[Français](http://www.ontario.ca/fr/lois/loi/16b05)

Benefits Administration Integration Act, 2016

S.o. 2016, chapter 5  
Schedule 3

**Consolidation Period:** From April 19, 2016 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Note: THIS ACT IS NOT YET IN FORCE. It comes into force on a day to be named by proclamation of the Lieutenant Governor.

No amendments.

Definitions

[1.](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys1)In this Act,

“Administrator” means the Benefit Programs Administrator designated under subsection 2 (1); (“administrateur”)

“Commissioner” means the Information and Privacy Commissioner appointed under the Freedom of Information and Protection of Privacy Act; (“commissaire”)

“government entity” means,

(a) a ministry of the Government of Ontario,

(b) an agency of the Crown, and

(c) any other board, commission, authority or unincorporated body of the Crown in right of Ontario; (“entité gouvernementale”)

“Minister” means the Minister of Finance or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the Executive Council Act; (“ministre”)

“personal information” has the same meaning as in section 2 of the Freedom of Information and Protection of Privacy Act; (“renseignements personnels”)

“prescribed benefit program” means a program that provides financial or other assistance to individuals that is prescribed under clause 3 (1) (a); (“programme de prestations prescrit”)

“public body” means,

(a) a municipality in Ontario,

(b) a local board, as defined in the Municipal Act, 2001, of a municipality in Ontario,

(c) any other authority, board, commission, corporation, office or organization of persons some or all of whose members, directors or officers are appointed or chosen by or under the authority of a municipality in Ontario,

(d) a board as defined in the Education Act,

(e) a district social services administration board established under the District Social Services Administration Boards Act, or

(f) any other person or entity specified by regulation. (“organisme public”)

Benefit Programs Administrator

[2.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys2s1)  The Lieutenant Governor in Council may, by regulation, designate a ministry of the Government of Ontario, or part of such ministry, to be the Benefit Programs Administrator.

Function

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys2s2)  The function of the Administrator is to administer, on behalf of government entities or public bodies, programs that provide financial or other assistance to individuals and that are prescribed under clause 3 (1) (a).

Prescribed benefit programs

[3.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys3s1)  The Lieutenant Governor in Council may make regulations,

(a) prescribing the programs that provide financial or other assistance to individuals that the Administrator may administer, in whole or in part, on behalf of a government entity or a public body;

(b) prescribing powers, functions and duties under a statute or regulation that the Administrator may exercise or perform and governing their exercise or performance, including prescribing the circumstances in which the Administrator may exercise or perform them;

(c) prescribing powers, functions and duties not set out in a statute or regulation that are exercised or performed by a government entity or a public body under a prescribed benefit program that the Administrator may exercise or perform and governing their exercise or performance, including prescribing the circumstances in which the Administrator may exercise or perform them.

MOUs, agreements re administration of prescribed benefit programs

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys3s2)  The Administrator shall, subject to the regulations made under subsection (1), enter into a memorandum of understanding or an agreement with each government entity or public body that is responsible for a prescribed benefit program to administer the program on behalf of the government entity or public body.

Limitation — regulation-making powers

[(3)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys3s3)  A regulation made under clause (1) (b) shall not prescribe the power to make regulations.

Limitation — hearings, reviews, appeals

[(4)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys3s4)  The Administrator may not conduct any hearing, review or appeal provided for in a statute or regulation unless expressly authorized by a regulation made under clause (1) (b).

Rights of appeal and review unaffected

[(5)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys3s5)  Unless otherwise provided by a regulation made under clause (1) (b), nothing in this section affects an individual’s right to appeal or review a decision made under a prescribed benefit program that is provided for under the statute that governs the prescribed benefit program.

Authorization in addition to other powers to delegate, etc.

[(6)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys3s6)  For greater certainty, the power to make regulations under clause (1) (b) or (c) prescribing a power, function or duty that the Administrator may exercise or perform is in addition to, and does not derogate from, any authority under a statute, regulation or any other law to delegate or assign such a power, function or duty.

Other legislation to apply to Administrator

[(7)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys3s7)  A reference in a statute or regulation to the person or entity who would otherwise exercise a power or perform a function or duty given to the Administrator in a regulation made under clause (1) (b) shall be read as though the reference was to the Administrator.

MOUs, agreements with third parties to provide services

[4.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys4s1)  The Administrator may enter into a memorandum of understanding or an agreement with a person or entity, including a government entity or public body, to provide services on behalf of the Administrator and to exercise powers or perform functions or duties that the Administrator is authorized by a regulation made under clause 3 (1) (b) or (c) or by a memorandum of understanding or agreement entered into under subsection 3 (2) to exercise or perform.

