IPC
PERSPECTIVES
INFORMATION AND PRIVACY COMMISSIONER / ONTARIO

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TOM WRIGHT, COMMISSIONER

New Attitudes & Expectations

"THE PEOPLE OF ONTARIO HAVE NEW attitudes and expectations – for privacy protection, information access and cost effectiveness". So advised Tom Wright, Ontario's Information and Privacy Commissioner at the annual access and privacy workshop held in Toronto on October 25 and 26, 1993.

"The purpose of this workshop is to help turn these new expectations into realities", said Mr. Wright.

Jointly sponsored by the Office of the Information and Privacy Commissioner/ Ontario; Freedom of Information and Privacy Branch, Management Board Secretariat; and the Association of Municipal Clerks and Treasurers of Ontario, the workshop offered an opportunity for over 200 participants to discuss access and privacy interests.

During his keynote address, Commissioner Wright considered the evidence of growing public concern over privacy issues.

"A year ago Ekos Research Associates Inc. conducted a comprehensive national privacy survey on behalf of several federal agencies

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Idea-sharing at Workshop '93. From left to right: Laura Bradbury, Chair, Social Assistance Review Board; Margaret Rodrigues, Commissioner of Corporate Services, City of Mississauga; Michele Noble, Deputy Solicitor General and Deputy Minister of Correctional Services, Ministry of Solicitor General and Correctional Services; and Tom Wright, Information and Privacy Commissioner/ Ontario.

Tom Wright Comments

"HEALTH CARE INFORMATION IS PROBABLY THE most sensitive kind of information that can be collected about an individual. Inappropriate release of such information can have devastating consequences to the person involved".

With this in mind, Commissioner Tom Wright recently addressed both the Standing Committee on Public Accounts, and the Standing Committee on Administration of Justice.

To the Standing Committee on Public Accounts, Commissioner Wright stressed the need for legislation concerning the gathering and managing of personal health information. The Commissioner placed the onus directly on government to protect the privacy of individuals. He recommended the Standing Committees be part of the solution:

"Any system that relies on accurate and up-to-date personal information in order to function effectively must take the principles in the *Code* [of fair information practices] into consideration at the earliest possible stage – at the beginning, when the system is being designed".

To the Standing Committee on Administration of Justice, Commissioner Wright addressed his particular concerns about Bill 89.

Bill 89 would allow emergency-care givers access, upon request, to personal health information about the individuals they assist. Unfortunately, the Bill does not require emergency-care givers to maintain confidentiality of any information they receive. The Commissioner indicated that this potential for privacy invasion must be addressed by the Standing Committee.

Commissioner Wright submitted that "... confidentiality can best be maintained if the disclosure of sensitive health information proposed in Bill 89 does not take place". He also indicated that the Office of the Information and Privacy Commissioner has, for some time, been calling for legislation relating to personal information contained in medical records.

Tom Wright left the Standing Committees with one main message – government legislation must support the privacy rights of all Ontario individuals.

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

Q&A

Q: *Can I get a list of the free IPC publications available to the public?*

A: Yes! While you are probably familiar with *IPC Perspectives* and *IPC Précis*, there are a number of other publications you might find very helpful. They include: brochures and pocket guides, as well as background and policy papers.

For your information, we are enclosing a complete list of free IPC publications in January's mailing package. If you need further assistance, please contact Jennifer in the IPC Communications department in Toronto at (416) 326-3952 or 1-800-387-0073.

Q: *Do I need to make a formal request under the* Freedom of Information and Protection of Privacy Act (*the* Act) *to access court transcripts?*

A: No. It is not necessary to make a request under the *Act*. Simply contact the Court Reporter/Court House where the proceeding was held and give the date and room in which the hearing took place.

Winter Noticeboard

Access made easier!
We are making it easier to find out about your access and privacy rights. The IPC has just installed a text telephone, or TTY (also known as TDD), so that deaf and hard of hearing people can communicate directly with our office.

The TTY allows for two-way conversations between callers. Words are not spoken but flash across screens at either end of the telephone line. In this way, we hope to make it easier for our deaf and hard of hearing customers to reach us.

TTY users can call us at 416-325-7539.

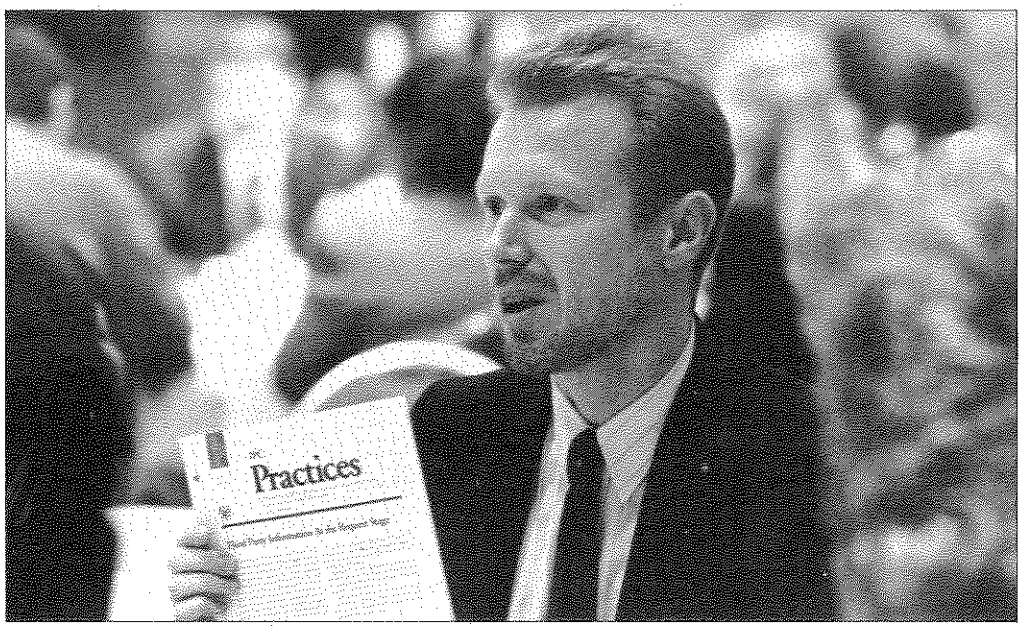
Workplace Privacy
"Unchecked technological development is becoming a major threat to personal privacy in the workplace. Today, through electronic monitoring, drug and genetic testing and the perusing of non-work related personnel records, employers can probe more deeply into their staff's off-the-job activities and this can have devastating consequences for employees". So warns Information and Privacy Commissioner Tom Wright, in a recently released report called *Workplace Privacy: The Need for a Safety-Net.*

A copy of the report, also available in French, can be obtained through the IPC Communications department. Simply contact Jennifer in Toronto at 416-326-3952 or 1-800-387-0073.

Three-Year Review of the Municipal *Act*
Has it been three years, already? Yes, the *Municipal Freedom of Information and Protection of Privacy Act* (the municipal *Act*) came into effect January 1, 1991, and it's now time to start the process known as "the three-year review".

The Standing Committee on the Legislative Assembly is undertaking this review of the municipal *Act.* Once the study is complete, the Standing Committee will make recommendations to the Legislative Assembly regarding amendments to the municipal legislation.

If you want any further information, please contact: Lisa Freedman, Clerk of the Committee; Room 1405, Whitney Block, Queen's Park, Toronto, Ontario M7A 1A2; telephone 416-325-3528.



IPC Appeals Supervisor John Higgins leads round table discussion,"Developing FOIP Policies".

1993 - The Year in Review

The following are some of the main events of 1993, as they relate to freedom of information and protection of privacy.

JANUARY
The IPC releases updated "Guidelines on the use of Verbatim Reporters at Administrative Hearings".

JANUARY 19
The Canadian Direct Marketing Association releases privacy guidelines to give consumers more control over the collection and use of their personal information.

JANUARY 19
Equifax Canada releases the first Canadian survey on consumers' attitudes to privacy entitled: "The Equifax Canada Report on Consumers and Privacy in the Information Age".

JANUARY 21
The IPC releases "Caller ID Guidelines".

FEBRUARY
Quebec hosts the third annual meeting of information and privacy commissioners.

FEBRUARY 1
The Jones Report is released in British Columbia. It recommends B.C.'s freedom of information and privacy legislation extend to public sector bodies outside the provincial government.

APRIL
The IPC releases a comprehensive paper on "smart cards".

APRIL 26
The Alberta government introduces Bill 1, the province's first access to information legislation.

MAY 26
Commissioner Tom Wright discusses recent trends and developments in the area of freedom of information and protection of privacy at a seminar held by the Canadian Bar Association - Ontario.

JUNE 15
The IPC tables its 1992 Annual Report.

JUNE 15
The National Assembly in Quebec passes Bill 68, the *Act Respecting the Protection of Personal Information in the Private Sector.*

JULY 13
David Flaherty is appointed British Columbia's first information and privacy Commissioner.

SEPTEMBER
Full text compliance investigation reports issued on or after June 1, 1993 become available to the public through Publications Ontario.

SEPTEMBER 14
Commissioner Tom Wright addresses the Standing Committee on Public Accounts about the gathering and management of personal health information.

OCTOBER
The IPC introduces *Directory to Précis,* a new publication that catalogues orders and compliance investigations that have been highlighted in *IPC Précis.*

OCTOBER 4
British Columbia's *Freedom of Information and Protection of Privacy Act* comes into effect covering all provincial government ministries and over 200 agencies, boards and commissions.

OCTOBER 26
Commissioner Tom Wright addresses the Standing Committee on Administration of Justice about the privacy implications of Bill

1993 In Review

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89 for persons with reportable diseases or an agent of a communicable disease.

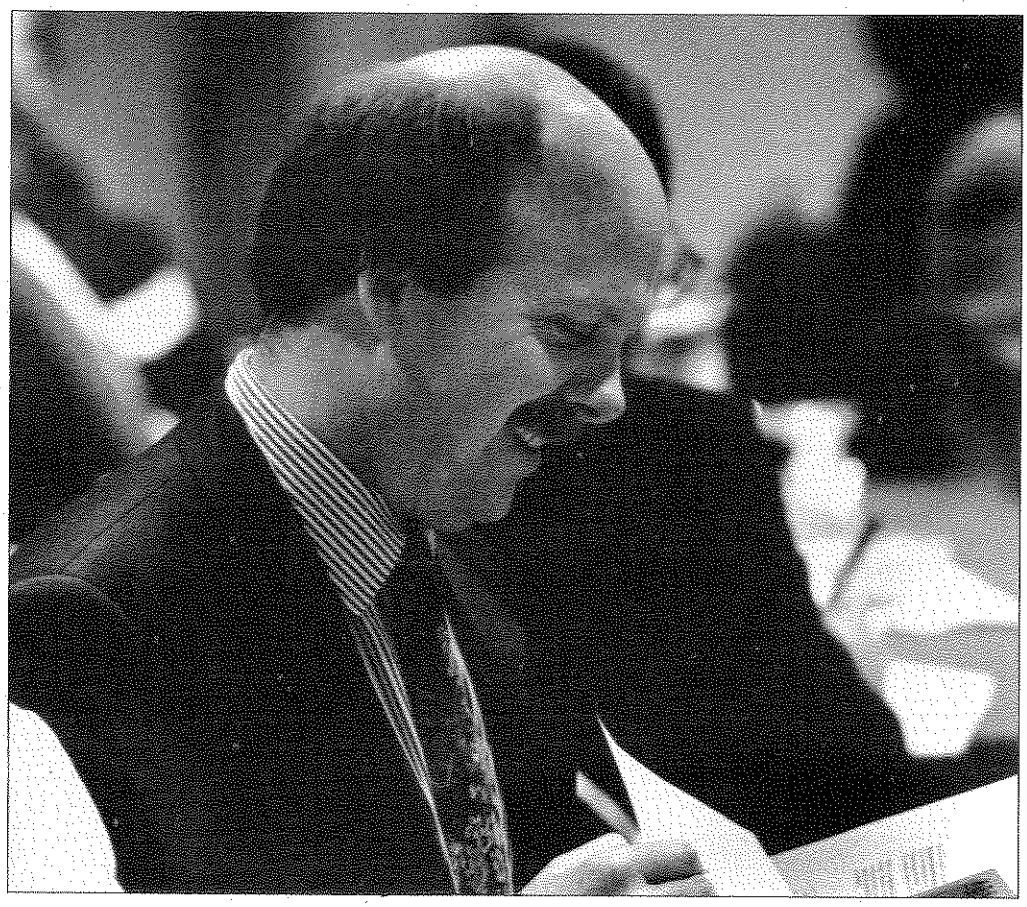
OCTOBER 26
Commissioner Wright gives the keynote address at the workshop "Access and Privacy: New Attitudes and Expectations".

