

Information and Privacy Commissioner,
Ontario, Canada



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

CYFSA DECISION 24

Complaint FA21-00050

Children's Aid Society of Ottawa

March 25, 2025

Summary: The complainant asked the Children's Aid Society of Ottawa to make several corrections to the CAS's records for her and her children under Part X of the *Child, Youth and Family Services Act, 2017*. The CAS made three of the requested corrections but refused the rest. The CAS asserted it has no duty to correct the records under section 315(9) because they are not inaccurate or incomplete. It also asserted that, under section 315(10)(b), it has no duty to correct records of personal information that consist of a professional opinion or observation that was made in good faith. The complainant filed a complaint with the IPC for a review of the CAS's refusal.

In this decision, the adjudicator upholds the CAS's refusal of the remaining requested corrections. She accepts the CAS's determination that the complainant has not demonstrated to its satisfaction that the records are inaccurate or incomplete, as required for the application of the duty to correct in section 315(9) of the *Act*. The adjudicator concludes that the CAS has granted three corrections in compliance with section 315(11) of the *Act*, and she issues no order.

Statutes Considered: *Child, Youth and Family Services Act, 2017*, c 14, Sch 1, sections 315(1), (9) and (11).

Decisions Considered: CYFSA Decision 18.

BACKGROUND:

[1] This decision considers the duty to correct records of a child protection investigation conducted by the Children's Aid Society of Ottawa (the CAS). Under the

Child, Youth and Family Services Act, 2017 (the *Act*), the complainant asked the CAS for several corrections to CAS records concerning herself and her children.

[2] In response, the CAS issued a decision agreeing to make one of the requested corrections, concerning the religious affiliation of the complainant and her child. The CAS refused to grant the other requested corrections stating that the records are not inaccurate or incomplete (referring to the language in section 315(9) of the *Act*), and the information that the complainant wishes to add to the record would not change the outcome of its investigation. Regarding three of the correction requests, the CAS also stated that, in its view, the information at issue consists of professional opinions and observations that were made in good faith (referring to the language in section 315(10)(b) of the *Act*). The CAS maintained that the records reflect the accuracy of the information that was shared between the complainant and the CAS at the time the record was created. (The relevant sections of the *Act* are set out in the Discussion section, below.)

[3] After the complainant received the CAS's decision, she had further discussions with the CAS. These discussions resulted in the CAS's making two additional corrections to her records. The complainant was dissatisfied with the CAS's refusal to make the remaining corrections, and she filed a complaint with the Information and Privacy Commissioner of Ontario (the IPC).

[4] The IPC attempted to mediate the complaint. During mediation, the complainant specified the corrections she wants the CAS to make. She prepared a chart setting out each of her requested corrections, along with her explanation for seeking the correction and her evidence in support of each correction request. These 18 corrections are detailed in the Discussion section, below. The CAS considered this information but maintained its refusal to make the requested corrections. The CAS issued a supplementary decision in which it specified that it relies on sections 315(9) and 315(10)(b) of the *Act* as grounds for its refusal to make all the remaining requested corrections.

[5] The CAS also advised the complainant of her right to prepare a statement of disagreement, and to have that statement attached to her records (section 315(12) of the *Act*), and she exercised that right. The CAS confirmed that it received and uploaded the complainant's statement of disagreement to the Child Protection Information Network (CPIN), which contains the records at issue. The complainant remained dissatisfied with the CAS's decision and asked that the complaint be moved to adjudication so that the correction issue could be resolved. She also challenged the way that the CAS made the three corrections.

[6] Another IPC adjudicator considered the complaint and decided to conduct a review under the *Act*. She obtained representations from the parties on the issues set out below. The complaint was then transferred to me to complete the review.

[7] In this decision, I agree with the CAS's determination that it does not have a duty

to make the requested corrections under section 315(9) of the *Act* because the complainant has not demonstrated to the CAS's satisfaction that the records are inaccurate or incomplete. I also conclude that the CAS made the three corrections in compliance with sections 315(1) and 315(11) of the *Act*.

RECORDS:

[8] The records at issue all relate to the CAS's investigation of a report it received alleging that the complainant's children may be in need of protection. The requested corrections concern the following pages of the records: 64, 76, 77, 78, 82, 83, 84, 85, 86, 97, 102, 103, 122, 128, 169.

[9] The description of the 18 requested corrections, below, reflects the description provided as an appendix to the Notice of Review the parties received.

ISSUES:

- A. Does the CAS have a duty to make the requested corrections under section 315(9) of the *Act*?
- B. Has the CAS made corrections in a manner that complies with sections 315(1) and 315(11) of the *Act*?

DISCUSSION:

Issue A: Does the CAS have a duty to make the requested corrections under section 315(9) of the *Act*?

[10] Section 315(9) of the *Act* requires a service provider to grant a requested correction if two conditions are met: the individual requesting the correction demonstrates "to the service provider's satisfaction" that the record is inaccurate or incomplete and provides the information needed to correct the record. Section 315(9) states:

The service provider shall grant a request for a correction if the individual demonstrates, to the service provider's satisfaction, that the record is inaccurate or incomplete and gives the service provider the information necessary to enable the service provider to correct the record.

