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RD/AD – in action

BOTH THE PUBLIC AND GOVERNMENT CAN benefit from RD/AD. Routine disclosure (RD) and active dissemination (AD) of information promote more efficiency and more openness in government. They can eliminate red tape and reduce spending, as well as enhance service to the public.

Routine disclosure does this when a request for a general record can be granted routinely either inside or outside the FOI process. Active dissemination occurs when information or records are systematically released by an organization. There is no waiting for a special request; just a pre-planned periodic availability of the information.

Cost effectiveness is the name of the game these days. Especially in terms of government spending. This is why routine disclosure and active dissemination of government information is being encouraged in Ontario. The public is better-served and government can meet the public's growing demand for more and more information in a cost-effective manner.

CONTINUED ON PAGE 6

Voice mail can be an effective communications tool. However, it's not as private as we'd like to think. See article, page 2.

Voice mail: who's listening?

Voice mail isn't as private as we'd like to think ...

EVER TRY TO CALL SOMEONE, ONLY TO BE PUT on hold by a well-meaning but over-worked receptionist? Ever get tired of playing telephone tag? Most of us have. That's why voice mail has become so popular. We can leave longer, more complex or even more personal messages than we might with a receptionist. With voice mail, far less time is wasted on hold, returning calls, paging or talking on the phone.

So, what's the hitch? Voice mail isn't as private as we'd like to think. It can be monitored by third parties at any time of the day or night. Also, our messages can be tampered with or forwarded to any number of people. All this, without us ever knowing.

Voice mail can be an effective communications tool. However, it is important for voice mail users to be aware of the privacy implications inherent in such systems and for organizations to have policies and procedures to ensure privacy and confidentiality. With this in mind, the Information and Privacy Commissioner has developed a set of privacy protection principles for organizations to consider when designing and using voice mail systems.

Voice mail systems vary both in terms of types of technology and how they are used. Therefore, it isn't possible to develop one set of guidelines that would be applicable to all organizations. These principles are intended to provide a framework for developing and implementing specific privacy protection policies for the use of voice mail in an organization.

An organization's voice mail guidelines should be based on fundamental privacy principles, including:

- The privacy of voice mail users should be respected and protected;
- Employees should receive proper education and training regarding voice mail and the security/privacy issues surrounding its use;
- Each organization should create an explicit policy which addresses the privacy of voice mail users; and
- Voice mail systems should not be used for the purposes of collecting, using, retaining and disclosing personal information, without adequate safeguards to protect privacy.

Voice mail can be an effective tool to ease communication and the exchange of information, both within organizations, and between organizations and the outside world. But without policies and procedures to protect privacy and confidentiality, the advantages of voice mail may come at a very high price. A commitment to protecting voice mail privacy and confidentiality may not only promote effective communication, but enhance the work environment by letting individuals know that their rights in the workplace are considered to be important enough to warrant protection. In addition, implementation of a policy will help to protect the privacy of individuals whose personal information is collected via voice mail.

For further information, please see the IPC's paper *Privacy Protection Principles for Voice Mail Systems.* You can request a copy from the IPC Communications department at (416) 326-3952 or 1-800-387-0073.

RD/AD in action — we want to hear from you!

We want to hear your access-related stories. How do you promote easier access to government information in your organization? Have a great access-related policy? We want to hear about it.

Contact Carol Markusoff , in the IPC Policy department, 80 Bloor Street West, Toronto, M5S 2V1; telephone (416) 325-9172 or 1-800-387-0073.

Data Sharing Survey

Data sharing involves information that has been collected indirectly ...

SHARING PERSONAL DATA BETWEEN TWO organizations runs counter to two of the most fundamental principles of data protection — that personal information should only be collected directly from the individual to whom it pertains and should only be used for the purpose for which it was collected.

Data sharing respects neither of these principles. Data sharing involves information that has been collected indirectly, and used for a purpose which may not have been intended at the time of the original collection. This may lead to the loss of an individual's control over his or her own personal information.

Given the privacy implications of the issue, the Information and Privacy Commissioner recently initiated a study into data sharing within the Ontario government. Aware that data sharing was taking place, yet not knowing its extent, the IPC decided to conduct some research.

