

Information and Privacy Commissioner,  
Ontario, Canada



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

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## CYFSA DECISION 36

Complaint FA25-00031

Kawartha-Haliburton Children's Aid Society

November 19, 2025

**Summary:** A daycare provider made a request to a children's aid society under Part X of the *Child, Youth and Family Services Act, 2017* for access to her personal information. The society denied access to the responsive records on the basis that they did not relate to "the provision of a service" to the daycare provider as required by section 312(1). The daycare provider filed a complaint with the Information Privacy Commissioner of Ontario requesting a review of the society's decision. After reviewing 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 312(1), and 312(3).

**Decisions Considered:** CYFSA Decision 30.

### BACKGROUND:

[1] An individual made a verbal access request to Kawartha-Haliburton Children's Aid Society (the society) for "full file disclosure with respect to her information." The society issued a decision denying access to the responsive records in full, on the basis that the individual was not a service recipient and, therefore, was not entitled to access pursuant to section 312(1) of the *Child, Youth and Family Services Act* (the *CYFSA*).

[2] The individual (now the complainant) filed a complaint to the Information and Privacy Commissioner (the IPC). The society told the IPC's mediator that the complainant said she was a daycare provider, named as an alleged wrongdoer in a third party report

regarding a child that may have needed protection. The society confirmed that the responsive records contained the complainant's personal information and that the records are within its custody and control. However, it said that the records do not relate to the provision of service to the complainant, as required under section 312(1) of the *CYFSA*, since she was neither a child in need of protection nor a family member of a child in need of protection. As a result, the society said that the complainant has no right of access to the records under the *CYFSA*.

[3] The complainant told the mediator that she did not agree with the society's reasons for refusing access and asserted that she has a right of access to any of her personal information that could reasonably be severed from the responsive records pursuant to section 312(3) of the *CYFSA*.

[4] Mediation was not successful, and the matter was moved to the next stage of the complaint process for consideration by an adjudicator. At the adjudication stage, I made the preliminary assessment that there are no reasonable grounds to review this matter under the *CYFSA*. I informed the complainant of the reasons for my preliminary assessment, and I invited her submissions for my consideration before making a final decision on the matter. The complainant submitted a response reiterating her original position.

[5] In the discussion that follows, I explain why I have decided this matter does not warrant a review under the *CFYSA*. I dismiss the complaint on this basis.

## **DISCUSSION:**

[6] Sections 317(3) and (4) of the *CYFSA* set out the IPC's authority to review or not to review a complaint. These sections state, in part:

(3) If the Commissioner does not take an action described in clause (1) (b) or (c) [which relate to attempts at settlement] or if the Commissioner takes an action described in one of those clauses but no settlement is effected within the time period specified, the Commissioner may review the subject-matter of a complaint made under this Act if satisfied that there are reasonable grounds to do so.

(4) The Commissioner may decide not to review the subject-matter of the complaint for whatever reason the Commissioner considers proper[.]

[7] I wrote to the complainant to let her know that I considered the circumstances surrounding her complaint, including the information summarized above, and I set out my reasons for my preliminary assessment that there are no reasonable grounds to review the matter under the *CYFSA*.

[8] First, I addressed some threshold issues around the application of the *CYFSA* to

the complaint. Part X of the *CYFSA* grants an individual a right of access to a record of their own personal information that is:

- in the custody or control of a service provider, and
- relates to the provision of a service to the individual.

[9] In this complaint, there is no dispute that the society is a service provider that has records of the complainant's personal information in its custody or control for the purposes of Part X of the *CYFSA*. The society confirmed to the IPC that the complainant's personal information appears in records relating to a report it received of her alleged wrongdoing as a daycare provider related to a child that may need protection. The society also confirmed to the IPC that the records do not relate to the provision of any "service" to the complainant, within the meaning of that term in the *CYFSA*, and the complainant has no right of access under the *CYFSA* to the records.

[10] Section 312 of the *CYFSA* sets out an individual's right of access to records of his or her own personal information that relates to the provision of a service to that individual, subject to limited exceptions and provided other conditions are met.

