

Uniform Information Reporting Act

*(as Adopted and Recommended for Enactment)
(1977 Proceedings, page 23)*

1. (1) In this Act

Definitions

- (a) “employment purposes” means the purposes of taking into employment, granting promotion, reassigning employment duties or retaining as an employee;
- (b) “file”, when used as a noun, means all of the information pertaining to a person that is recorded and retained by a reporting agency, regardless of the manner or form in which the information is stored;
- (c) “information of record” means information about a person as to his name, other names by which he is or has been known, age, place of residence, previous places of residence, marital status, spouse’s name and age, number of dependants, particulars of education or professional qualifications, places of employment, previous places of employment, any name under which he carries or has carried on business, income and assets, repayment history, outstanding credit obligations, cost of living obligations, medical information and any matter of public record concerning the person and any information voluntarily supplied to a reporting agency by the person;
- (d) “medical information” means any information obtained from a medical practitioner, chiropractor, psychologist, psychiatrist or hospital, clinic or other medically related facility in respect of the health or condition of a person;
- (e) “personal information” means information, other than information of record, about the character, health habits, physical or personal characteristics or mode of living of a person, or about any other matter concerning the person;
- (f) “Registrar” means the Registrar of Information Reporting Agencies;
- (g) “regulations” means the regulations made under the authority of this Act;
- (h) “report” means a written, oral or other communica-

tion or the revealing by a reporting agency of information of record or personal information, or both, pertaining to a person for consideration in connection with a purpose set out in section 7;

- (i) "reporting agency" means a person who for gain or profit furnishes reports.

Agreements to
waive

2. This Act applies notwithstanding any agreement or waiver to the contrary.

Registrar

3. There shall be a Registrar of Information Reporting Agencies appointed (by the Lieutenant-Governor in Council).

Registration of
reporting agen-
cies

4. No person shall conduct or act as a reporting agency unless he is registered by the Registrar under this Act.

Registration

5. (1) An applicant is entitled to registration or renewal of registration by the Registrar except where

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity;
- (c) the applicant is a corporation and,
- (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
- (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Conditions of
registration

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the (*tribunal holding hearings*) or prescribed by the regulations.

Not transferable
Refusal to register

- (3) A registration is not transferable.

6. (1) The Registrar may refuse to register an appli-

cant where in the Registrar's opinion the applicant is not entitled to registration under section 5.

(2) The Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in contravention of this Act or the regulations or is in breach of a term or condition of the registration. Revocation and refusal to renew

(Each jurisdiction is to insert its own procedures for hearings and appeals respecting the refusal or revocation of registrations.)

7. (1) Subject to section 15, no reporting agency and no officer or employee thereof shall knowingly furnish any information about a person from the files of the reporting agency except in a report that there is reason to believe is intended to be used in connection with To whom reports may be given

- (a) the extension of credit to or the purchase or collection of a debt of the person;
- (b) the entering into or renewal of a tenancy agreement with the person;
- (c) employment by or of the person;
- (d) underwriting of insurance involving the person;
- (e) the person's eligibility, for any matter under a statute, regulation or by-law if the information is relevant thereto;
- (f) a direct business transaction involving the person.

(2) Notwithstanding subsection (1), a reporting agency Information as to identities

- (a) may furnish any information from its file about a person in accordance with the written instructions of that person; and
- (b) may furnish identifying information respecting any person, limited to his name, address, former addresses, places of employment and former places of employment, to any department of the Government of (province) or of Canada or of any province of Canada or any municipal corporation in Canada.

(3) A reporting agency shall not sell, lease or transfer Sale of files proprietary rights to its files or any of them except to another reporting agency registered under this Act.

Who may obtain reports

(4) No person shall knowingly obtain any information from the files of a reporting agency respecting a person except in accordance with subsection (1).

Procedures of agencies

8. Every reporting agency shall adopt all such procedures as are reasonable to ensure the greatest possible accuracy and fairness in the contents of its reports.

Information not to be included in report

9. (1) A reporting agency shall not report information unless it is

- (a) stored in a form capable of being produced for the purposes of section 15; and
- (b) extracted from information appearing in files stored or collected in a repository located in (province) or elsewhere in Canada.