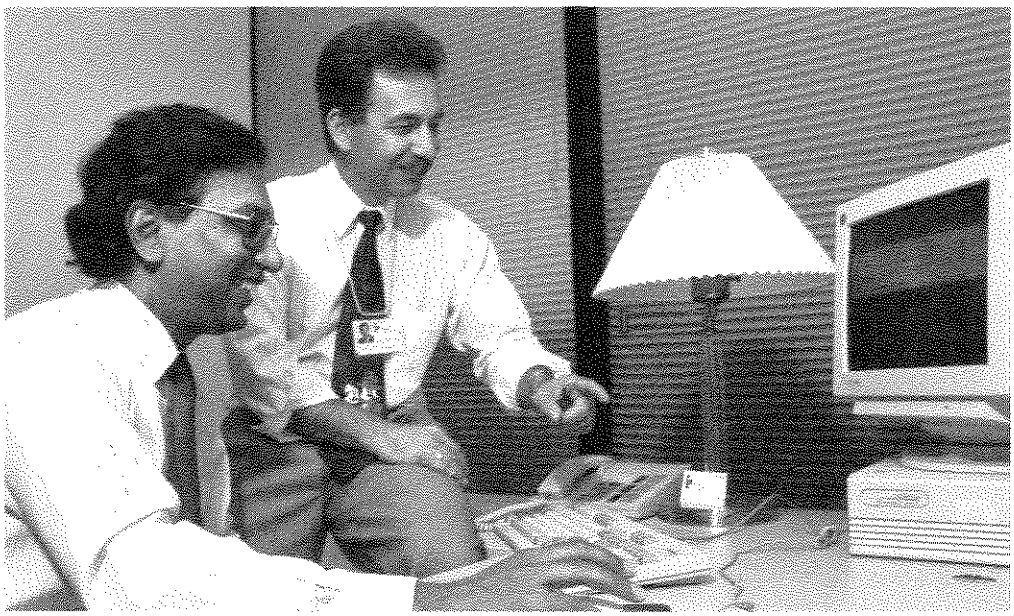
Last fall, surveys were sent to a sample of provincial ministries, agencies and boards designated as institutions under the *Freedom of Information and Protection of Privacy Act* (the *Act*). The responses of the 62 per cent who completed the survey were analysed and a number of findings and recommendations were made.

One significant finding showed that while the majority of organizations indicated that they had written agreements to support their data sharing activities, most of these organizations did not provide samples of these documents to the IPC.

Written data sharing agreements are vital. Not only do they clarify the rights and obligations of all parties, they also help to ensure compliance with the privacy provisions of the *Act*. With this in mind, the IPC developed a second phase to the data sharing study.

When complete, Phase II of the IPC study will present a model data sharing agreement and set out guidelines for provincial and municipal organizations to consider when planning to share data with other organizations.

For more information, or for a copy of the *IPC Survey on Data Sharing in the Ontario Government*, contact the IPC Communications department at (416)326-3952 or 1-800-387- 0073. Phase II of the IPC study into data sharing will be complete by the end of the year.



Noel Muttupulle and Nick Magistrale discuss findings from the IPC's Data Sharing Survey.

Summaries of Policy Papers Available

SUBSTANTIAL MEDIA COVERAGE HAS PROMPTED public demand for IPC policy papers. The papers which highlight access and privacy issues, both within and outside the jurisdiction of the *Acts*, answer many of the public's questions and play an important role in public education.

Pleased with the public interest, yet anxious to keep costs down, the IPC is introducing a new series of *IPC Practices* which summarize policy papers. Until now, *Practices* have focused on procedural advice on appeal and compliance issues. The new one- to two-page publications are written in plain language and are available to anyone interested in a particular subject. The following *Practices* are available from the IPC Communications department:

- Privacy and E-Mail
- Privacy and Call Display
- A Consumer's Guide to Privacy in the Market Place
- Routine Disclosure/Active Dissemination of Government Information
- Privacy Tips for Businesses

Q&A

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

Q: *I keep receiving junk mail. How did they get my name and how do I stop getting this unwanted mail?*

A: If you are receiving "junk mail", you've probably been placed on one or more mailing or telemarketing lists. Perhaps you thought nothing of providing your employer's name when applying for membership to a video or health club. When you joined a book club or added your name to a mail-order catalogue list you initiated a potential avalanche of junk mail, and provided another bit of information for a data file somewhere that might be sold or rented.

To remove your name from such lists, contact the Canadian Direct Marketing Association (CDMA) by calling (416) 391-2362 or write to:

Do Not Mail Service
c/o Canadian Direct Marketing Association
1 Concorde Gate, Suite 607
Don Mills, Ontario
M3C 3N6

This will ensure that your name will be kept off member mailing lists for up to three years. After that you should re-register. Keep in mind that only member companies of the CDMA are covered and that it takes three to four months for the removal requests to take effect.

