

Memorandum

Date: June 20, 2016
Attn: Clerk's Office
From: Erin Semande A/Provincial Heritage Registrar
**Subject: *Ontario Heritage Act* Register Privacy Protection Guidelines and
Municipal Requirements for serving notice**

Dear Sir/Madam,

Please find enclosed an information sheet regarding Privacy Protection and municipal requirements for serving notice to the Ontario Heritage Trust under the *Ontario Heritage Act*.

If another department in your municipality sends out notices, please forward this letter and enclosed information sheet to the appropriate department contact.

All essential information should be contained within the information sheet, but if you require further information or have any questions, please do not hesitate to contact me at 416-212-1704 or erin.semande@heritagetrust.on.ca

Kind Regards,



Erin Semande
A/Provincial Heritage Registrar

Encl.



Ontario Heritage Act Register Privacy Protection Guidelines

An agency of the Government of Ontario

What is the OHA Register?

Under Section 23 of the *Ontario Heritage Act* (OHA), the Ontario Heritage Trust is mandated to keep a register of statutory documents related to all properties designated under Parts IV, V and Part VI of the OHA. This central repository tracks and holds legal documents and notices of council decisions, approvals for alterations and ministerial orders for properties protected under the OHA. These documents are generally served on the Trust by municipal clerks or other municipal staff responsible for OHA designations.

What is the eRegister?

Currently, the Trust is working to make these documents and their accompanying data more accessible to the public. The eRegister will be an online, searchable database that offers a quick and accurate picture of designated properties and associated statutory documents.

What is FIPPA?

Freedom of Information and Protection of Privacy Act (FIPPA) defines personal information as "recorded information about an identifiable individual", and includes the name, address and telephone number of an individual under this definition. This includes c/o addresses for corporations, solicitors, and numbered companies.

What are the privacy concerns associated with the eRegister?

Personal information is present in many of the OHA documents held by the Trust, particularly in notices that are served jointly on the Trust and the property owner. Before making these documents available for public use, this personal information must be redacted to ensure the privacy of individuals is protected according to FIPPA requirements.

What can municipal clerks do to assist in privacy protection?

Making OHA documents available for public use is a priority for the Trust. To this end, the Trust requests that moving forward, municipal clerks exclude the names and contact information of property owners (including a c/o addresses) from statutory OHA documents and letters that contain decisions of council. A property address is acceptable so long as the property owner's name is not included in the documents.

What documents belong in the eRegister?

Since the legislation was enacted in 1975 the Trust has been served many non-statutory documents which do not belong in the OHA Register, including staff reports, land registry documents, newspaper clippings and conservation assessments associated with designated properties. These documents are not included in the eRegister. The Trust requests that municipalities (i.e. municipal clerks) serve only those documents which the OHA specifies must

be served on the Trust. Below is a list of statutory OHA documents which municipalities serve on the Trust and the OHA section to which they pertain:

- Notice of Intention to Designate – Section 29
- Notice of Withdrawal of Intention to Designate – Section 29
- Bylaw to Designate – Section 29
- Bylaw to Amend – Section 30
- Notice of Intention to Repeal – Section 31
- Bylaw to Repeal – Section 32
- Refusal of Application to Repeal – Section 32
- Notice of Decision (Alteration) – Section 33
- Notice of Decision (Demolition or Removal) – Section 34
- Bylaw to Designate (HCD Study Area) – Section 40
- Notice of Passing of Bylaw (HCD Study Area) – Section 40
- Bylaw to Designate (HCD) – Section 41
- Notice of Passing of Bylaw to Designate (HCD) – Section 41
- Bylaw to Adopt HCD Plan – Section 41
- Notice of Passing of Bylaw (HCD Plan) – Section 41

What information should be included in OHA documents?

To ensure data in the OHA Register is as complete as possible, it is crucial that OHA documents contain an accurate date of enactment:

- Notices of intention should contain the date they were published for general circulation within the municipality.
- Notices of decision should contain the date they were served on the owner and the Trust.
- Bylaws should contain the date they were passed.

How should the information be sent to the Trust?

Please send documents by Canada Post or courier. Unfortunately, under the current legislation email and faxing of documents is not permitted.

Mailing Address: Attn: Provincial Heritage Registrar
Ontario Heritage Trust
10 Adelaide Street East
Toronto, ON M5C 1J3

For more information please contact Erin Semande, A/Provincial Heritage Registrar by telephone at 416-212-1704 or by email at erin.semande@heritagetrust.on.ca.