[11] However, the duty to correct imposed by section 315(9) on service providers is further qualified. There are two exceptions to the duty to correct and they are set out in paragraphs (a) and (b) of section 315(10), which state:

Despite subsection (9), a service provider is not required to correct a record of personal information if,

- (a) it consists of a record that was not originally created by the service provider and the service provider does not have sufficient knowledge, expertise or authority to correct the record; or
- (b) it consists of a professional opinion or observation that was made in good faith about the individual.

[12] Read together, sections 315(9) and 315(10) dictate that the duty to correct arises only when the two conditions in section 315(9) are satisfied and neither of the exceptions in paragraphs (a) and (b) of section 315(10) applies. As will be seen in my reasons that follow, only section 315(9) is engaged in this complaint.

The parties' positions

[13] In its representations, the CAS claims that the complainant has not established the duty to correct in section 315(9) for 17 of the 18 corrections she has requested, and it claims the professional opinion or observation exception in section 315(10)(b) for two of these 17 corrections (Correction 7 and 10). It also relies on section 315(10)(b) alone to deny one correction (Correction 6). The CAS argues that the complainant's requested corrections are an attempt to substitute her own opinion for the information she disputes in the records, and to add information that she feels should be included in the records.

[14] The CAS's general position is that the correction provisions should not be used as a tool allowing service recipients to edit or supplement CAS records to read more favourably for a service recipient or to create a strategic advantage for an individual in a family court process aimed at resolving a custody and access dispute. The CAS submits that the records accurately document the information that it collected, used and disclosed while providing a child welfare service. The CAS argues that it would not be appropriate for it to alter records at a later time with the effect of changing the accuracy of the timing and the content of the file information.

[15] In her representations, the complainant asserts that she is not seeking to change the outcome of the CAS's investigation documented in the records at issue. She states that her correction request is meant to ensure that "factual and true statements that were provided to the [CAS] during the course of the investigation are reflected truthfully within the summary." The complainant claims that the CAS worker omitted or purposely falsified several pieces of information, including the information about her religious affiliation that the CAS later corrected. The complainant characterizes the CAS's position as insinuating she knowingly provided false information to the CAS worker.

[16] The complainant claims that she provided the CAS with "clear, documented evidence . . . to show that proper, truthful information was provided and discussed in writing at the outset of the investigation." She asserts that the CAS received her hard

copy evidence – document names, emails discussing various issues, dates and times of when she sent her evidence to the CAS – long before the telephone calls in question occurred, but the CAS ignored her evidence and/or inaccurately documented the information that is the subject of her correction request and now refuses to take her evidence into account. She asserts that she has demonstrated that the information at issue is inaccurate and incomplete and that she has provided the information needed for the CAS to correct the records.

[17] The complainant also accuses the CAS of not acting in good faith for several reasons. Her allegations of bad faith and her corresponding arguments focus on the conduct of the CAS and the CAS worker in providing services to her. For example, she argues that the fact that the CAS worker made the errors about her religion and mental health that had to be corrected is evidence that the CAS worker recorded information in bad faith based on his feelings and assumptions about her. The complainant's concerns about the way the CAS provided services to her and her children are not issues before me in this correction complaint. Moreover, they are not issues I am authorized to consider under Part X. Accordingly, I do not address them in this decision.

Has the complainant demonstrated, to the CAS's satisfaction, that the records are inaccurate or incomplete, as required by section 315(9)?

The duty to correct - section 315(9)

[18] As noted above, section 315(9) requires the individual who is asking for the corrections, to do two things:

- demonstrate to the satisfaction of the service provider that the record is inaccurate or incomplete, and
- give the service provider the information necessary to enable the service provider to correct the record.

[19] For the duty to correct to apply, the complainant must demonstrate to the CAS's satisfaction that the records she wants corrected are inaccurate or incomplete, and she must give the CAS the information needed for the CAS to correct the records. The duty to correct in section 315(9) is conditional on the service provider's being satisfied that the record is inaccurate or incomplete; it empowers the service provider to determine whether it is satisfied and whether the duty is engaged.¹

[20] The *Act* does not define the terms "inaccurate" and "incomplete." In this decision, I apply the grammatical and ordinary meaning of these terms as found in the definitions that follow. [Merriam-Webster](#) defines "inaccurate" to mean "not accurate: faulty," whereas the [Cambridge Dictionary](#) defines it to mean "not completely correct or exact." The term "incomplete" is defined as "not complete: unfinished: such as lacking a usually

¹ CYFSA Decision 18.

necessary part, element, or step” in [Merriam-Webster](#), and as “not having some parts, or not finished” in the [Cambridge Dictionary](#).

[21] In the Notice of Review, the parties were asked to address these two conditions in section 315(9) with respect to each correction requested by the complainant in the records at issue. Later, during the review of this complaint, the IPC interpreted section 315(9) of the *Act* in CYFSA Decision 18, issued in April 2024. The parties were sent a copy of CYFSA Decision 18 and invited to provide representations on the IPC’s interpretation of section 315(9) in that decision, and its relevance, if any, to the issues in this complaint. Below, I summarize the parties’ representations and my analysis and findings, by correction.

Correction 1 (page 64) Intake Case Information form

[22] The complainant seeks correction to notes in this form created in December 2020. Correction 1 is for the first line of page 64, describing a telephone call from a police officer to the CAS, that states: “The mother expressed to the police that they are currently in Court.” She asserts that she did not tell the police that she and her ex-husband were ‘currently in court’ but that they were ‘in and out of court’ and when they would likely return to court in accordance with their court order. She submits that the court order in question, which confirms the date when either party may ask for a review of the parenting schedule, and an email she sent to the CAS worker on January 25, 2021, support her correction request.