[11] As section 312 makes clear, Part X of the *CYFSA* does not grant a general right of access to another individual's personal information. In other words, a person who is not the recipient of the services to which the records relate does not have a right of access to those records under section 312.

[12] The term "service" is defined in Part X of the *CYFSA* (at section 281) to mean "a service or program that is provided or funded under [the *CYFSA*] or provided under the authority of a licence." Section 2(1) of the *CYFSA* sets out examples of such services. The relevant part of section 2(1) states:

"service" includes,

- (a) a service for a child with a developmental or physical disability or the child's family,
- (b) a mental health service for a child or the child's family,
- (c) a service related to residential care for a child,
- (d) a service for a child who is or may be in need of protection or the child's family,
- (e) a service related to adoption for a child, the child's family or others,
- (f) counselling for a child or the child's family,

(g) a service for a child or the child's family that is in the nature of support or prevention and that is provided in the community,

(h) a service or program for or on behalf of a young person for the purposes of the Youth Criminal Justice Act (Canada) or the Provincial Offences Act, or

(i) a prescribed service[.]

[13] In my preliminary assessment letter to the complainant, I explained that based on the information I reviewed, my view was that none of the criteria outlined above applied to her situation. I said that it appeared clear to me that the society was providing services to the child that was the subject of the report, and none of the evidence before me suggested that the complainant was also a recipient of the services to which the records at issue in this complaint related.

[14] I advised the complainant that the analysis above is supported by previous IPC decisions that have interpreted and applied section 312 of Part X of the *CYFSA* and the meaning of the term "service." For example, I explained that IPC adjudicators have determined that individuals (such as babysitters or teachers) named as alleged wrongdoers in children's aid society records relating to child protection concerns are not the recipients of the services to which those records related.<sup>1</sup> Similarly, in *CYFSA* Decision 29, an adjudicator concluded that foster parents with whom a children's aid society had temporarily placed a child were not recipients of a service from the society. The adjudicator in that decision noted that although the records at issue contained the foster parents' personal information, the records related to the society's provision of services to the child, in connection with the child's temporary placement with the foster parents, and not to the provision of any service to the foster parents.

[15] In summary, I told the complainant that my preliminary view was that because she had not established that she was a service recipient in connection with the records at issue, she did not have a right of access to the records under Part X of the *CYFSA*. As a result, I said it appeared the society properly refused her request for access to the records at issue, and that her complaint about its decision did not warrant a review under the *CYFSA*.

[16] I invited the complainant to provide written submissions if she disagreed with my preliminary assessment. The complainant submitted a response. In her response, she states that she understands that a daycare provider does not fit the criteria set out in section 2(1) of the *CYFSA*. However, she argues that under section 312(3) of the *CYFSA*, 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. The

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<sup>1</sup> See, for example, *CYFSA* Decisions 1, 3, 5, and 30.

complainant submits that her personal information should be severed from the record and released to her.

[17] I have considered the complainant's submission, and my preliminary view remains the same. I note that CYFSA Decision 30 addressed a similar argument from a complainant. In that case, the complainant did not assert that the records he sought related to a provision of service to him. He argued that the adjudicator should look beyond the requirements of section 312(1) to determine his access rights. He said that section 312(3)<sup>2</sup> provides that he is entitled to access his personal information. The adjudicator determined that section 312(3) qualifies the right of access in section 312(1) by providing an additional consideration of "whether the record is "dedicated primarily to the provision of a service to the individual requesting access."<sup>3</sup> The adjudicator explained that 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>4</sup>

[18] The same reasoning applies here. I adopt the adjudicator's reasoning in CYFSA Decision 30 and apply it to the present complaint. I find that the complainant does not meet requirements for access to the records under section 312(1) of the *CYFSA* and, therefore, section 312(1) does not apply in this complaint.

**NO REVIEW:**

For the foregoing reasons, no review of this matter will be conducted under Part X of the *Act*.

Original Signed by: \_\_\_\_\_  
Meganne Cameron  
Adjudicator

\_\_\_\_\_ November 19, 2025

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<sup>2</sup> Section 312(3) states that "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>3</sup> Paragraph 24 of CYFSA Decision 30, relying on CYFSA Decision 3, para 31.

<sup>4</sup> *Ibid.*