

Information and Privacy Commissioner,  
Ontario, Canada



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

---

## CYFSA DECISION 30

Complaint FA23-00007

Simcoe Muskoka Family Connexions

May 28, 2025

**Summary:** A teacher made a request under Part X of the *Child, Youth and Family Services Act, 2017* (the *CYFSA* or *Act*) for access to his personal information contained in records of a child protection agency (the society). The records relate to a complaint made against the teacher in the course of his employment. The society provided the complainant with an outcome letter but denied access to the remaining documents on the basis that the records do not relate to “the provision of a service” to the teacher as required by section 312(1).

The complainant filed a complaint with the Information Privacy Commissioner of Ontario requesting a review of the society’s decision. After reading the complainant’s written submissions, the adjudicator determines that a review under the *Act* is not warranted and dismisses the complaint.

**Statutes Considered:** *Child, Youth and Family Services Act, 2017*, sections 2(1) (definitions of “service” and “service provider”), 35(1), 281, 312(1), and 312(3).

**Decisions Considered:** CYFSA Decisions 1, 3, and 5.

### OVERVIEW:

[1] This decision addresses a teacher’s request under Part X of the *Child, Youth and Family Services Act, 2017* (the *CYFSA* or *Act*) for access to his personal information contained in records relating to an investigation conducted by the Simcoe Muskoka Family Connexions (the society).

[2] The society issued a decision denying access to the requested records and stated:

We understand you received a copy of our outcome letter regarding the investigation relating to [the complainant on a specified date].

We have determined that the remaining records in this investigation are not dedicated primarily to the provision of a service to [the complainant]. This means his right of access is limited to his own personal information from the record, in accordance with Part X of the *CYFSA*. [The complainant's] personal information in this matter would be limited to the outcome letter already provided.

[3] In response to the teacher's inquiries, the society sent an email clarifying its access decision. It cited *CYFSA* Decision 1 and stated:

As far as any records pertaining to the investigation where [the complainant] was the teacher, we are refusing on the basis of provision of service, section 312(1) of the *CYFSA*.

[4] In response, the teacher (the complainant) filed a complaint to the Information and Privacy Commissioner of Ontario (the IPC). A mediator was assigned to explore resolution with the parties. However, as mediation was not successful the file was transferred to the adjudication stage of the complaint process and an adjudicator was assigned to the file.

[5] The adjudicator assigned to the file decided to commence a review by inviting the complainant's representations. The complainant provided representations in response and the file was transferred to me for completion.

[6] After reviewing the file I decided that I did not need representations from the society.

[7] For the reasons set out below, I find that the complainant does not have a right to access the requested records. As a result, the complaint is dismissed.

## **DISCUSSION:**

### **Does the complainant have a right of access to the records at issue under section 312(1)?**

[8] The society refused the complainant's access request citing section 312(1) of the *Act*. Section 312 of the *Act* sets out the circumstances in which an individual has a right of access to their personal information under the *Act*. Section 312(1) provides a right of access to a record of personal information about the individual that "relates to the provision of service to the individual" subject to the exemptions from that right of access

set out in sections 312(1)(a) to (d), none of which is relevant in this appeal.<sup>1</sup>

[9] Section 312(1) reads:

An individual has a right of access to a record of personal information about the individual that is in a service provider's custody or control and that relates to the provision of a service to the individual unless...[.]

[10] Section 312(1) sets out three requirements for an individual to have a right of access to a record under Part X of the *Act*:

1. the record must be a record of personal information about the individual,
2. the record must be in the service provider's custody or control, and
3. the record must relate to the provision of a service to that individual.

[11] All three of the requirements above must be satisfied for section 312(1) to confer a right of access on an individual

[12] Based on my reading of the file, there is no dispute between the parties that portions of the records contain the complainant's personal information as that term is defined in section 2(1) of the *Act*.<sup>2</sup> The parties also do not dispute that the records responding to the complainant's request are in the society's custody or control.<sup>3</sup> Accordingly, I am satisfied that the first two requirements for a right of access under Part X have been met.

[13] However, the parties disagree on whether the complainant's personal information relates to a provision of service.

***Do the records relate to a provision of service to the complainant?***

[14] Section 312 of the *Act* sets out the circumstances in which an individual has a right of access to their personal information under the *Act*. For the complainant to have a right of access to the records at issue, the records must relate to the provision of a service to him, in accordance with the third requirement of section 312(1) of the *Act*.<sup>4</sup>

[15] Part X of the *Act* defines "service" as a service or program that is provided or

---

<sup>1</sup> CYFSA Decision 1.

<sup>2</sup> Section 2(1) states, "personal information" has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

<sup>3</sup> The complainant in his representations also concedes that the society is a "service provider" within the meaning of the *Act*. While certain service providers are exempt from Part X because they are already subject to other privacy legislation, this does not appear to be the case here. Accordingly, I am satisfied that the society is a "service provider" within the meaning of the *Act* and, thus, subject to the requirements of Part X of the *Act* in the circumstances of this complaint.

<sup>4</sup> CYFSA Decision 1.

funded under the *Act* or provided under the authority of a licence (section 281). "Service" is further defined at section 2 to include services for children and their families related to child protection.