Regulation required

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys4s2)  A memorandum of understanding or agreement entered into under subsection (1) is not effective unless the Lieutenant Governor in Council makes a regulation,

(a) prescribing the powers, functions and duties that are to be subject to the memorandum of understanding or agreement;

(b) specifying the person or entity to whom such powers, functions and duties are to be given; and

(c) specifying the date on which the memorandum of understanding or agreement becomes effective.

Authentication of identity

[5.](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys5)The Administrator may determine the information and documents that individuals must provide in order to establish and authenticate their identity for the purpose of obtaining benefits under prescribedbenefit programs.

Collection of personal information

Direct collection

[6.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys6s1)  The Administrator is authorized to collect personal information about an individual from the individual, or from a person who represents the individual and belongs to a class of persons prescribed by regulation, if the information is necessary for the administration of prescribed benefit programs.

Indirect collection

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys6s2)  The Administrator is authorized to indirectly collect personal information about an individual from the government entity or public body on whose behalf the Administrator administers a prescribed benefit program, and the government entity or public body is authorized to disclose that personal information to the Administrator, if the information is necessary for the administration of prescribed benefit programs.

Maintenance of personal information

[7.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys7s1)  The Administrator is authorized to combine and maintain together all the personal information it has collected under section 6about an individual in a separate file for each individual.

Assignment of unique identifying number

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys7s2)  The Administrator may assign a unique identifying number to each individual about whom it has collected personal information under section 6.

Same

[(3)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys7s3)  Subject to subsection 10 (2), the Administrator shall only use or disclose the unique identifying numbers for the purpose of administering prescribed benefit programs.

Same

[(4)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys7s4)  Subject to subsection 10 (2), no person shall collect, use or disclose an individual’s unique identifying number except where it is necessary for the administration of a prescribed benefit program and with the express authorization of the Administrator.

MOU or agreement re disclosure and use of unique identifying numbers

[(5)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys7s5)  The Administrator may enter into a memorandum of understanding or agreement with a government entity or public body on whose behalf the Administrator administers a prescribed benefit program governing the Administrator’s disclosure of unique identifying numbers to the government entity or public body and the government entity’s or public body’s use of unique identifying numbers.

Offence

[(6)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys7s6)  Every person who collects, uses or discloses a unique identifying number without the express authorization of the Administrator is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Use of personal information

[8.](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys8)The Administrator is authorized to use the personal information it has collected under section 6 in order to administer prescribed benefit programs.

Individual customer service accounts

[9.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys9s1)  The Administrator may create a customer service account for each individual about whom it has collected personal information under section 6.

Same

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys9s2)  A customer service account may enable the individual who is the subject of the account,

(a) to obtain information about prescribed benefit programs, including information about his or her eligibility for such programs and information about how to apply to such programs;

(b) to apply to be enrolled in prescribed benefit programs;

(c) to obtain information about the status of his or her application to be enrolled in prescribed benefit programs, including whether an application has been approved or refused or whether further information or documentation is required in order to complete the application; and

(d) once enrolled in a prescribed benefit program, to obtain information on an ongoing basis about the benefits to which he or she is entitled at any time and information about the provisionof benefits to him or her.

Notices given via customer service account

[(3)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys9s3)  Notices that are required to be given to an individual under a prescribed benefit program may be given by the Administrator through the individual’s customer service account and notice through a customer service account is deemed to comply with any notice requirements imposed under another statute.

Availability

[(4)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys9s4)  An individual’s customer service account may be made available to him or her onthe internet or by any other means or medium determined by the Administrator.

Disclosure of personal information

[10.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys10s1)  The Administrator is authorized to disclose, in accordance with the regulations, personal information it maintains under any prescribed benefit program to a government entity or public body on whose behalf the Administrator administers a prescribed benefit program, and the government entity or public body may collect and use the personal information if it is necessary for the administration of a prescribed benefit program administered by it.

Same

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys10s2)  The Administrator is authorized to disclose personal information, including unique identifying numbers,it maintains to the Ministry of Finance, to be matched with other personal information maintained by the Ministry and to be used by the Ministry in de-identified form to review prescribed benefit programs and to develop and evaluate fiscal and taxation policy for the Crown.

Proposal to Commissioner

[(3)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys10s3)  Before personal information is disclosed to the Ministry of Finance under subsection (2), the Minister shall submit a proposal to the Commissioner describing,

(a) how the Administrator will disclose the information and how the Minister will collect and use it for the purposes set out in subsection (2);

(b) the process of producing information in de-identified form; and

(c) the safeguards in place to protect the confidentiality and security of the personal information.

Review by Commissioner

[(4)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys10s4)  Within 30 days after receiving the proposal, the Commissioner shall review the proposal and may give his or her written comments on it to the Minister.

