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SECTION: Access to Information  
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*Taken from the "Your Questions Answered" column published in the PCO Bulletin. Please see the disclaimer at the beginning of the directory.*

*Note: Due to legislative changes, references to "PCO" should now read "FSCO."*

**If I make a submission to a PCO staff person about a pension plan and that submission is marked "private and confidential", can it then be severed from the plan file when the file is made available to a plan member for inspection or when a member requests copies of plan information?**

Indicating that a letter or document is "privileged", "private" and/or "confidential" when addressed to an Ontario government office (which is bound by Freedom of Information and Protection of Privacy ("FOIPOP") legislation) does not make it so.

Section 29(1) of the PBA provides that pension plan documentation and information must be made available to a plan member, former member, a spouse of a member or former member, any other person entitled to pension benefits under the pension plan, an agent authorized in writing by any of the foregoing, or a trade union representing members of a pension plan.

All documents filed with the PCO are generally considered to be available to the public, unless exempted by a provision of the FOIPOP Act. The Ministry of Finance's FOIPOP Co-ordinator makes the decision with respect to any access request under that legislation. The decision may be appealed to the Information and Privacy Commissioner who will determine whether a document will be released under the FOIPOP Act. Final appeal may be made to the courts.

Registrants filing documents who believe that confidentiality should be respected for other reasons, such as personal privacy, should indicate such on the face of the document.