A complaint can be made to the CDMA if your name isn't pulled.

Summaries

"Summaries" is a regular column highlighting significant orders and compliance investigations.

Order M-583

The appellant, on behalf of a taxpayers' organization, asked a Board of Education (the Board) for access to expense-related information and a copy of the Board's alpha cheque register for a specific period.

The Board provided a fee estimate for the materials. The Board was prepared to disclose the records upon payment of the fee.

The IPC upheld the Board's revised fee estimate and ordered the Board to delete any information about identifiable individuals who were involved with the Board in other than a business, professional or employment capacity.

In a postscript, Commissioner Tom Wright agreed with the appellant that taxpayers should have the right to scrutinize the employment-related expenditures of public officials. "I believe it's time for all government organizations to make expenditure-related information routinely available to the public. Such information should include the expenses incurred by senior officials for which they will be reimbursed by the organization. In my view this "routinely available" approach has equal application to all general records held by government."

I95-013M

The complainants were the parents of a Board student who had been trying to resolve a series of altercations between their child and other students. The father wrote to the Board's Director of Education, requesting a meeting, and enclosed a series of questions related to the Board's responses to the parents' concerns. The letter specifically requested that the enclosed information not be distributed without the father's permission.

The questions were subsequently disclosed to Board staff following the Director's meeting with the parents, and written answers were provided to the parents. The parents complained that the Director's actions had breached the municipal *Act*.

The IPC investigated and found that the Director and parents had left the meeting with differing views of what was to be done about the questions. However, it was found that the disclosures had been made in compliance with section 32(c), since the personal information had been obtained and disclosed for the same purpose - to bring the complainant's concerns to the attention of Board staff, and resolve the issues.

IPC decisions - quick 'n easy

EVER WONDER IF THERE'S AN EXISTING IPC decision that deals with the same issues you've been wrestling with? And if the decision exists, how do you get your hands on it?

Other than the tried-and-true methods of looking-up your topic in the IPC's *Subject Index* or Management Board's *Annotation*, there's a new way to get the information. IPC decisions can now be accessed by computer, through "QUICKLAW". The IPC database is called OIPC.

QUICKLAW, Canada's largest legal database service, now has all IPC orders as well as IPC compliance investigations from June 1, 1993. Updated weekly, the service offers software subscribers a quick and easy way to find orders, investigations, paragraphs, topics or words that may help with your research.

For further information on QUICKLAW, call QL Systems Limited at 1-800-387-0899.

RD/AD – in action

CONTINUED FROM PAGE 1

The IPC encourages government organizations to take a common sense approach towards establishing RD/AD practices. In April 1994, the IPC and Management Board Secretariat (MBS) jointly released a policy paper entitled *Routine Disclosure and Active Dissemination.* Produced in conjunction with a working group of access and privacy experts from municipal and provincial organizations, this report outlined the advantages to government-promoted RD/AD. It also made eight suggestions to assist FOIP Co-ordinators determine which records could be subject to RD/AD.

The following are among the suggestions:

- Look for trends in the type of information requested on a regular basis;
- Review any class of record that is released regularly, without exemption;
- Determine information that must be made available because of a statutory requirement. (For example, the *Assessment Act* requires that certain assessment information be made available to the public); and
- Evaluate all newly-created records to determine if they could be subject to RD/AD.

This year, the IPC and MBS are once again working on another joint RD/AD project. This time the focus is on making RD/AD more of a daily practice in government organizations. With the help of a working group composed of Co-ordinators and record managers, we've talked to organizations and found some excellent examples of how RD/AD is working across Ontario. By next spring, we hope to share some of these real-life testimonials!

After all, why re-create the wheel? If another ministry or municipal government organization has already developed a good access-related strategy, why not borrow some ideas for use in your own organization? Ultimately, and in the spirit of the *Acts*, unless there is a statutory requirement or reason not to release the documentation, RD/AD of general records should become the norm.

If you'd like to share an access story of your own, or if you'd like a copy of the paper *Routine Disclosure and Active Dissemination*, please contact the IPC Communications department at: (416) 326-3952 or 1-800-387-0073.

Coming up next issue:

The spring issue of *IPC Perspectives* will feature highlights from the fall access and privacy workshop. Also, watch for an update on the first public inquiry held under Ontario's access and privacy legislation. Details will be made available on the hearing and ruling.

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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