IPC
PERSPECTIVES
INFORMATION AND PRIVACY COMMISSIONER / ONTARIO

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TOM WRIGHT, COMMISSIONER

1992 – A Year of Innovation

THE OFFICE OF THE INFORMATION AND PRIVACY Commissioner has designated 1992 as our "Year of Innovation". We will be utilizing the knowledge acquired in our first four years of operation to introduce positive change. Our goal is to improve communications and where appropriate, fundamentally change appeals and compliance practices and procedures so that they work better for the public, provincial and municipal institutions, and our own staff.

One of the first areas we are reviewing is communications. Many of the problems we encounter stem from misunderstanding or

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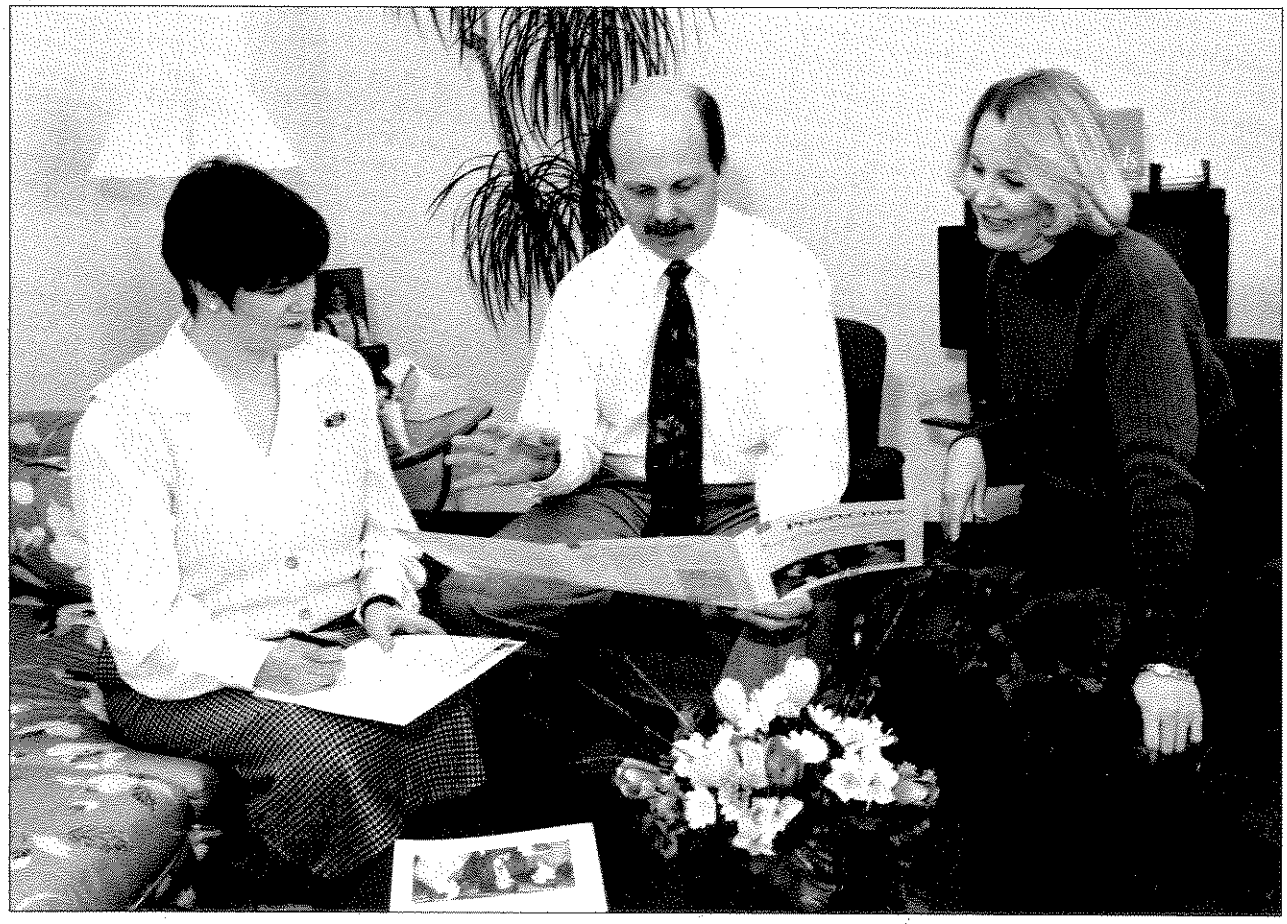