Same

[(5)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys10s5)  In reviewing the proposal, the Commissioner shall consider the public interest and theprivacy interest of the individuals to whom the personal information relates.

Consideration by Minister

[(6)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys10s6)  The Minister shall consider the comments, if any, made by the Commissioner, and may amend the proposal if the Minister considers it appropriate.

Definition — information in de-identified form

[(7)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys10s7)  In this section,

“information in de-identified form” means information from which any information that identifies an individual and any information that it is reasonably foreseeable in the circumstances could be utilized, either alone or with other information, to identify an individual, has been removed.

Administrator’s information practices

[11.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys11s1)  The Administrator shall, in a manner that is practical in the circumstances, make available to the public a written statement that,

(a) provides a general description of the Administrator’s information practices;

(b) describes how to contact the Administrator;

(c) describes how an individual may obtain access to or request correction of any personal information about the individual that is in the custody or control of the Administrator; and

(d) describes how to make a complaint to the Commissioner.

Commissioner’s review

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys11s2)  The Commissioner may, from time to time, review the Administrator’s information practices to check that there has been no unauthorized collection or maintenance of personal information or unauthorized use, disclosure, access to or modification of personal information in its custody.

Duty to assist

[(3)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys11s3)  The Administrator shall co-operate with and assist the Commissioner in the conduct of the review under this section.

Orders

[(4)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys11s4)  If the Commissioner determines that an information practice contravenes this Act, the Commissioner may order the Administrator to discontinue the practice and to destroy the personal information collected or maintained under that practice.

Definition — information practice

[(5)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys11s5)  In this section,

“information practice” means a policy of the Administrator in relation to its management of personal information, including when, how and the purposes for which the Administrator collects, uses, discloses, maintains or disposes of personal information.

Overpayments

Notice

[12.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys12s1)  If the Administrator is of the opinion that an individual has received benefits under a prescribed benefit program to which he or she is not entitled (including benefits in excess of the amount to which he or she is entitled), the Administrator shall give the individual notice of the overpayment.

Recovery

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys12s2)  The Administrator may recover the overpayment by any combination of the following:

1. Reducing the amount of one or more payments to be made to the individual under the same prescribed benefit program.

2. Retaining by way of set-off, out of any money that the individual is entitled to receive under another prescribed benefit program, such sum as the Administrator sees fit in the circumstances and paying such sum to the prescribed benefit program under which the individual was overpaid.

3. Recovering the overpayment as a debt due to the Crown by any means available at law.

Determinations in sole discretion of Administrator

[(3)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys12s3)  Subject to the regulations and any rules for the recovery of overpayments under another statute that governs the prescribed benefit program under which the overpayment was made, all the determinations under subsections (1) and (2) — the amount of the overpayment, under which of paragraphs 1, 2 and 3 of subsection (2) to recover the overpayment and, in the case of a set-off under paragraph 2 of subsection (2), the prescribed benefit program under which the amount is to be retained — are in the sole discretion of the Administrator.

Rights of appeal and review unaffected

[(4)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys12s4)  Nothing in this section affects an individual’s right to appeal or review a decision about an overpayment under a prescribed benefit program that is provided for under the statute that governs the prescribed benefit program.

Regulations

[13.  (1)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys13s1)  The Lieutenant Governor in Council may make regulations,

(a) prescribing persons and entities that are public bodies;

(b) prescribing the matters set out in clauses 4 (2) (a), (b) and (c);

(c) prescribing information or documents that the Administrator may, must or may not require under section 5;

(d) prescribing classes of persons from whom the Administrator may collect personal information under subsection 6 (1);

(e) prescribing personal information that the Administrator may disclose under subsection 10 (1), and the circumstances under which that information may be disclosed;

(f) governing the recovery of overpayments under section 12, including prescribing the information to be included in the notice required by subsection 12 (1) and the manner in which it is to be given, and prescribing the maximum amount that may be reduced from a payment or set-off under that section and the timing of such reductions and set-offs.

Conflict with other recovery rules

[(2)](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys13s2)  In the event of a conflict between a regulation made under clause (1) (f) and any rule for the recovery of overpayments under another statute that governs a prescribed benefit program, the rules under the other statute prevail.

Conflict with other Acts

[14.](http://www.ontario.ca/fr/lois/loi/16b05" \l "ys14)In the event of a conflict between section 3 or 4, or the regulations made under either section, and any other Act, this Act and the regulations made under it prevail.

[15.](http://www.ontario.ca/fr/lois/loi/16b05" \l "s15)  Omitted (provides for coming into force of provisions of this Act).

[16.](http://www.ontario.ca/fr/lois/loi/16b05" \l "s16)  Omitted (enacts short title of this Act).

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