned responsibility for reviewing complaints against the BAO.

15.5 Where a complaint or concern is found to be justified, the BAO shall take appropriate measures to rectify the problem, including, where necessary, amending its procedures and practices.

16. Fees:

16.1 Personal information shall be made available to the person to whom the information relates at a reasonable or no cost.

16.2 Records, other than bulk data, shall be made available to the requester at a cost that reflects the total cost of providing the information or no cost. The cost of providing bulk data will be determined on a case-by-case basis. In determining fees, the BAO shall make efforts to be consistent and base costs on publicly available criteria.

16.3 Individuals will be informed of any fees and given an opportunity to withdraw their request, if desired, prior to the request being processed.

16.4 Fees for access requests are not subject to the Fee Setting Process and Criteria set out in Schedule "G" of the BAO's Administrative Agreement with the Minister.

17. Administration:

17.1 The BAO's Access and Privacy Code is reviewed annually by the BAO's Governance and Nominations Committee.

17.2 The BAO shall make information about the Code and its related processes available to the public.

Effective Date – April 1, 2024

Revised Date – May XX 2026

Bereavement Authority of Ontario

**His Majesty the King in right of
Ontario**

Leith Coghlin, Chair of the Board

Minister of Public and Business Service Delivery &
Procurement

Date:

Date: