



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario

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Information and Privacy Commissioner of Ontario



WEBCAST: RIGHT TO KNOW WEEK 2015

Celebrated in more than 40 countries around the world, **Right to Know Week** promotes the enormous benefits of Open Government. To mark this important occasion, we are holding a special Reaching Out to Ontario event in Sault Ste. Marie this Friday morning to highlight the ongoing evolution to more transparent and accountable government in all parts of the province. The Minister of Government and Consumer Services, Hon. David Orazietti, will welcome attendees to the event and the Commissioner will speak about the state of access to information in Ontario, as well as the work we are doing to protect the public's privacy.

Following the Commissioner's presentation, two concurrent panels will examine:

Modernizing Access to Information

June 11, 2015

Chief Saunders says carding data must stay
Toronto Star

July 28

More Than One Way To Skin A Privacy Breach: The Ontario Court of Appeal's Decision in Hopkins v. Kay
Canadian Appeals Monitor

August 19, 2015

No evidence trustees tampered with records, says privacy commissioner
Toronto Star

August 31, 2015

Hospital clerk pleads guilty to stealing, selling patient records
Toronto Star

Open Government offers enormous possibilities to improve access to government-held information, enhance engagement with the public and drive economic innovation. Discussions will focus on important new developments in these areas and best practices to further open up municipal and provincial information.

Protecting Health Privacy

The highly sensitive nature of personal health information and the need to share it seamlessly with numerous health care providers presents significant challenges to privacy. Speakers will offer strategies to reduce the risk and ensure the best possible protection in electronic environments.

Register today to attend in person or to get details about our webcast of the presentations and panels.

Active on Twitter?

To mark Right to Know Day, join us (**@IPCIInfoPrivacy**) and Canadian Journalists for Free Expression (**@CanadaCJFE**) for a Twitter chat about data journalism and public projects that benefit from Open Data and Access to Information. Follow the hashtag **#RTKDchat** on Sept. 28 from noon to 1 p.m. Eastern to participate.



EMBRACING PROACTIVE DISCLOSURE OF PROCUREMENT RECORDS

Access rights rely on both the public's right to request government-held information and the government's commitment to making information freely available. Proactive disclosure is the release of information in anticipation of the public's needs and interests and is a key **Open Government** practice. Citizens are interested in how governments spend public funds, making access to records related to procurement especially important.

Proactive disclosure of these records strengthens clarity and accountability around government spending. It can also provide tangible benefits to institutions by reducing the number of procurement-related freedom of information requests, appeals and associated costs.

Our new guidance document **Open Contracting: Proactive Disclosure of Procurement Records** details the benefits of proactive disclosure and offers tips on designing and implementing a transparent procurement process, while still protecting confidentiality where appropriate.

September 19, 2015

New health legislation will improve transparency

Toronto Star



September 25, 2015



September 30–October 1, 2015

2015 Risk Management Symposium

Hosted by LAS/Frank Cowan Company

October 2–3, 2015

Annual Access to Information and Privacy Law Symposium

Canadian Bar Association



PROPOSED LEGISLATION WILL INCREASE HEALTH PRIVACY

Electronic health records hold tremendous benefits for patients and the health-care system as a whole. To instill trust and confidence among patients and providers, we called on the government in our 2014 Annual Report to establish a legislative framework to address the protection of personal health information in shared electronic health record systems.

On Sept. 16, Minister of Health and Long-Term Care Eric Hoskins introduced Bill 119, with the goal of improving accountability and transparency in the health care system and better protecting patient privacy. If passed, the **Health Information Protection Act** would, among other things, require reporting of privacy breaches that meet certain requirements to our office, remove the six-month limitation period on commencing prosecutions, and double the maximum fines for offences under **Ontario's health privacy legislation**.

Reacting to **the bill's introduction**, the Commissioner affirmed the need to strengthen the existing legislation:

As the health-care sector transitions to shared electronic health records, the privacy of patients and the confidentiality of their personal health information must be protected to ensure public confidence. I am pleased that the government is moving forward with necessary amendments to Ontario's health privacy legislation, which were developed in consultation with my office. The introduction of mandatory breach reporting to my office and strengthening the consequences for those who violate patient privacy will bring increased accountability and transparency as well as instill trust in the health system.



RECOMMENDATIONS ON POLICE STREET CHECKS



June 30, 2015

MO-3216 – IPC does not uphold claim that general occurrence reports qualify for exemption because they are available to the public under a “regularized process” for a fee, and orders the police to disclose the records to the appellant with the personal information of others severed.
Ministry of Community Safety and Correctional Services

July 27, 2015

MO-3224 – IPC orders police to provide certain records concerning the death of the appellant's son to the appellant for compassionate reasons.
Hamilton Police Services Board

July 28, 2015

PO-3514 – IPC decides Ministry waived solicitor-client privilege in a draft guideline relating to the prosecution of HIV exposure and transmission cases when it shared guideline with a third party.
Ministry of the Attorney General

August 17, 2015

MO-3230 – IPC finds no evidence of document tampering or interference by trustees but recommends school board improve processing of FOI requests.
Toronto District School Board

August 24, 2015

PHIPA Decision 15 – IPC finds no basis for complaint about the denied request for a correction, as psychologist was not acting as a “health information custodian” when completing a Custody and Access Assessment Report.

In **a recent submission** to the Minister of Community Safety and Correctional Services, the Commissioner offered recommendations on the Ministry's proposed regulations relating to police street checks. These recommendations respond directly to questions posed in the Ministry's **Ontario Proposed Regulation for Street Checks Consultation Document**, which will inform the development of the regulation.

It is not clear from existing evidence that street checks reduce crime and improve public safety. However, if they are to continue, it is critical that a province-wide governance framework be put in place to protect Ontarians' privacy and other fundamental rights. The Commissioner recommends that this framework clearly define the scope of permissible street checks, and set out rules for the collection, retention, use and disclosure of personal information gathered in the course of these checks.

The Commissioner also recommends that the regulation require police to collect **de-identified data** during street checks, and that it include a requirement for a review of the practice three years after it is passed. The de-identified information can be used by the Ministry, the police and oversight bodies to track the impact of street checks on privacy and other rights, as well as on public safety. It can also be used to facilitate evidence-based analysis, public reporting and the three-year review.



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



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