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IPC Privacy & Access by Design - Fall 2011

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PRIVACY & ACCESS
by Design

Information and Privacy Commissioner, Ontario, Canada

Quarterly e-Newsletter F | 2 0 1 1

SPOTLIGHT | Opening the Door Hospitals & FOI

It was a long time coming – 24 years to be exact. But, as of **January 1, 2012**, Ontario hospitals will fall under Ontario's *Freedom of Information and Protection of Privacy Act (FIPPA)*.

This landmark event will usher in an era of greater openness and transparency. Commissioner Cavoukian has long advocated for this course of action as it will foster a culture of increased accountability.

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FROM THE COMMISSIONER



Ann Cavoukian, Ph.D.
Information and Privacy
Commissioner
Ontario, Canada

Celebrating Our Right to Know

On September 28, 2002, freedom of information organizations from more than a dozen countries met in Sofia, Bulgaria, and agreed to partner in the promotion of an individual's right of access to government-held information. Since that time, organizations around the world, including my Office, officially recognize *Right to Know Week* each year, in the month of September.

It's a fitting time to celebrate our *Right to Know* in Ontario, as transparency and accountability in Ontario's hospitals are on the cusp of a major leap forward. The *Broader Public Sector Accountability Act* brings hospitals under Ontario's *Freedom of Information and Protection of Privacy Act (FIPPA)*, as of January 1, 2012.

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UPCOMING EVENTS



September 15, 2011

Right to Know - Hospitals and FOI



October 5, 2011

**8th Annual Summit on
Emergency & Disaster Planning
for Colleges, Universities, and
K-12 Schools**

Outreach Schedule

The IPC will have outreach tables at hospitals throughout Ontario during *Right to Know Week 2011*, September 26 - 30, between 11:00 a.m. and 2:00 p.m. See full schedule below.

September 26, 2011

St. Michael's Hospital
North York General Hospital
The Hospital for Sick Children
Sunnybrook Health Sciences Centre

September 27, 2011

Trillium Health Centre

September 28, 2011

Hamilton Health Sciences
London Health Sciences Centre

September 29, 2011

Windsor Regional Hospital
Royal Victoria Hospital
Kingston General Hospital

September 30, 2011

Niagara Health System - St. Catharines
General Site
The Ottawa Hospital

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Introducing *Privacy by ReDesign*

Privacy by ReDesign is a new approach to applying the 7 *Foundational Principles of Privacy by Design* to **existing systems**: information technologies, business practices, physical design, and networked infrastructure.

[Learn more:](#)



Paper | *Privacy by ReDesign*: Building a Better Legacy

Privacy by ReDesign will be the subject of a **pre-conference seminar** at the 33rd International Conference of Data Protection and Privacy Commissioners.



Hydro One and *Privacy by Design*

RECENT ORDERS

August 30, 2011 | **MO-2652-I**

Township of Madawaska Valley

August 24, 2011 | **PO-2990**

Ontario Power Generation

August 22, 2011 | **MO-2645-I**

West Nipissing Police Services Board

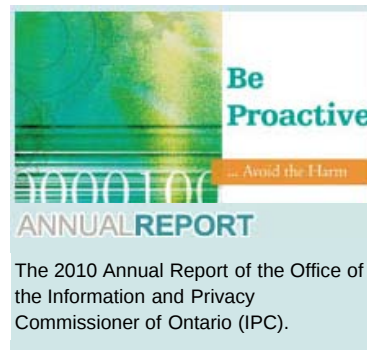
August 16, 2011 | **PO-2988-R**

Ministry of Community Safety and Correctional Services

June 08, 2011 | **MO-2628**

City of Waterloo

[See More Recent Orders](#)



The 2010 Annual Report of the Office of the Information and Privacy Commissioner of Ontario (IPC).