[16] Here the society has denied access to the requested records on the basis that they relate to the provision of a "service" to individuals other than the complainant.

[17] The complainant says that he has a right of access to his personal information contained in any record in the society's record-holdings.

[18] The IPC has considered section 312(1) of the *Act* in CYFSA Decisions 1, 3 and 5. In these decisions, the adjudicator found that children and/or their families are the recipients of "a service" for the purposes of section 312(1) of the *Act*, not alleged wrongdoers.<sup>5</sup>

[19] In CYFSA Decision 1, a teacher was denied access to two reports made by a third party to a child protection agency. The teacher was identified as an alleged wrongdoer in the reports. In the absence of evidence that the child protection agency provided any service to the teacher or that the reports related to the provision of any service by the agency to the teacher, the adjudicator found there was no provision of service within the meaning of section 312(1). As a result, the adjudicator upheld the agency's decision to deny the teacher access to the reports notwithstanding the fact that there was no dispute that he had been identified in the records.

[20] CYFSA Decisions 3 and 5 followed the reasoning in CYFSA Decision 1 and held that a precondition for an individual to have a right of access under section 312(1) to a record under Part X is that the record must relate to the provision of a service to the individual. The circumstances in CYFSA Decisions 1, 3 and 5 are similar to those in this complaint. The individuals seeking access to the records were alleged wrongdoers in a matter brought to the attention of a child protection agency which resulted in the creation of records.

[21] Here, the complainant's information appears in records the society created in response to a child protection investigation arising from allegations relating to his work as a teacher. The society provided the complainant with a copy of its outcome letter but denied access to any other records.

[22] The complainant states that he "acknowledges that the IPC has decided, in situations very similar to the present, that a teacher being investigated with respect to child protection concerns, is not receiving a "service" from the Society, and thus is not entitled to access pursuant to [section] 312(1)." The complainant goes on to say he is not taking the position that the requested records relate to a "provision of service" to him. However, the complainant questions whether the services being provided in the context of this complaint was a service provided to the subject child/or family. In support

---

<sup>5</sup> CYFSA Decision 3.

of this position, the complainant states:

Although we have no information about whether any service was provided to the child or their family, the legislation implies that conducting an investigation is a service that the Society provides. It is not, however, a service being provided to a child or family. It is instead a process used to determine whether any services should be provided.

[23] The complainant appears to suggest that one of the services provided in the context of this appeal was the society's investigation.<sup>6</sup> The complainant's assertion and the connection to his position that he should be granted access to the requested records were not made clear in his representations. In any event, the complainant's submissions in this regard have no bearing on the outcome of this appeal as section 312(1) contemplates that the individual has a right of access to their personal information in a record that relates to the provision of service to the same individual making the request.

[24] As noted above, the complainant does not assert that the records he seeks relate to a provision of service to him. However, the complainant appears to suggest that I look beyond the requirements of section 312(1) to determine his access rights. The complainant says that section 312(3)<sup>7</sup> provides that he is entitled to access his personal information. However, section 312(3) qualifies the right of access in section 312(1) by providing an additional consideration – whether the record is “dedicated primarily to the provision of a service to the individual requesting access.”<sup>8</sup> If the three requirements for access under section 312(1) are not met, the individual has no right of access to the record under the *CYFSA* and there is no need to consider the possible application of section 312(3) to the record.<sup>9</sup>

[25] The complainant also takes the position that the general purpose of similar access to information legislation<sup>10</sup> is that an individual should be provided access to information about themselves. The complainant takes the position that “[t]his principle is foundational to transparency and the rule of law.” I do not disagree with the complainant's comments but note that these principles must be balanced with the principle that individuals also have a right to privacy. In addition, I note that there are certain vulnerable groups such

---

<sup>6</sup> In support of this position, the complainant cites section 35(1)(a) of *CYFSA* which states:  
The functions of a children's aid society are to investigate allegations or evidence that children may be in need of protection;

<sup>7</sup> Section 312(3) states:  
Despite subsection (1), if a record is not a record dedicated primarily to the provision of a service to the individual requesting access, the individual has a right of access only to the personal information about the individual in the record that can reasonably be severed from the record.

<sup>8</sup> *CYFSA* Decision 3, para 31.

<sup>9</sup> *Ibid.*

<sup>10</sup> The complainant cites the following legislation in his representations: such as the *Municipal Freedom of Information and Protection of Privacy Act*, the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, 2004.

as children, who have an increased expectation of privacy.

[26] Finally, the complainant says that the investigations conducted by child protection agencies can have a “profound impact” on the career of teachers and that he is entitled to know what information the society “has about him, including what others said about him, particularly when the Society has relied on that information...” Even if this statement is true, the complainant’s evidence has no impact of my finding of whether the requirements of section 312(1) have been met.

[27] Section 312(1) sets out three requirements for an individual to have a right of access to a record under Part X of the *Act*. The complainant’s evidence does not demonstrate that the third requirement has been met. Since all three requirements for access under section 312(1) were not met, I find the complainant has no right of access to the requested records under the *Act*.

**NO ORDER:**

For the reasons set out above, I dismiss the complaint and issue no order.

Original Signed by: \_\_\_\_\_  
Jennifer James  
Adjudicator

\_\_\_\_\_ May 28, 2025