Idem

(2) A reporting agency shall not include in a report about a person

- (a) personal information based on evidence that is not corroborated;
- (b) information as to a judgment after seven years after the judgment was given, unless the creditor confirms in writing that it remains unpaid in whole or in part, and the confirmation appears in the file, or information as to a judgment fully paid;
- (c) information as to a judgment against the person unless mention is made of the name and address of the judgment creditor as given at the date of entry of the judgment and the amount;
- (d) information as to a bankruptcy after five years from the date of discharge therefrom;
- (e) information as to any writ, judgment, collection or debt that appears to be statute barred by the expiration of time unless it is accompanied by evidence in the file that recovery is not so barred;
- (f) information as to the payment or non-payment of a lawfully imposed fine after seven years;
- (g) information as to a conviction for an offence after seven years from the date of the conviction, but information as to a conviction for an offence shall not be reported if at any time it is learned that after conviction a pardon has been granted;

- (h) information as to a proceeding that was commenced against the person more than twelve months previously unless, when reported, the current status of the proceeding has been ascertained and is included;
- (i) information regarding any charge laid against the person for an offence;
- (j) medical information unless the person has consented to the disclosure;
- (k) any other item of information adverse to the person that is more than seven years old unless it is voluntarily supplied by the person to the reporting agency; or
- (l) information as to race, creed, colour, ancestry, ethnic origin or political affiliation.

(3) A reporting agency shall not enter or retain in the file of a person any information that must not be included in a report under clauses (d), (f), (g), (k) and (l). Information entered in file

(4) A reporting agency shall not report or maintain in its files any information unless a reference to the source of the information also appears on the file including the identity of the originator of the information and the identity of all persons from whom the information was collected or through whom it was disclosed to the reporting agency. Sources of information

(5) Every reporting agency shall maintain in its file respecting a person all the information of which the person is entitled to disclosure under subsection (1) of section 15. Maintenance of information in file

(6) Where a reporting agency gives a report orally, it shall note the particulars and content of the oral report in the file. Note of oral report

10. Medical information about a person that is in the possession of a reporting agency is subject to the same privilege in favour of the person as it would be if it were in the possession of his physician, and any consent to its disclosure may be limited in scope or purpose. Privilege for medical information

11. (1) No person shall solicit personal information or medical information knowing that the information given will be received directly or indirectly by a reporting agency unless he first advises the informant of the use to be made of the information and that his identity as the source will be recorded and might be disclosed. Warning upon soliciting personal or medical information

Disclosure of information given without warning

(2) Where a person knows that personal information or medical information received from another person will be received directly or indirectly by a reporting agency, he shall not disclose that information unless he had advised the person from whom the information is received, before receiving it, of the use to be made of it and that his identity as the source of the information will be recorded and might be disclosed.

Notice of opening file

12. (1) Where a reporting agency opens a file respecting a person, the reporting agency shall, within two weeks after doing so, notify the person in writing of the fact.

Idem

(2) Every reporting agency in operation immediately before this Act comes into force shall, (insert period for compliance), notify in writing each person in respect of whom the agency maintains a file and who has not been notified under subsection (1) that such file is maintained.

Notice of report

13. Where a reporting agency gives a report respecting a person, the reporting agency shall notify the person of the fact within five days after the report is given, unless the person has previously consented in writing to the report being given.

Disclosure of report

14. (1) Every person who obtains a report respecting a person shall, upon the request of the person, advise him of the fact and of the name and address of the reporting agency supplying the report.

Notice re adverse action

(2) Where credit involving a person is denied or the charge for credit is increased either wholly or partly because of information received from a reporting agency or a person other than a reporting agency, the user of the information shall deliver to the person at the time such action is communicated to him notice of the fact and,

- (a) of the nature of the information if the information is furnished by a person other than a reporting agency; or
- (b) of the name and address of the reporting agency, if the information is furnished by a reporting agency.

Notice of passing on credit information

(3) No person extending credit to a person shall divulge to other credit grantors information as to transactions or experiences between himself and that person unless the person extending credit divulges the information within days after receiving a written consent from that person.

15. (1) Every reporting agency shall, at the written request of a person and during normal business hours clearly and accurately disclose to the person without charge, Right to disclosure of file

- (a) the nature and substance of all information in its files pertaining to the person at the time of the request;
- (b) the sources of the information;
- (c) the names of the recipients of any report pertaining to the person that it has furnished,
 - (i) for employment purposes, within the two year period preceding the request, and
 - (ii) for any other purpose, within the six month period preceding the request; and
- (d) the contents of any report made pertaining to the person to any other person in the form made

and shall inform the person of his right to dispute any information contained in the file and the manner in which it may be disputed.