[23] The CAS asserts that the complainant has not demonstrated that the information relating to Correction 1 is inaccurate or incomplete as needed to meet the first requirement of section 315(9). The CAS explains that the record at page 64 is an intake form that contains a summary of the information it collected directly from a police officer. It states that the information at issue accurately records the information the police officer provided to the CAS at the time the report was made, and not the information that the complainant may have provided to the police officer. The CAS adds that the documentation in the record, of who said what and when to it, accurately represents the evolution and steps of the child protection investigation. The CAS argues that the record is not incomplete because it does not specify the date when the parties last attended court or the date when they would next return to court. It submits that it is important that the record reflect that the CAS did not collect those details from the police officer. The CAS concludes by stating that the complainant’s evidence in support of her request for this correction does not prove that she in fact shared that level of detail about the court process with the police, or that the police shared such details with the CAS.

[24] I agree with the CAS’s decision to refuse Correction 1 because the complainant has not demonstrated to the CAS’s satisfaction that the information is inaccurate or incomplete. The information at issue regarding Correction 1 documents what the police officer told the CAS during its investigation. While the complainant may know what she told the police officer, she does not know what the officer, in turn, told the CAS because

she was not present for that conversation. The duty to correct in section 315(9) is not established.

Correction 2 (page 64)

[25] Corrections 2 and 3 are also on page 64 but are found in the description of a telephone call between the complainant and the CAS worker. Correction 2 is for the third line of paragraph four, which begins: "It is in their Court papers that the children have to return...". The complainant asserts that the court order does not state what is described in the note and she specifies what the court order says. In support, the complainant relies on the same court order and cites paragraph 27 as setting out the correct information. She also relies on an email she sent to the CAS worker on January 25, 2021. She claims that the court order and her email are evidence that the statement is incorrect. She does not provide a copy of the court order with her representations.

[26] The CAS asserts that the complainant has not demonstrated that the information relating to Correction 2 is inaccurate or incomplete as needed to meet the first requirement of section 315(9). The CAS explains that the record at paragraph four of page 64 is a summary of a telephone call between the complainant and a CAS worker. The CAS argues that the information is an accurate recording of what the complainant said at the time. The CAS notes that the complainant has not alleged that the CAS worker misquoted her; rather, she states that the exact wording of the court order is different than what is noted in the record at issue. The CAS submits that this does not demonstrate to its satisfaction that the CAS worker inaccurately recorded what the complainant said at the time of the telephone call. The CAS explains that child protection workers are required to take contemporaneous notes during their interaction with service recipients, and this professional obligation confers added credibility to the fact that the record accurately reflects what the complainant stated during the telephone call in question.

[27] Having examined the information at issue and the complainant's January 25, 2021, email, I accept the CAS's position that the information recorded by the CAS worker during the complainant's call with him accurately describes what was said during that call. The CAS worker documented the information at issue during a telephone call with the complainant in December 2020. The email the complainant relies on is dated three weeks after the telephone call and it does not address the same issue or establish that the information at issue is incorrect or incomplete. The court order is not before me. Nonetheless, I accept the complainant's submission that the court order says something different than what is in the record; however, this does not demonstrate that the information in the record inaccurately or incompletely describes what was said during the call. I agree with the CAS's decision to refuse Correction 2 because the duty to correct under section 315(9) is not established.

Correction 3 (page 64)

[28] Correction 3 is for paragraph six, which states that one of the complainant's

children saw a psychologist in the past. The complainant asserts that the statement should be corrected to say that both of her children saw a psychologist in the past, and all subsequent references on this page should reflect that it was both children who previously saw a psychologist. In support, she provides a copy of her email to the CAS worker on January 25, 2021, in which she writes that both her children saw a psychologist in the past.

[29] The CAS states that the complainant has not demonstrated to its satisfaction that the record is inaccurate or incomplete. It explains that the summary of the call with the complainant accurately reflects that the complainant only mentioned one child's seeing a psychologist, since the discussion involved issues with that child only. The CAS again notes that the complainant has not alleged that the CAS worker misquoted her; rather, she is saying that the other child also saw a psychiatrist in the past. The CAS asserts that the record accurately documents the steps it took in its investigation, and it cannot and should not be amended after an investigation has been completed to give the impression that the society collected information at different dates and times from a different source than what occurred.

[30] I agree with the CAS that Correction 3 is an attempt to include information about the complainant's other child, when it is clear from the information at issue that the CAS worker and the complainant were discussing only one of her children at that time. While the information the complainant wants added may be accurate, that does not establish that the specific information at issue is inaccurate or incomplete. Correction 3 is a request to add information about her other child to a paragraph in a summary that addresses only one child; it is not a request for correction within the meaning of section 315(9).

[31] As for the January 25 email the complainant relies on, she sent it to the CAS worker three weeks after the information at issue was recorded. That email is also included in the records. It does not establish that the information at issue is inaccurate or incomplete. I also note that, at page 77 of the records, the fact that both children saw a psychologist is noted; this entry appears to postdate the complainant's January 25 email to the CAS worker. I agree with the CAS's decision to refuse Correction 3 because the duty to correct under section 315(9) is not established.

