

Memorandum of Understanding Between the Information and Privacy Commissioner of Ontario and the Office of the Information and Privacy Commissioner for British Columbia on Mutual Assistance and Information Sharing in the Administration and Enforcement of Laws Protecting Personal Information

BETWEEN

The Information and Privacy Commissioner of Ontario (“ON IPC”) and the Office of the Information and Privacy Commissioner for British Columbia (“OIPC BC”) (collectively, the “Commissioners”):

RECOGNIZING that the Commissioners have oversight responsibilities with respect to the protection of personal information and personal health information (collectively, “personal information”) in their respective jurisdictions;

RECOGNIZING that the ON IPC has oversight with respect to the protection of personal information pursuant to the following statutes: the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31 (“*ON FIPPA*”), the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M. 56 (“*MFIPPA*”), the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A (“*PHIPA*”), and Part X of the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1 (“*CYFSA*”) (collectively, the “Ontario Statutes”);

RECOGNIZING that the OIPC BC has oversight with respect to the protection of personal information pursuant to the following statutes: the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165 (“*BC FIPPA*”), and the *Personal Information Protection Act*, SBC 2003, c 63 (“*PIPA*”) (collectively, the “BC Statutes”);

RECOGNIZING that there are circumstances where the ON IPC and OIPC BC may have a mutual interest in a matter pursuant to their respective mandates;

RECOGNIZING that the ON IPC and OIPC BC have similar powers, duties and functions in their respective jurisdictions with respect to the protection of personal information;

RECOGNIZING that sections 42(1)(k) and 42(1)(l) of *BC FIPPA* and sections 36(1)(k) and 36(1)(l) of *PIPA* authorize the OIPC BC to exchange information with any person who, under legislation of another province or of Canada, has powers and duties similar to those of the OIPC BC and to enter into information-sharing agreements for these purposes.

RECOGNIZING that subsections 59(2)-(5) of *ON FIPPA* authorize the ON IPC, under *ON FIPPA* and *MFIPPA*, to consult, coordinate their activities and share information with a person who, under an Act of Canada or of another province or territory in Canada, has similar powers, duties and functions to those of the ON IPC with respect to the protection of personal information;

RECOGNIZING that subsection 66(e) and paragraphs 68(3)(a) and (b) of *PHIPA* and subsection 326(e) and paragraphs 328(3)(a) and (b) of the *CYFSA* authorize the ON IPC to assist in investigations and similar procedures conducted by a person who, under an Act of Canada or of another province or territory in Canada, performs similar functions to those of the ON IPC; and to disclose information that comes to the ON IPC's knowledge in the course of exercising their functions under these statutes where disclosure is either necessary to exercising those functions or is made to a body that is legally entitled to regulate or review the activities of the health information custodian or service provider and the ON IPC is of the opinion that disclosure is justified;

RECOGNIZING the benefits of mutual assistance, consultation, coordination, and information sharing where not prohibited by law with respect to the Commissioners' mandates under their respective legislation;

HAVE REACHED THE FOLLOWING UNDERSTANDING:

I. Objective

The objective of this Memorandum of Understanding ("Memorandum") is to establish a framework to allow the Commissioners to assist, consult, cooperate, and share relevant information with one another with respect to matters arising under the Ontario Statutes and the BC Statutes.

II. Procedures Relating to Mutual Assistance

- (a) Each Commissioner will designate a primary contact for the purposes of requests for assistance and other communications under this Memorandum.

- (b) The Commissioners may communicate and cooperate with each other, as appropriate, about matters arising under one or more of the Ontario Statutes or under one or more of the BC Statutes.
- (c) Subject to Section III, the Commissioners may jointly or collaboratively investigate a matter arising under one or more of the Ontario Statutes and under one or more of the BC Statutes. As part of a joint or collaborative investigation, the Commissioners may jointly or collaboratively investigate, adjudicate or deliberate matters and may jointly or collaboratively issue decisions, recommendations, or reports.
- (d) Subject to Section III, the Commissioners may share information that could be relevant to an ongoing or potential investigation of a complaint, inquiry, audit, or review under one or more of the Ontario Statutes or under one or more of the BC Statutes or could assist the Commissioners in the exercise of their respective powers or performance of duties or functions under the Ontario Statutes or under the BC Statutes.
- (e) The Commissioners will make this Memorandum available to the public by posting it on their respective websites.
- (f) The Commissioners will promptly notify each other if they become aware that information shared under this Memorandum is not accurate, complete, or up to date.
- (g) Subject to Section III, the Commissioners may, as appropriate and subject to relevant legal restrictions, refer complaints, inquiries, audits or reviews to each other, or provide each other notice of possible contraventions.
- (h) The Commissioners will use their best efforts to resolve any disagreements that may arise under this Memorandum through the primary contacts designated under Section II(a) and, failing resolution in a reasonably timely manner, by discussion between the Commissioners.