Commissioner Tom Wright with Communications Manager Sarah Jones (left) and Executive Assistant Gayle Martin (right).

With An Eye To Privacy

It is through forums such as the one provided by the Westminster Institute, that we are able to gain fuel for further discussion and debate...

ON MARCH 26, 1992 THE WESTMINSTER INSTITUTE for Ethics and Human Values invited Dr. Ann Cavoukian – Assistant Commissioner, and John Eichmanis – Manager, Strategic Planning and Policy Development, to participate in a workshop to discuss two privacy-related concerns: Genetic Testing and Privacy; and Privacy and Health Information – Practice and Research.

The significance of this workshop lies in the consideration, not only of the topics themselves, but also of its host. Established in 1979, the Westminster Institute was restructured in 1991 as a partnership among Westminster College, The University of Western Ontario, St. Joseph's Health Centre and Victoria Hospital Corporation. It is a high-profile organization whose activities consist of teaching, conducting research and providing consulting services in applied ethics. The institute is attempting to raise the profile of a number of important issues, including such privacy-related ones as genetic testing and the privacy of health information.

The IPC actively participates in as many public forums as possible. As part of its mandate, the IPC conducts research on access and privacy issues and provides advice on proposed government legislation and programs. It is through forums such as the one provided by the Westminster Institute, that we are able to gain fuel for further discussion and debate – an essential element to affecting future decisions and policies.

With respect to genetic testing, the privacy issues are profound. Genetic information can reveal highly sensitive information about an individual, which if made available to employers, could have serious and lifelong consequences. For this reason, the IPC is currently preparing several papers on various aspects of "workplace privacy" as a means of stimulating public discussion and debate. In the process, we hope to shed some light on the implications of genetic testing.

With regard to health information, we have had a number of positive discussions with the Ministry of Health. It is evident that broad legislation controlling the collection, retention, use, disclosure and security of medical information – wherever it may reside – is urgently needed. We therefore look forward to the Ministry of Health's formal consultation paper which will identify the broader confidentiality issues to be considered in the draft bill.

Privacy concerns such as those involved in genetic testing and medical information have serious implications for Ontario residents. The privacy and confidentiality concerns regarding the use of health information for research purposes must be clearly delineated.

The IPC will continue to actively participate in public forums and dialogues such as the one hosted by the Westminster Institute.

Upcoming Conferences

Access '92 – Access and Privacy in the Global Environment
APRIL 23 AND 24, 1992, OTTAWA CONGRESS CENTRE

For further information and registration, contact Riley Information Services Inc., 633 Bay Street, Suite 2207, Toronto M5G 2G4; telephone (416) 593-7352; fax (416) 593-0249.

COGEL – SEPTEMBER 23 - 25, 1992, TORONTO HILTON

The "Council on Government Ethics Laws" will feature four freedom of information related sessions during the Fall conference in Toronto. Mark your calendars and stay posted for further details!

The Municipal Team

...to date, 97 percent of the appeals under the municipal Act have been settled by mediation.

RECOGNIZING THE DIFFERENCES BETWEEN PROvincial and municipal organizations, and gearing up for an anticipated inflow of appeals following the introduction of the municipal *Act*, the IPC has developed a pilot project specifically geared to municipal appeals . As a result the Municipal Appeals Team was formed in September 1991.

