IPC
PERSPECTIVES
INFORMATION AND PRIVACY COMMISSIONER / ONTARIO

VOLUME 2
ISSUE 2
SPRING 1993

TOM WRIGHT, COMMISSIONER

Privacy Initiatives

GOVERNMENT ORGANIZATIONS COVERED BY BOTH the provincial and municipal Acts take care to protect the personal information in their custody or control. In fact, there are many initiatives being taken in the area of privacy protection – by both government and the private sector. The IPC commends such initiatives and this issue of *Perspectives* presents a number of them for your interest.

Computer Matching

At the time of the three-year review of the provincial *Act*, the IPC recommended that a task force be created to examine the use of data matching and its associated privacy concerns.

Accordingly, the senior management committee at Management Board Secretariat is reviewing terms of reference for an initiative to develop guidelines for the computer matching of personal information.

Consumer Privacy

New privacy guidelines released by the Canadian Direct Marketing Association (CDMA) give consumers more control over the collection and use of their personal information.

Consumers already have the power to stop unwanted telephone or mail solicitations from any direct marketer that is a CDMA member.

CONTINUED ON PAGE 6

Delegates from Quebec's meeting of information and privacy commissioners take a moment to relax.

OTSC Order Sets Privacy Example

Order 5929 provides significant options for independent telephone systems customers who wish to protect their privacy through the blocking of Caller ID.

On December 2, 1992 the Ontario Telephone Service Commission (OTSC) issued Order 5929 regarding Call Management Services (CMS). The IPC believes this Order offers significant privacy options to customers of OTSC regulated phone systems.

The OTSC is a provincial regulatory body that issues orders and directions necessary for the regulation of 30 independent telephone systems in Ontario. Independent telephone systems service approximately 217,281 access lines, with their customers representing about four per cent of the population. CMS is comprised of a set of four telecommunications services including Call Trace, Call Screen, Call Return and Call Display (Caller ID).

Order 5929 provides significant options for independent telephone systems customers who wish to protect their privacy through the blocking of Caller ID. Caller ID provides for the display on specialized equipment of a caller's phone number to anyone who subscribes to the service. As this raises a number of privacy concerns, the IPC was heartened with the OTSC's stance on the issue.

In April 1992, the OTSC began proceedings to review issues relating to privacy and telecommunications. In response, the IPC made two submissions to the OTSC; the first in April 1992 addressing CMS; the second in September 1992 outlining general privacy concerns in relation to telecommunications.

Highlights of the IPC's April submission included the following recommendations:

- free per call blocking should be offered to all telephone users;
- per line blocking should be offered, free of charge, upon request for women's shelters, transition houses and victims of abuse residing outside of shelters;
- Call Return should be implemented only if the display of blocked telephone numbers is not permitted; and
- Call Trace should be universally available to all telephone users free of charge or with a minimal per activation charge.

Order 5929 incorporates all of the recommendations contained in the IPC's submission. In addition, with regard to free per line blocking of Call Display, the OTSC Order goes beyond the IPC recommendation in making this service available on request to all telephone system customers, rather than just to women's shelters and victims of abuse.

The OTSC also goes on to direct independent telephone systems under the jurisdiction of the municipal *Act* to file an opinion of a solicitor certifying compliance with the *Act* when applying for approval of tariffs for Caller ID or Call Return.

Matters relating to the IPC's second submission to the OTSC – on the topic of privacy and telecommunications – will be addressed in a subsequent order of the OTSC.

For further information contact: Paul Vlahos at the OTSC; 3625 Dufferin Street, Ste.200, Downsview, Ontario, M3K 1Z2; (416) 235-4950.

IPC Changes

Tom Mitchinson has accepted an 18-month secondment with the Ministry of the Attorney General as Executive Director for the Office of the Chief Judge of the Ontario Court of Justice (Provincial Division). During this time, Irwin Glasberg has agreed to serve as Assistant Commissioner (Access) and Ken Anderson has accepted the position of Director of Appeals. Tom, Irwin and Ken all bring extensive experience to their new appointments.

New Goal for Privacy Investigations

WITH A VIEW TO IMPROVED CUSTOMER SERVICE, the IPC's Compliance department has set a new goal. By the end of 1993, the department intends to resolve the majority of privacy complaints within four months. The following changes to the investigation process have been initiated to meet this goal.