October 14, 2011

Fall 2011 Cloud Computing Conference: Law and Policy Issues in the Cloud



November 1, 2011

33rd International Conference of Data Protection and Privacy Commissioners



November 28, 2011

2nd Annual Privacy and Security Conference | The Future of the Internet: Opportunities & Challenges of Web 3.0

WHAT'S NEW

Article. *July 28, 2011.* Forbes: *Why Privacy by Design* is the new corporate hotness

Guide. *June 27, 2011.* Ontario legislation covering the release of student's personal information

Presentation. *June 16, 2011.* Hands-On Privacy by Design: A Working Session

White Paper. *June 16, 2011.* Dispelling the Myths Surrounding De-identification: Anonymization Remains a Strong Tool for Protecting Privacy

Award. *June 16, 2011.* Commissioner Cavoukian named Privacy Professional of the Year by SC Congress Canada

White Paper. *June 14, 2011.* Wi-Fi Positioning Systems: Beware of Unintended Consequences

SPOTLIGHT ...continued from above

Opening The Door - Hospitals & FOI

It was a long time coming – 24 years to be exact. But, as of **January 1, 2012**, Ontario hospitals will fall under Ontario's *Freedom of Information and Protection of Privacy Act (FIPPA)*.

This landmark event will usher in an era of greater openness and transparency. Commissioner Cavoukian has long advocated for this course of action as it will foster a culture of increased accountability.

"In a free and democratic society such as ours," says Commissioner Cavoukian, "it is vital – for the purposes of transparency and accountability – to have access to information about institutions that are primarily funded by public dollars. The public has a right to know."

The introduction of *FIPPA* will give the public a broader right to access records under a hospital's custody or control, including those relating to administrative and operational functions, policy and financial considerations. The legislation covers information that came into the custody or under the control of hospitals on or after **January 1, 2007**. Personal health information will continue to be governed by the *Personal Health Information Protection Act (PHIPA)*.

Hospitals will be required to appoint a Freedom of Information and Privacy Co-ordinator to respond to requests for information within 30 days. Ontarians will have the right to appeal to the IPC if the information they requested is refused or only partially given, or to have any fee estimate reviewed.

In the spirit of educating the public and hospitals about Ontario's new access to information rights, the IPC has created some useful resources:

- [Freedom of Information at Ontario Hospitals: Frequently Asked Questions](#) expands on how individuals can make an FOI request to a hospital and what to expect;
- [Applying PHIPA and FIPPA to Personal Health Information](#) provides guidance for hospitals about the application of *PHIPA* and *FIPPA* to personal health information; and
- Additional resources are also available in the [Hospitals & FOI section](#) of IPC's website

The IPC has a number of activities planned during *Right to Know Week* (September 26-30) to raise awareness about this important milestone. See [Right to Know Outreach](#) for information.

FROM THE COMMISSIONER ...continued from above

Celebrating our Right to Know

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It's a fitting time to celebrate our *Right to Know* in Ontario, as transparency and accountability in Ontario's hospitals are on the cusp of a major leap forward. The *Broader Public Sector Accountability Act* brings hospitals under Ontario's *Freedom of Information and Protection of Privacy Act (FIPPA)*, as of January 1, 2012.

Since 2004, hospitals have been covered under the *Personal Health Information Protection Act (PHIPA)*, which governs the collection, use and disclosure of personal health information, and provides individuals with the right to access their health records from health institutions. Now, FOI legislation will complete the circle, providing a wide right of access to records under a hospital's custody or control.

As Commissioner, I am delighted that the government has finally moved forward with this important step. For the last two decades, my Office has campaigned for open, transparent government. While in the past we called for *Routine Disclosure*, advances in information and communications technology now call for *Proactive* or *Automatic Disclosure* to be the norm, not the exception.

My concept of *Access by Design (AbD)* can assist in changing the very way that our government and citizens interact when it comes to accessing government-held information. The spirit of *AbD* lies in the belief that public institutions need to take a proactive, rather than a reactive, approach to public disclosure. The key word here is *default* – where public institutions proactively release information as part of an automatic process – by *default*. This is a message I will be sharing with hospitals as they prepare for a new era of openness and transparency.

I invite you to visit [our website](#) to learn more about the *7 Fundamental Principles of AbD* and how they can bring Ontario forward into the 21st century with a more responsive and efficient government that engages in collaborative relationships with its citizens.

Access to information is the lifeblood of our democracy because citizens need government-held information in order to participate fully and meaningfully in civil life. Transparency helps to create a culture of accountability, which is one of the foundations upon which our free and open society is built.

Ann Cavoukian, Ph.D.
Information and Privacy Commissioner
Ontario, Canada

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If you have any questions call us at **416.326.3333 / 1.800.387.0073**, send us an email at info@ipc.on.ca, or write to us at: Office of the Information and Privacy Commissioner of Ontario, 2 Bloor St. East, Suite 1400, Toronto, ON, M4W 1A8.

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