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## Fact Sheet: Consent of Third Party

This fact sheet outlines the criteria under the Access to Information Act Regulation (ATIA Regulation) for determining when consent is considered valid for disclosure of third party personal information in an access to information request.

### Overview

Under the *Access to Information Act* (ATIA), public bodies must notify a third party where a public body is considering providing access to records that may contain business information or personal information of the third party in order to allow them to make representations against disclosure or consent to the disclosure.

If the individual about whom the personal information relates consents to the disclosure of their personal information, the public body cannot withhold that personal information under section 20 of the ATIA. Section 20(2)(a) of the ATIA requires the third party's consent to be "in the prescribed manner." The specific requirements for this prescribed manner are detailed in Section 7 of the ATIA Regulation.

Refer to the [ATIA Guide](#) for more information on the third party process.

### Criteria for Valid Third Party Consent

A valid third party consent under section 20(2)(a) of the ATIA must meet the following requirements:

- Consent must be provided in writing or electronically.
  - This means both written and electronic consent are acceptable forms of consent. Oral consent is not valid.
- Consent must identify the third party who is consenting to the disclosure.
  - The identity of the third party must be clearly stated and described in the consent document.
- The consent must explicitly identify the specific information the third party agrees to disclose.
- Consent must be signed by the third party.
  - A signature serves as a form of authentication, enabling the public body to verify the identity of the person signing the document.
  - Forms of signature may include wet signature (handwritten), electronic signature or secure digital equivalents.

Additionally, consent provided electronically must comply with the electronic signature and record retention requirements outlined in the *Electronic Transactions Act*:

- The electronic signature must:
  - clearly and accurately identify the individual signing, and
  - be clearly and accurately linked to the relevant document.
- If the original record was created, sent, or received electronically, it should be retained in an electronic format that:
  - either matches the original or accurately preserves the original information.
  - ensures that the record remains accessible and usable to authorized individuals for future reference.
  - enables tracking information to be retained (e.g., origin, destination, date and time of transmission, if applicable)