Correction 4 (page 76)

[32] Correction 4 is for paragraph four of page 76, describing a statement from the complainant's child. The complainant seeks a correction of her child's summary of what happened. She asks the CAS to add specific information about her children's stay at their father's house before her child gave the statement. In support, the complainant cites an email she sent to the CAS worker on January 5, 2021.

[33] The CAS asserts that the complainant has not demonstrated that the information relating to Correction 4 is inaccurate or incomplete as needed to meet the first requirement of section 315(9). It asserts that the record is a correct and complete

statement of the child's account as provided to the CAS during an interview that occurred without the complainant present. The CAS states that this portion of the investigation record pertains to the child's version of events only.

[34] I agree with the CAS's decision to refuse Correction 4. I accept that the complainant has not demonstrated to the CAS's satisfaction that the information at issue is inaccurate or incomplete. Correction 4 concerns information that the complainant's child gave the CAS during its investigation interview with the child, when the complainant was not present. The complainant is not entitled to add contextual information she considers important to the CAS's notes of its interview with the complainant's child; her request is not a request for correction within the meaning of section 315(9). The email she relies on does not demonstrate that the statement is incorrect or incomplete. I agree with the CAS that it has no duty to make Correction 4 under section 315(9).

Correction 5 (page 77)

[35] Correction 5 is for paragraph four of page 77, contained in the summary of the investigation. The complainant seeks a correction on the basis that a specific statement is an inaccurate and incomplete description of the findings of the College of Psychologists of Ontario. She complains that only three of the four issues assessed by the College are listed in the record. She asks for the addition of a finding that she asserts was clearly stated in the College's decision. In support of her position, she relies on an email she sent to the CAS worker on January 25, 2021, in which she enclosed a copy of the College's decision.

[36] The CAS asserts that the complainant has not demonstrated that the information relating to Correction 5 is inaccurate or incomplete as she must to meet the first requirement of section 315(9). The CAS argues that its worker's summary of the College's position on the psychologist in question is accurately summarized in the record.

[37] I have examined the information at issue and the January 25 email of the complainant, which is included in the records at issue. The College's decision is not included in the records provided to the IPC. The January 25 email does not demonstrate that the information at issue is inaccurate or incomplete. In that email, the complainant advises the CAS worker that she "won on all four counts" in her complaint to the College. The information at issue confirms that the complainant shared the College's decision with the CAS and that the decision agrees with the complainant. The complainant's position is that the record omits some information. While the information at issue may not contain all the information that the complainant believes is important and relevant from the College's decision, that does not establish that the information at issue is inaccurate or incomplete. Applying the definitions of "incomplete" noted above, the materials before me do not persuade me that the information at issue is unfinished or lacks a necessary part, such that it is incomplete within the meaning of section 315(9). I accept the CAS's refusal of Correction 5 on the basis that the complainant has not demonstrated that the information at issue is inaccurate or incomplete.

Correction 6 (pages 78, 82, 84, 85, 86 and 97), Investigation Case Description

[38] For Correction 6 the complainant asks that information be added to the records to reflect that one of the individuals investigated intended to harm her children. She asks that the addition of an intent to harm be included, if it is not already noted in the redacted information, at various places where a specific code appears. In support of her request, the complainant relies on an email she sent to the CAS worker on January 29, 2021. She also notes that she discussed the issue with the CAS worker in person on January 6, 2021, even though the summary does not include that discussion.

[39] To deny Correction 6 the CAS relies on section 315(10)(b), stating that the complainant is asking for a correction to the CAS's verification decision – specifically, a code of the Ontario Child Welfare Eligibility Spectrum – which consists of the professional opinion of the CAS worker who was assigned to investigate the reported child protection allegations. It explains that the CAS worker found that there was insufficient evidence to conclude that the children needed protection, and he wrote in the code indicating the allegations were “not verified.” The CAS asserts that the complainant has not presented evidence that the professional opinion of the child protection worker who conducted the child welfare investigation was an opinion made in bad faith. It states that the complainant disagrees with the finding and seeks to alter the outcome of the child protection investigation by changing the opinion of the CAS worker who investigated the matter. The CAS argues that the complainant is trying to substitute her own opinion by amending the record to add a finding that the individual in question intended to harm the children when that was not the outcome of the child protection investigation. The CAS concludes by stating there is no jurisdiction to use a request for correction under Part X of the *Act* to alter or to seek to review the outcome of a child protection investigation.

[40] Having examined the records at issue – including any relevant withheld information in the records – and considered the parties' representations, I agree with the CAS's decision to deny Correction 6. Although the CAS refers only to the section 315(10)(b) exception in its representations, its decision claims that both sections 315(9) and 315(10)(b) apply to all the denied corrections. The CAS does not directly address whether it accepts that the complainant has demonstrated that the record is inaccurate or incomplete to its satisfaction such that the duty to correct in section 315(9) applies. This may be an oversight on the part of the CAS. Nonetheless, I am satisfied that the duty to correct is not engaged in Correction 6. The complainant asks that her opinion about the intentions of the individual in question be noted in the record, which is the CAS worker's Investigation Case Description. The complainant's request to add her opinion to the CAS's investigation findings, about another individual's intent to harm her children, does not demonstrate that the information she highlights is inaccurate or incomplete. In fact, her request to add her opinion is not a request for correction within the meaning of section 315(9). I note that her opinion is contained in the January 29 email that she relies on, which is included in the records. The January 29 email does not demonstrate that the information at issue in the records is inaccurate or incomplete. Thus, the duty to correct at section 315(9) is not established and it is not necessary to consider the possible

application of the exception in section 315(10)(b) of the *Act*.