III. Limitations on Assistance and Use

- (a) For greater certainty, nothing in this Memorandum requires the Commissioners to provide assistance or share information where it is outside the scope of this Memorandum or, more generally, where it would be inconsistent with applicable laws, or important interests or priorities of a Commissioner.
- (b) The ON IPC will not disclose information to the OIPC BC where it is prohibited to do so by law, including information subject to ss. 12, 14 and 19 of *ON FIPPA*.
- (c) The OIPC BC will not disclose information to the ON IPC where it is prohibited to do so by law, including information subject to s.42(1.1) of *BC FIPPA*.
- (d) The Commissioners will only share personal information pursuant to this Memorandum to the extent that is necessary for fulfilling the purposes of this Memorandum.
- (e) The Commissioners acknowledge that nothing in this Memorandum is to be construed as authorizing or requiring either of the Commissioners to share information. Information will be shared only in accordance with applicable laws.
- (f) For greater certainty, should the Commissioners undertake a joint or collaborative investigation, adjudication, or deliberation, or decide to issue a joint or collaborative decision, recommendation, or report under Section II(c) of this Memorandum, neither of the Commissioners exercises authority over the other or otherwise affects the other's independence.

IV. Confidentiality

- (a) Information shared under this Memorandum is to be treated as confidential and may only be further disclosed in accordance with applicable laws and will not be further disclosed without the express written consent of the Commissioner who provided it.

- (b) Each Commissioner will take steps that are reasonable in the circumstances to ensure that information shared under this Memorandum is transferred, retained, and disposed of in a secure manner. In the event that any information is stolen, lost, or subject to unauthorized access, use or disclosure, the affected Commissioner will take reasonable steps to contain and retrieve the information, prevent a recurrence, and promptly notify the other Commissioner.
- (c) The Commissioners will oppose, to the fullest extent possible, consistent with applicable laws, any application by a third party for disclosure of information shared under this Memorandum, unless the Commissioner who provided the information gives express written consent to its release. The Commissioner who receives such an application will promptly notify the Commissioner who provided the information.
- (d) Should the Commissioners undertake a joint or collaborative investigation, adjudication, or deliberation, or decide to issue a joint or collaborative decision, recommendation, or report under Section II(c) of this Memorandum, communications between the Commissioners regarding these joint or collaborative activities will be treated as confidential by the Commissioners and will be protected by deliberative secrecy. In addition, any shared communications or documents protected by solicitor-client privilege or litigation privilege will be subject to common interest privilege.

V. Length of Retention of Information

Information shared under this Memorandum will not be retained for longer than is required to fulfill the purpose for which it was shared or than is required by applicable laws or policies. The Commissioners will use best efforts to return any information that is no longer required if the Commissioner who provided the information made a written request at the time the information was shared that it be returned when no longer required. If no request for return is made, the Commissioners will securely dispose of the information in accordance with applicable laws and policies. This section applies to information in any format, including paper and electronic formats.

VI. Coming into Effect, Amendment and Duration of Cooperation

- (a) The Memorandum takes effect on the date it is signed by the Commissioners and supersedes any previous Memoranda between the Commissioners.
- (b) Assistance and information sharing in accordance with this Memorandum will be available concerning matters occurring before as well as after this Memorandum is signed.
- (c) The terms and conditions of this Memorandum may be amended by mutual agreement in writing.
- (d) Either of the Commissioners may withdraw from this Memorandum by giving at least 30 days' written notice to the other Commissioner. However, prior to providing such notice, the Commissioner will make best efforts to consult with the other Commissioner. The Commissioners may also terminate this Memorandum by mutual consent in writing.
- (e) On termination of this Memorandum, each Commissioner will maintain the confidentiality of any information shared by the other Commissioner in accordance with Section IV of this Memorandum and securely return or destroy information obtained from the other Commissioner in accordance with Section V of this Memorandum.

VII. Legal Effect

Nothing in this Memorandum is intended to:

- (a) Create binding legal obligations.
- (b) Create obligations or expectations of cooperation that would exceed a Commissioner's jurisdiction or legal authorization.



Michael Harvey
Information and Privacy Commissioner of British Columbia

Date: June 22, 2026



Patricia Kosseim
Information and Privacy Commissioner of Ontario

Date: June 17, 2026