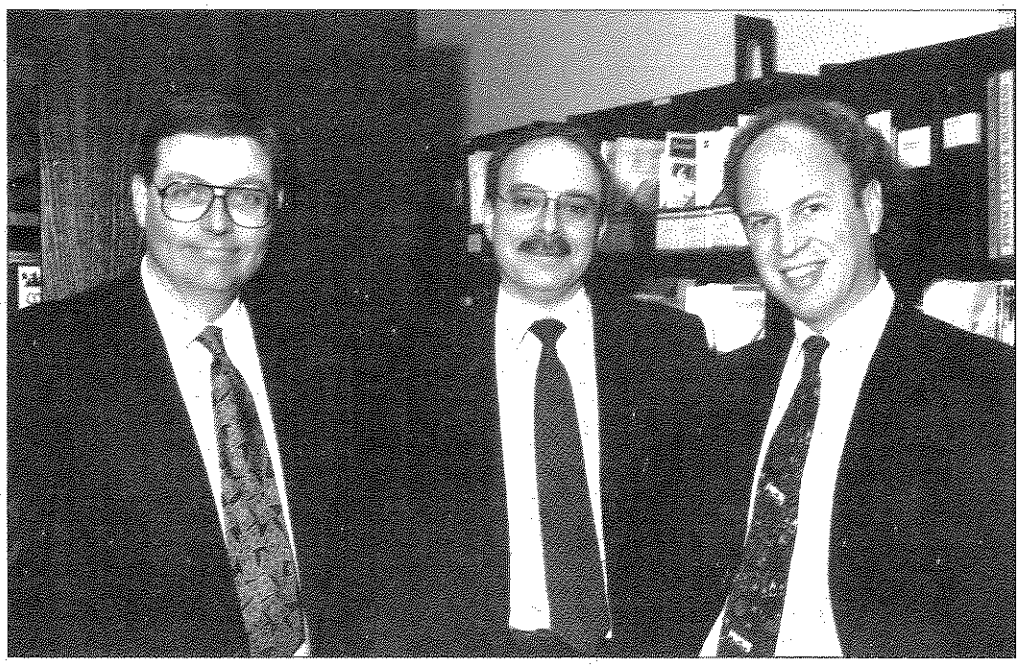
• Where the IPC has enough information, a new "Notice and Request for Information" letter will request the organization to respond to specific questions at the initial stage of the investigation. Otherwise, the initial compliance notice will inform the government organization of a privacy complaint, and will also include as many details as possible about the complaint, to enable the organization to look into the matter right away.

• Where possible, investigators will try to resolve complaints to the mutual satisfaction of the complainant and the government organization, through early discussion and negotiation, rather than through the formal investigation process.

• When complainants and government organizations are asked to respond to a Compliance Investigator's inquiries, they will always be given a response date. If no response is received by that date, the investigator will proceed with the investigation in order to keep the investigation progressing at a steady pace.

• Where an investigation is conducted, all parties will be given the opportunity to note any factual errors or omissions in the draft investigation report by a set date. It will no longer be necessary to comment on the entire report, only errors or omissions. If no response is received by the date provided, a final report will be issued.

IPC efforts to streamline and simplify investigation reports will continue on an ongoing basis, as will efforts to improve service to the public.



Smooth transition at the IPC. From left to right: Ken Anderson, Irwin Glasberg and Tom Mitchinson.

Q&A

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

Q: I read summaries of orders in IPC Précis, *but currently need to read a complete order. How can I get a full-text order ?*

A: Publications Ontario distributes all full-text orders. They have enhanced their distribution service as follows:

- If you have an urgent request, Publications Ontario will arrange to have an order sent by courier at your expense. You will receive the order within two working days.
- Regular requests for individual orders will be mailed out within 10 working days.
- Publications Ontario makes subscriptions of all orders available at an annual cost of $250 plus GST. At the end of each month they will mail subscribers all the orders issued that month.

If you have any further questions about the distribution of IPC orders, please contact Julie Andradi at Publications Ontario in Toronto. You may call (416) 326-5312 or 1-800-668-9938. Personal shopping can be done at the Publications Ontario Bookstore, 880 Bay Street, Toronto, Ontario, M7A 1N8.

Spring Noticeboard

FYI - In February, Paul-André Comeau of the Quebec Access to Information Commission hosted the third meeting of information and privacy commissioners. Key issues in access and privacy were discussed by commissioners and representatives from Saskatchewan, Ontario and Quebec. Other delegates included the federal Information and Privacy Commissioners as well as an official from the Alberta government.

* * *

The IPC recently distributed revised guidelines on the use of Caller ID. If you would like a copy of "Caller ID Guidelines" contact the IPC Communications department at (416) 326-3333 or 1-800-387-0073.

* * *

Many applications of smart card technology involve the collection, retention, use and disclosure of personal information.

Accordingly, the IPC is working on a "smart card" background paper that will discuss the technology, its various applications and privacy concerns. The paper will be available later this year.

* * *

Thanks to everyone who helped make the 1992 fall workshop "Access & Privacy: Making It Work" a success. To ensure the next workshop will be as productive, share your ideas with Gayle Martin at the Office of the Information and Privacy Commissioner, 80 Bloor Street West, Suite 1700, Toronto M5S 2V1; (416) 326-3333, or 1-800-387-0073.

* * *

Pathways for Services in the Electronic Village
June 14 and 15, 1993 - Ottawa Congress Centre

For further information on this two day conference, contact Riley Information Services Inc., 633 Bay Street, Suite 2207, Toronto, M5G 2G4; telephone (416) 593-7352; facsimile (416) 593-0249.