Composed of five appeals officers and one supervisor, the team's primary goal is to assist municipal institutions covered by the *Act* by increasing their familiarity with the legislation. At the same time, the team is striving to hone its own skills in the municipal "field", to address issues particular to municipal institutions and to provide smoother processing for quicker results. The team believes that assisting the local institutions will enhance municipalities' service to the public.

Part of the municipal team's mandate is to determine whether processes already developed for the handling of provincial appeals are appropriate for meeting the needs of a wide range of municipal institutions – from large and small municipalities to police commissions, school boards and joint boards of management.

The team has found that, despite some initial confusion and varying degrees of familiarity with the *Act*, most institutions have a good sense of its application.

In working with a variety of municipal institutions, the team has also noted unique differences between large and small institutions. Like his or her provincial counterpart, the co-ordinator for a large municipality may have more training opportunities, as well as staff to help deal with the volume of requests. By contrast, a co-ordinator in a smaller community seldom has staff support. He or she works in close association with the "head" or decision-maker–and in many instances, serves as decision-maker as well.

Municipal requesters tend to have a closer connection with local institutions, which usually results in a shared desire to settle matters. And while there are difficulties intrinsic to municipal mediation, it appears that, on balance, the process is effective. This is supported by the fact that, to date, 97 percent of the appeals under the municipal *Act* have been settled by mediation.

By focusing on municipal appeals, the team has succeeded in establishing good working relations with many of the municipal institutions. Pleased to discover that the *Act* is working well, they plan to continue their efforts to develop new and improved strategies for dealing with the unique character of municipal appeals.

The IPC Municipal Appeals Team.

Q&A

Q & A is a regular column featuring topical questions directed to the IPC.

Q: *I have been charged a fee for accessing information. I think the fee is too high. What can I do?*

A: You can appeal to the Office of the Information and Privacy Commissioner (IPC). An appeal is the way to ask for a review of a government organization's response to your request.

Within 30 days of receiving a decision from the government organization, write a letter to the IPC. You should include:

1) a description of the situation;

2) the file number on the government organization's response letter to you;

3) a copy of the government organization's response to you;

4) a copy of your original request for information, if its available.

You will receive a letter confirming receipt of your appeal. An Appeals Officer will be assigned and he or she will contact you by letter or phone.

Three-Year Review – Highlights

A brief look at what's happened, and what's next regarding the three-year review.

ON DECEMBER 12, 1990, THE STANDING COMmittee on the Legislative Assembly met, as mandated, to begin their review of the *Freedom of Information and Protection of Privacy Act, 1987* (the *Act*). A year later, on December 11, 1991, the Committee unanimously approved the recommendations from the review and tabled its report in the House.

During the year of review, the Committee held a number of public meetings and received 61 written submissions. After a great deal of consideration the Committee presented its report encompassing 81 recommendations. Highlights of the suggested changes propose that:

• historical records from the Archives of Ontario be more readily available;

• the Ontario government should encourage private sector corporations to develop and implement voluntary privacy protection codes;

• the Commissioner be given powers to order the cessation of any inappropriate collection, use, retention or disclosure of personal information by any organization covered by the *Act*;

• a Task Force be created to examine the practice of computer matching and its associated privacy concerns within the Ontario Government;

• the *Act's* exemptions be narrowed, and the public interest override be made more workable.

What happens next? Management Board of Cabinet will study all the Committee's recommendations and will prepare a cabinet submission regarding suggested amendments to the *Act*. Once these amendments have been discussed, a bill will be introduced to the House.

Copies of the report submitted by the Standing Committee on the Legislative Assembly are available from **Publications Ontario**, 880 Bay Street, Toronto, Ontario, M7A 1N8. Telephone: (416) 326-5300.

Public Bios a Good Idea

Commissioner Wright makes a suggestion.

IN A RECENT MUNICIPAL ORDER, COMMISSIONER Tom Wright upheld a head's decision to withhold a record – a public official's resume. The decision was in accordance with the requirements of the *Act*. However, it was the Commissioner's view that members of the community are entitled to some information about the persons who represent their interests. Accordingly, he recommends the use of public biographies as a means to respond to such requests for information.