Correction 7 (pages 78, 83 and 97), Investigation Case Description

[41] For Correction 7, the complainant says that she would like the identified pages to reflect what she told the CAS; specifically, that after her children stayed with her ex-husband and his spouse, they reported to her that they were told what to believe about an incident they had witnessed. She asks that this information be added where a specific code is referenced in the records, if that information is not already noted in the redacted information.

[42] In its representations, the CAS relies on sections 315(9) and 315(10)(b) to deny Correction 7. It asserts that the complainant has not demonstrated to its satisfaction that the record is inaccurate or incomplete. The CAS claims that the complainant is merely stating her preferred additional content. It explains that the verification decision reflected in the information at issue, consists of a professional opinion that the CAS worker made in good faith; the child protection worker concluded that the children were in need of protection due to emotional harm resulting from exposure to adult conflict. The CAS notes the complainant's disagreement that she contributed to her children's exposure to an adult conflict and that she has her own version of what happened. However, the CAS states that the opinion of the CAS worker was based on evidence collected in good faith from various sources during the investigation period.

[43] Again, as above, having examined the records at issue – including any relevant withheld information in the records – and considered the parties' representations, I agree with the CAS's decision to refuse Correction 7. The complainant's request that the CAS add information to the information at issue is, as noted by the CAS, an attempt to include her preferred additional content to the records. The complainant's version of what happened is already reflected in the records where she recounts her view of the incident in question. The complainant's request does not demonstrate that the information she highlights is inaccurate or incomplete. In fact, her request does not amount to a correction request at all. I agree with the CAS that it is not required to grant the complainant's request for Correction 7 under section 315(9).

Correction 8 (page 102), Investigation Case Description

[44] For Correction 8, the complainant seeks to have the reference to "5 weeks" in page 102 changed to reflect that her ex-husband had not given her consent for the children to access mental health care since September 2019. She explains that, while five weeks is the time period for the specific issue noted at page 102, the narrative should be corrected. In support, the complainant relies on emails she sent to the CAS worker on January 25 and 27, 2021, and states she discussed the issue at length during her in-person interview.

[45] The CAS states that this record summarizes a telephone conversation between the child protection worker and the complainant on January 27, 2021. It explains that the

child protection worker noted in the record that the complainant had said her ex-husband had not responded to her since December 2020 about his agreement to therapy. It adds that, during this call, the CAS and the complainant discussed if the delay in response of five weeks was a child protection concern that the CAS needed to determine. The CAS states that the complainant is now asking that the record of this telephone conversation be amended to reflect that she had actually been waiting for the father's agreement to therapy for five months, however, that was not the topic of conversation during the telephone call, and, therefore, the record of that call is not inaccurate or incomplete.

[46] I accept the CAS's determination that the complainant has not demonstrated to its satisfaction that the information at issue in Correction 8 is inaccurate or incomplete. I agree with the CAS that this correction request is an attempt by the complainant to add information to what was recorded by the CAS worker during the investigation. The complainant's representations and the emails she relies on in support do not demonstrate that the information at issue in Correction 8 is inaccurate or incomplete. I am satisfied that the CAS has no duty to make this correction under section 315(9) of the *Act*.

Correction 9 (page 103)

[47] For Correction 9, the complainant seeks to have paragraph two of the CAS worker's narrative at page 103 amended to include the reason for contacting a specific psychologist; she says that she does not know if the CAS considered that fact (the reason) in its decision-making process. She relies on emails that she sent to the CAS worker on January 7, 25, 26 and 27, 2021 and asserts that she discussed this issue at length during her in-person interview.

[48] In response, the CAS argues that the complainant has not demonstrated to its satisfaction that the information at issue in Correction 9 is inaccurate or incomplete. It explains that the information at issue relates to how the parents' conflict impacted child therapy. It adds that the impact of the parents' conflict on the children's attending therapy was the focus of the records at issue and of the CAS's child protection investigation. The CAS submits that the additional information the complainant wants included – to refer to her understanding of the reason for the initial referral to therapy – was not the focus of the child protection investigation and need not be included in the record to ensure its accuracy and completeness.

[49] I agree with the CAS's decision to deny Correction 9 on the basis that the complainant has not demonstrated to its satisfaction that the information at issue is inaccurate or incomplete. The information at issue was recorded by the CAS worker and reflects, at one paragraph in a multi-paragraph narrative, part of a telephone call with the complainant. The complainant wants to change that specific part of the CAS worker's investigation summary to include information that she considers important. However, the information the complainant wants to add, albeit factual, does not demonstrate that the information at issue is inaccurate or incomplete. The complainant's representations and the emails she relies on in support also do not demonstrate that the information at issue

in Correction 9 is inaccurate or incomplete; they simply mention the factual reason the complainant wants included. These emails appear in the records. Thus, the reason that the complainant wants included in Correction 9 is already included in the records. I do not address the complainant's concern about whether the CAS considered that reason in its decision-making, as I have no authority to review the CAS's conduct in that regard. I am satisfied that the CAS has no duty to make this correction under section 315(9).