(2) Any medical information pertaining to a person that the person's own physician has furnished to the reporting agency and specifically requested in writing be withheld from the person in his own best interest shall be withheld by the reporting agency from the disclosures required by subsection (1) unless the person specifically requests the information in writing. Exception re medical information

(3) A person, either alone or accompanied or assisted by another person of his choice, may obtain information concerning himself required under this section to be disclosed by a reporting agency from the agency in person or by telephone upon properly identifying himself. Obtaining information

(4) Every reporting agency shall provide trained personnel to assist a person to understand any information furnished to him under this section. Idem

(5) The reporting agency shall permit the person to whom information is disclosed under this section to make an abstract thereof. Abstract

(6) A reporting agency shall require reasonable identification of the person and a person accompanying or assisting him before making disclosures under this section. Identification

No conditions

(7) A reporting agency shall not require any undertaking, waiver, or release as a condition precedent to a disclosure under this section.

Explanation

(8) A person may deliver to a reporting agency in writing of not more than one hundred words an explanation or additional information respecting the circumstances surrounding any item of information about him in his file, and the reporting agency shall maintain such explanation or additional information in the file accompanying the item and include it in any report given containing the item.

Correction of errors

16. (1) A person may dispute any item or information contained in his file and where he does so, the reporting agency shall use its best endeavours to confirm or complete the information and shall correct the information to ensure the accuracy, fairness and completeness of the information.

Idem

(2) Where a reporting agency corrects information under subsection (1), the reporting agency shall, at the request of the person to whom the file relates, give notice of the correction to everyone to whom reports based on the unamended file were given within two years before the correction and who is designed by the person to whom the file relates.

Idem where report obtained outside province

(3) Where a person obtains information in a report from a reporting agency that is located outside (province) and not in a jurisdiction that is designated by the regulations, the person obtaining the report shall be deemed to be a reporting agency for the purpose of that report and the information shall be deemed to be information for the purposes of this Act.

Order by Registrar re information

17. (1) The Registrar may order a reporting agency to correct any information, or by order restrict or prohibit the use of any information, that in his opinion is inaccurate or incomplete or that does not comply with any provision of this Act or the regulations.

Enforcement of order

(2) The Registrar may order a reporting agency to give to any person who has received a report a notice of any corrections or prohibitions imposed by the Registrar in respect of information contained in the report.

(Insert appropriate provisions for hearings and appeals respecting decision of Registrar under this section.)

Notice of material changes

18. Every reporting agency shall, within five days after the event, notify the Registrar in writing of,

- (a) any change in its address for service;
- (b) in the case of a corporation, any change in the ownership of its shares or change in its officers; and
- (c) in the case of a partnership, any change in the membership of the partnership.

19. *(Insert appropriate provisions for inspections of reporting agencies.)*

20. (1) Any notice or order required to be given, ^{Service} delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last known address.

(2) Where service is made by registered mail, the service ^{Idem} shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

21. (1) Where it appears to the Registrar that any ^{Restraining order} person is not complying with any provision of this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Registrar may apply to (a Superior Court) for an order directing the person to comply with such provision and, upon the application, the Court may make the order, or such other order as the Court thinks fit.

(2) An appeal lies to the Court of Appeal from an order ^{Appeal} made under subsection (1).

22. No person shall knowingly supply false or misleading information to a person who is engaged in making a report. ^{False information}

23. (1) Every person who, ^{Offences}

- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act; or

- (c) contravens any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Limitation

24. (1) A proceeding under clause (a) of subsection (1) of section 23 may be commenced within one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

Idem

(2) A proceeding under clause (b) or (c) of subsection (1) of section 23 may be commenced within two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence

25. A statement as to,

- (a) whether or not a person is registered;
- (b) whether or not any document or material has been filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar; or
- (d) any other matter pertaining to a registration or filing,

purporting to be certified by the Registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein.

Regulations

26. The Lieutenant-Governor in Council may make regulations,

- (a) exempting any class of persons from this Act or the regulations or any provision thereof;
- (b) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (c) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;

- (d) requiring registered reporting agencies to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (e) requiring and governing the books, accounts and records to be kept by reporting agencies;
- (f) designating jurisdictions for the purposes of section 16;
- (g) prescribing minimum particulars to be contained in a report;
- (h) requiring reporting agencies to make returns and furnish particulars to the Registrar;
- (i) prescribing forms for the purposes of this Act and providing for their use;

requiring any return to the Registrar or form to be verified by affidavit.