"... I encourage institutions, in keeping with the spirit of the *Act*, to prepare a brief biography of appointees to public positions on boards and commissions, and to make these biographies available to interested members of the community."

Biographies would allow interested persons access to highlights of an individuals expertise and contribution to the community as it pertains to his or her public appointment. Details of a personal nature that don't pertain to the present position should not be included.

Any institution considering public bios, should keep the content brief and to the point. A bio could include: name and position; business address; plus relevant educational and professional background. See sample.

If an institution is preparing such material, all appointees should be notified in writing that a biography will be prepared and made publicly available upon request.

SAMPLE BIO:

Jane Citizen

Jane Citizen, of Anyplace, Ont. was recently appointed to the Anyplace Advisory Committee for Parks and Recreation.

Ms. Citizen has lived in Anyplace for the past 10 years. She has considerable volunteer experience in the community, having served as a board member for several local recreational associations, as the president of the Anyplace Tennis Club, and as president of the East Anyplace Neighbourhood Association. She is also a former medal winner for Canada in speed skating at the 1968 Winter Olympics.

Ms. Citizen is President of Jane Citizen Electronics in Anyplace. She has a degree in engineering from the University of Toronto.

Public Outreach Update

THE IPC'S ONTARIO-WIDE OUTREACH PROGRAM, designed to bolster public awareness of the *Acts*, has commenced. Tom Wright, Ann Cavoukian, Tom Mitchinson and IPC staff have begun the first leg in a tour that will encompass most of the province.

The Commissioner's program begins by meeting with deputy ministers. He will then meet with heads of government organizations covered by the municipal *Act*. But the bulk of the outreach will be achieved through province-wide public speaking.

To support the Commissioner's "road show", IPC staff are stepping up participation in external speaking engagements. Aimed at provincial and local organizations, as well as the public, these sessions will provide participants with a better understanding of the *Acts*.

Anyone interested in engaging a speaker from the IPC or in obtaining further information, please contact the Communications branch.

1992 – Year of Innovation

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lack of awareness of specific procedures or practices. To address this, we are revitalizing our informational materials.

We started with this newsletter *Perspectives*. It features a clearer, easier-to-read format and suggestions by our readers, such as a question and answer column.

Shortly, two new publications will appear. *Précis* will contain concise highlights of orders and compliance investigations. *Practices* will provide helpful explanations and guidance with respect to specific IPC procedures and practices.

This year, we will also add new pamphlets to our list of publications. They will address access, privacy and the appeal process.

In all these publications, the emphasis will be on helpful, practical information that is clearly expressed and easy to read.

Our efforts to educate and inform through print publications will be enhanced by our training programs for Freedom of Information Co-ordinators. To date, our training has been developed primarily as a general orientation for provincial and then municipal co-ordinators.

As Co-ordinators have become more familiar with the legislation, they have come to us with queries which are often unique to their own area of service. In response to these queries, we are now developing training programs to meet their particular access and privacy needs, as well as their levels of understanding.

A review of our appeal process, which is a major priority, is currently underway. As of the end of December 1991, the percentage of appeals received by the Appeals Department had risen by 97 per cent over the comparable period in 1990 (from 408 to 804). Approximately 93 per cent of this growth is attributable to municipal appeals, while 4 per cent is accounted for by provincial appeals. In addition to this dramatic increase, we have also received a further 873 appeals from a single appellant.

We will be telling you more about our plans and priorities for this year in upcoming editions of *Perspectives*. In the meantime, I invite you to join with us in this year of innovation. If you have ideas as to how we can make our operations more relevant for you, please let us know. Your comments and suggestions are always welcome. ■

Tom Wright
Commissioner

Coming up next issue:

Perspectives takes a look at freedom of information and protection of privacy legislation across Canada.

Also, watch for more on the September COGEL conference.

IPC
PERSPECTIVES
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If you have any comments regarding this newsletter, wish to advise of a change of address or be added to the mailing list, contact:

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