Correction 10 (page 103)

[50] For Correction 10, the complainant wants to have paragraph three of the CAS worker's narrative at page 103 state that the College's decision notes that an email from her ex-husband, containing his opinions about her, caused the psychologist to dismiss one of her children as a patient. In support, she relies on emails she sent to the CAS worker on January 25, 2021, which included the decision she received from the College. The January 25 emails are included in the records provided to the IPC, but the College decision is not.

[51] The CAS responds that it has no duty to make Correction 10 under section 315(9) and that the professional opinion or observation exception at section 315(10)(b) also applies. The CAS asserts that the record accurately reflects the conversation between the child protection worker and the complainant. It states that the information at issue consists of the child protection worker's professional opinion made in good faith that the CAS could not hold the complainant's ex-husband responsible for the failings of the psychologist. It states that the complainant's request appears to be a desire to have her own opinion reflected in the record, but the opinion of the child protection worker is what was being recorded.

[52] I have examined the information at issue and the January 25 email of the complainant, which is included in the records at issue, but not the College's decision, which is not before me. The January 25 email does not demonstrate that the information at issue is inaccurate or incomplete. The information at issue is the CAS worker's description of an opinion that he shared with the complainant during a telephone call with her. There is nothing before me that establishes that the information at issue is inaccurate or incomplete. I accept the CAS's determination that the complainant has not demonstrated to its satisfaction that the information at issue in Correction 10 is inaccurate or incomplete. I am satisfied that the CAS has no duty to make this correction under section 315(9).

Correction 11 (page 103)

[53] For Correction 11, the complainant seeks to have paragraph 7 of the CAS worker's narrative at page 103 corrected because she did not say what is attributed to her in the record, that her "lawyer stated" something. She asserts that she came up with the recorded information herself, her lawyer did not. The complainant states that there is no evidence she can provide, since the conversation and the statement attributed to her are

fictional.

[54] In response, the CAS states that it denies the request because the complainant has not demonstrated to its satisfaction that the record is inaccurate or incomplete, and section 315(9) is not engaged. The CAS says that the complainant alleges that the statement is “completely fictional” from her perspective; however, it stands by the recording made by the child protection worker. The CAS states that the worker kept notes of the conversation he had with the complainant as he is required to do in the course of his employment.

[55] I accept the CAS’s determination that the complainant has not demonstrated to its satisfaction that the information at issue is inaccurate or incomplete. The CAS’s position – that the information accurately reflects the conversation the CAS worker had with the complainant because the CAS worker kept notes as he is required to do professionally – is reasonable. I accept that the CAS worker kept notes as part of his professional duties and that these notes are reflected in the information at issue. I am satisfied that the CAS has no duty to make the correction under section 315(9).

Correction 12 (page 103)

[56] For Correction 12, the complainant seeks to have paragraph eight of the CAS worker’s narrative at page 103 corrected to reflect that she experienced assault, as per the legal definition of assault. In support, she refers to the definition of assault, including that in the *Criminal Code* of Canada.

[57] The CAS denies the request because the complainant has not demonstrated to its satisfaction that the record is inaccurate or incomplete, and section 315(9) is not engaged. It states that it stands by the information at issue explaining that the child protection worker kept notes of the conversation he had with the complainant as he is required to do in the course of his employment.

[58] I accept the CAS’s determination that the complainant has not demonstrated to its satisfaction that the information at issue is inaccurate or incomplete. This request is not a request for correction, but, rather, a request to include the complainant’s opinion in the record. The complainant’s view that the incident was an assault does not demonstrate that the information at issue – which describes the incident – is inaccurate or incomplete. The CAS’s position, that the information accurately reflects the conversation the CAS worker had with the complainant because the CAS worker kept notes as he is required to do professionally, is reasonable. I agree with the CAS that this request does not engage the duty to correct under section 315(9) of the *Act*.

Correction 13 (page 103)

[59] For Correction 13, the complainant seeks to have the last paragraph of page 103 corrected to note the harassment she claims she has endured from her ex-husband and his new spouse. She details the harassing behaviour and notes that the police have been

involved at least twice. She wants the harassing behaviour documented and she questions whether the CAS properly considered it. In support, she relies on two emails she sent to the CAS worker on January 7, 2021, and says that she also discussed the issue with the CAS worker during her in-person meeting with him.

[60] In response, the CAS asserts that the information at issue in Correction 13 is not inaccurate or incomplete and the complainant does not allege that it is. The CAS states that the complainant simply wants information added to the record that aligns with her perspective. The CAS asserts that the complainant does not demonstrate a need to correct the record or that the record is inaccurate or incomplete.

[61] I accept the CAS's determination that the complainant has not demonstrated to its satisfaction that the information at issue is inaccurate or incomplete. With this correction request, the complainant attempts to add information she considers important to the information recorded by the CAS worker during the investigation. The information she wants added is her view of the behaviour and actions of her ex-husband and his spouse. The fact that the complainant's view differs from some of the information at issue in Correction 13, which only forms a small part of a larger record that contains a lot of other information, does not demonstrate that the information at issue is inaccurate or incomplete. I accept the CAS's position – that the information accurately reflects the conversation the CAS worker had with the complainant because the CAS worker kept notes as he is required to do professionally – is reasonable. I also note that the emails the complainant relies on are contained in the records and thus, her view about harassing behaviour is documented in the records. I am satisfied that the duty to correct at section 315(9) is not engaged.