NOVEMBER
The IPC makes a submission to the Canadian Radio Telecommunications Commission (CRTC) on Automatic Dialling - Announcing Devices.

NOVEMBER 1
The IPC releases "Workplace Privacy: The Need for a Safety-Net".

DECEMBER
The IPC makes a submission to the CRTC on the Caller ID Name Option.

DECEMBER
Commissioner Wright addresses privacy concerns regarding Bill 47 (photo radar) to the Standing Committee on General Government.



Commissioner Wright prepares for his keynote address at the fall access and privacy workshop.

New Attitudes & Expectations

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and private organizations.... The Ekos survey revealed a hierarchy of concern – from nuisance to fear. Individuals seem quite capable of handling what they perceive as nuisances – like junk mail or telemarketing calls. But more serious covert practices give rise to fears – fears sometimes based on lack of understanding of exactly what technology can actually do....

According to the Ekos findings, Canadians believe personal privacy is under siege and they want something done about it. While there is no consensus on what should be done, people definitely seek a greater sense of control".

The Commissioner went on to identify another expectation – the public insistence on government efficiency and cost restraint.

"All of us in the public sector must operate within a framework of fiscal responsibility....

To balance access to information with fiscal constraint, a promising solution is routine disclosure. Instead of waiting for people to extract information through the formal access process – including official requests, mediation, appeals and even court cases – why not automatically release items which are clearly in demand?...

I imagine most organizations ... could think of various administrative and operational records that have been frequently requested and disclosed under freedom of information. These records could be released as a matter of course as part of your organization's larger customer service agenda".

Sometimes there appear to be more questions than solutions. Commissioner Wright identified an area where the public should be consulted.

"In the '90s information has become a commodity – a tradeable product that can be bought and sold....

We're hearing a lot about public expectations at this workshop, but I don't think we really know what the public expects concerning the sale of government information. People definitely feel privacy is under attack on many fronts. On the other hand, the emerging entrepreneurial spirit in the public sector seems to enjoy strong support.

As is so often the case in the information and privacy field, it is a question of balancing competing values – in this case non-tax revenue versus access and privacy. In my opinion, we need a public consultation process to arrive at a consensus on how the complex questions arising from tradeable data should be answered".

The Commissioner summarized the road ahead for access and privacy professionals and issued a challenge.

"As we go about our work, let us keep in mind that government is the custodian, not the owner, of the information it collects. Between government which gathers information and the citizens who provide it, there exists a virtual trust relationship concerning the data held.

Access and privacy are intrinsic features of government in a democratic society. The challenge for all of us is to continue to earn the confidence of the public by responding to new attitudes and expectations – that government data will be highly accessible while personal privacy is closely guarded".

A copy of Tom Wright's keynote address from *Access & Privacy: New Attitudes & Expectations* is available from the IPC Communications department.

Coming-up next issue:

Routine disclosure: working together! Find out details about the latest joint project between the Office of the Information and Privacy Commissioner and Management Board Secretariat.

IPC
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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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