Jones Report in B.C.

An update on freedom of information and protection of privacy in B.C.

ON FEBRUARY 1, MLA BARRY JONES RELEASED a report calling for the extension of freedom of information and privacy legislation in British Columbia to cover public sector bodies outside the provincial government.

Jones, a member of the B.C. Cabinet-Caucus Committee on Information and Privacy, was asked last September to prepare a report for the committee.

The report recommends that B.C. extend freedom of information and privacy legislation to include local bodies plus specific professional organizations. This would include municipalities, school boards, hospital boards, police boards, universities, colleges and self-governing professional bodies such as the Law Society of British Columbia and the College of Physicians and Surgeons.

The report contains more than 40 recommendations, including one that suggests individuals should have a legislated right of access to their own health care records, including records held by hospitals or in doctors' offices.

The B.C. Cabinet-Caucus Committee on Information and Privacy is considering the Jones report. The Committee intends to recommend legislation during the Spring 1993 session.

Quebec's Bill 68

Extension of data protection to the private sector.

QUEBEC HAS TAKEN A GIANT STEP FORWARD IN the area of privacy protection. As of December 16, 1992, the province became the first jurisdiction in North America to propose the extension of data protection to the private sector.

The object of the Bill is to ensure respect for the confidentiality of personal information held by a person operating a business in Quebec. Where Quebec's new *Civil Code* set out rights for the protection of personal information, Bill 68 establishes rules for the exercise of these rights.

For example, Article 35 of the *Civil Code* provides an individual with "a right to the respect of his reputation and privacy". Bill 68 regulates how and when personal information can be collected, held, used or disclosed in the course of running a business in Quebec.

The Bill also provides legal recourse for individuals who feel their privacy has been compromised by a business; and it sets out penalties for failure to observe the provisions of the Bill.

If an individual has a complaint regarding how his or her personal information was handled, he or she may complain to *la Commission d'accès à l'information* (the Commission). The Commission can make any order it considers appropriate to protect the rights of all concerned.

Privacy Initiatives
CONTINUED FROM
PAGE 1

This option will be extended by privacy provisions of the CDMA's new privacy code. The association's new code gives people the right to purchase from a direct marketer without having information about that transaction shared with another marketer. To stop the transfer of information, all consumers will have to do is check the appropriate box on material received from CDMA members.

The CDMA's privacy code ensures:

- the right to have one's name removed from individual company marketing lists.
- the right to have one's name removed from marketing lists before those lists are transferred to other marketers.
- the right to correct one's own personal information.

The Canadian Direct Marketing Association is a national, non-profit association. For further information, contact Scott McClellan at the CDMA; 1 Concorde Gate, Suite 607, Don Mills, Ontario M3C 3N6; (416) 391-2362.

Cellular Telephones

Many cellular telephone users think they are getting the same level of privacy as they would on their regular telephones. However, as cellular telephones work on radio waves, calls can be easily listened to or taped. The federal government has attempted to protect cellular telephone users by introducing a number of legislative amendments to the Criminal Code that will enhance communications privacy over radio-based (cellular) telephone services by:

- deeming an encrypted cellular telephone call to be private;
- prohibiting the interception of cellular telephone calls for malicious gain; and
- prohibiting the disclosure or other use of information obtained from the interception of communications between any remote unit primarily used for radio-based telephone communications and a base station.

For further information on the federal amendments introduced in December 1992, contact Fred Bobiasz, Criminal Law - Policy Section, Department of Justice, Justice Building, Ottawa K1A 0H8; (613) 957-4733.

Privacy Survey

Equifax Canada, has recently completed the first Canadian survey on consumers' attitudes on privacy entitled "The Equifax Canada Report on Consumers and Privacy in the Information Age". The survey was commissioned by Equifax Canada to obtain an objective appreciation of the views held by Canadian consumers and business leaders on some of the most prominent issues relating to use of consumer services and issues of personal privacy in Canada today. Some of the survey's most significant findings indicate that a majority of Canadians are:

- concerned about threats to their personal privacy;
- concerned about the accuracy of personal information that may be collected and disseminated; and
- unfamiliar with how the information industry operates.

Equifax Canada provides credit-related information to financial organizations. For more information, contact Equifax Canada Inc., 7171 Jean Talon St. East, Ville D'Anjou, Quebec, H1M 3N2; (514) 493-2470 ■

IPC
PERSPECTIVES
is published by the **Office of the Information and Privacy Commissioner.**

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

Communications Branch
Information and Privacy Commissioner/Ontario
80 Bloor Street West, Suite 1700
Toronto, Ontario M5S 2V1
Telephone: (416) 326-3333 • 1-800-387-0073
Facsimile: (416) 325-9195

Cette publication est également disponible en français.

55% recycled paper, including 10% post-consumer fiber

ISSN 1188-2999