Corrections 14 and 15 (page 122)

[62] Corrections 14 and 15 relate to information contained in the narrative a CAS worker recorded of a safety assessment interview he conducted in early January 2021. For Correction 14, the complainant asks that the fourth paragraph of page 122 be corrected by adding that there was an intent to harm the children. For Correction 15 the complainant asks that the first paragraph of page 122, describing information her daughter gave to the CAS worker, be clarified to note that her daughter had just spent time with the complainant's ex-husband and his spouse. In support of her request for Correction 14, the complainant relies on an email she sent to the CAS worker On January 29, 2021, and she asserts that she discussed the issue with the CAS worker during her in-person interview. In support of her request for Correction 15, the complainant relies on an email she sent to the CAS worker on January 5, 2021.

[63] The CAS asserts that the complainant has not demonstrated that the information relating to Corrections 14 and 15 is inaccurate or incomplete as required to meet the first requirement of section 315(9). The CAS explains that, in these correction requests, the complainant merely states her wish for additional information to be included in the CAS worker's notes of the safety assessment interview he conducted. The CAS asserts that it

has no duty under section 315(9) to make Corrections 14 or 15.

[64] Having examined the records at issue – including any relevant information in the records that has been withheld by the CAS based on its determination that the complainant does not have a right of access to that information – and considered the parties’ representations, I agree with the CAS’s decision to refuse Corrections 14 and 15. I accept that the complainant has not demonstrated to the CAS’s satisfaction that the information captured by these corrections is inaccurate or incomplete. Through these two correction requests, the complainant seeks to add background information she considers important to the narrative of the CAS worker’s safety assessment interview with the complainant and her children. While the additional information may be accurate and the complainant believes it is relevant and necessary background information, that does not demonstrate that the information in the record is inaccurate or incomplete. Moreover, the emails she relies on, which do not demonstrate that the information at issue is inaccurate or incomplete, are included in the records; thus, the records already include the background information she believes is important. I agree with the CAS’s decision to refuse Corrections 14 and 15 because the duty to correct under section 315(9) is not established.

Corrections 16 and 17 (page 128), Narrative of a telephone call between a CAS worker and the complainant

[65] The complainant seeks two corrections to the CAS worker’s notes at page 128 of a telephone call with her. For Correction 16, she asks that the third paragraph, describing an email incident involving the children, be corrected to state that the email did not include a specific attachment. In support, she relies on an email she sent to the CAS worker on January 6, 2021, and says that she also discussed the issue with the CAS worker during her in-person meeting with him.

[66] For Correction 17, the complainant asks that the fourth paragraph be clarified to state that the children are free to call and play with their friends, grandparents, or their father; however, at their father’s home, they are blocked most of the time from communicating with anybody outside his family and church, and they are being isolated from everyone outside of their father’s family. In support, she relies on an email she sent to the CAS worker on January 25, 2021, and she notes the court order provision that addresses the children’s communications.

[67] The CAS submits that the complainant has not demonstrated to its satisfaction that the telephone call summary at page 128, recorded by the CAS worker in December 2020, is inaccurate or incomplete. The CAS states that Correction 16 is an attempt by the complainant to include additional content in the child protection worker’s summary of a telephone conversation he had with her, and, in the case of Correction 17, an attempt to include the complainant’s disagreement with one of the statements made in the record. The CAS asserts that the duty to correct in section 315(9) is not established for either of these two corrections.

[68] I agree with the CAS's decision to refuse Corrections 16 and 17 because the complainant has not demonstrated to its satisfaction that the record is inaccurate or incomplete. Like many of the other corrections requested by the complainant and detailed in the preceding paragraphs, these two corrections aim to include additional information that the complainant believes is relevant and important. The January 6 email the complainant relies on in support of Correction 16 does not exist in the records. The January 25 email she relies on in support of Correction 17 does not demonstrate that the information at issue is inaccurate or incomplete. Also, as I note above, while I accept the complainant's submission that the court order, which is not before me, may say something different than what is in the record, this does not demonstrate that the information in the record inaccurately or incompletely describes what was said during the call. I agree that the CAS does not have a duty under section 315(9) to make Corrections 16 and 17.

Correction 18 (page 169)

[69] The complainant seeks correction to the form for swimming lessons completed by her ex-husband and found at page 169 of the records. She complains that she is not listed as a parent of her child on the form. In response, the CAS states that the record is a swimming lesson form from the city and is complete as is without the need for additional commentary. The CAS states that the complainant has not demonstrated to its satisfaction that this record is incomplete or inaccurate, and therefore it has no duty under section 315(9) to correct the record.

[70] I agree with the CAS and its determination that it has no duty to correct this record under section 315(9). The complainant has not demonstrated that the form is incomplete or inaccurate. In fact, she provided a copy of this form to the CAS as an accurate and complete copy of what her ex-husband submitted to the city for their child's swimming lessons; she attached it to an email she sent the CAS worker in which she said the form was proof that her ex-husband is trying to exclude her and alienate her from the kids by not listing her as a parent. This request, like others described above, is not a request to correct a record that is incomplete – it is a request to include information that the complainant believes should appear in the record. I uphold the CAS's decision to refuse Correction 18 under section 315(9).

[71] Having found that the duty to correct in section 315(9) is not established for any of the 18 correction requests described above, I uphold the CAS's decision to refuse them.

B. Has the CAS made corrections in a manner that complies with sections 315(1) and 315(11) of the *Act*?

[72] As noted above, the CAS made three corrections to the records – correction of an incorrect statement about the religious affiliation of the complainant and her son, and corrections of incorrect statements regarding the complainant's mental health.

[73] The complainant challenges the way that the CAS made these corrections to the records and argues it does not conform with the requirements of section 315(1) and 315(11) of the *Act*. The parties were asked to provide representations on the manner of correction during the review, and they were also invited to address the IPC's consideration of sections 315(1) and 315(11) in CYFSA Decision 18.

[74] Section 315(1) explains what action qualifies as a correction to a record, and section 315(11) explains the appropriate manner for making a correction. These sections read:

315(1) In this section, a reference to a correction to a record or to correct a record includes the addition of, or adding, information to make the record complete.

(11) Upon granting a request for a correction, the service provider shall,

(a) make the requested correction by,

(i) recording the correct information in the record and,

(A) striking out the incorrect information in a manner that does not obliterate the record, or

(B) if that is not possible, labelling the information as incorrect, severing the incorrect information from the record, storing it separately from the record and maintaining a link in the record that enables a person to trace the incorrect information, or

(ii) if it is not possible to make the requested correction in the manner set out in subclause (i), ensuring that there is a practical system in place to inform a person who accesses the record that the information in the record is incorrect and to direct the person to the correct information[.]

[75] In its representations, the CAS disputes the complainant's allegation that, in bad faith, it failed to make corrections in a manner that complies with section 315(11). It submits that it made the corrections in accordance with section 315(11)(a)(ii) by adding a contact log (note) in CPIN following the person records for the complainant and her son – the added note indicates that the complainant and her son are not affiliated with any religion. Regarding the correction of the incorrect statements about the complainant's mental health, the CAS states that it made two corrections to the investigation record in question by correcting the contact log (note). It explains that the records, which are maintained in CPIN, cannot be corrected by striking out or severing the incorrect information as contemplated by section 315(11)(A)(i) because CPIN does not contain such a functionality.

[76] The CAS submits that it made the corrections in the standardized method used by all children's aid societies who keep records in CPIN. The CAS provides a copy of the "CPIN Record Correction User Guide," developed by the Ontario Association of Children's Aid Societies following the coming into force of Part X of the *Act*. It states that it made the three corrections in accordance with the instructions found at pages 20 to 22 of the user guide. The CAS explains that, where a correction has been made to a record, the CPIN user or individual accessing the record immediately sees a "Correction Exists" warning in that record; after clicking on the "Correction Exists" warning, the CPIN user is directed to the corrections that were made in that record. It provides a screenshot of the "Correction Exists" warning related to this complaint and a screenshot of the corrections in the records that appear after clicking on that "Correction Exists" warning.

[77] The complainant argues that the way the CAS made the corrections does not accord with section 315(11) because it does not amount to a "practical system in place to inform a person who accesses the record that the information in the record is incorrect and to direct the person to the correct information." She claims that, by placing the corrections at the very end of the file and allowing the incorrect information that was inputted into the records to remain available, the CAS has not complied with the legislation. She asserts that corrections should be made where the incorrect information appears, or that there should be some indication at the points of error that a correction appears at the end of the records.

[78] The complainant states that, hypothetically, if she or another individual were to seek access to the records there would be no indication on the records themselves that any corrections were made. She expresses concern that if these records were provided to a requester, that requester would read the incorrect information, which, in her view, would lead to "continuing dangerous assumptions and decisions made by other systems in place to protect children (including but not limited to the family court system)."

[79] In response, the CAS confirms that when a CAS receives a request for access to or disclosure of a record, the CAS provides that requester with the corrections made to that record. The CAS also submits that its addition of information to make the three corrections is in keeping with section 315(11)(a)(ii) and CYFSA Decision 18. Finally, the CAS notes that it has given the complainant notice by letter of the manner of correction with explanations, and the corrections made to the records.

[80] Applying sections 315(1) and 315(11)(a)(ii) of the *Act* to the corrections made by the CAS, I am satisfied that the CAS corrected the records as prescribed by the *Act*. Specifically, the CAS has corrected the records by "adding information" to CPIN, in accordance with section 315(1). The CAS has explained that it has added a new note in the existing CPIN record correcting the incorrect statement about the religious affiliation of the complainant and her son, and the incorrect statements regarding the complainant's mental health. CYFSA Decision 18 confirmed that this manner of correction complies with section 315(11)(a)(ii) of the *Act*, and I adopt the same approach here. Also, the CAS has given notice to the complainant of what has been done under section 315(11)(a)(ii) by

explaining in its representations how it has made this correction and by providing two letters to the complainant regarding the corrections. Because the CAS has made the corrections in the manner authorized by sections 315(1) and 315(11)(a)(ii) of the *Act* and has given the complainant notice of the correction, I find this aspect of the complaint to be resolved.

NO ORDER:

1. For the foregoing reasons, pursuant to section 321(1) of the *Act*, I uphold the CAS's decision and issue no order.

Original Signed by: _____
Stella Ball
Adjudicator

March 25, 2025 _____