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IPC PERSPECTIVES

INFORMATION AND PRIVACY COMMISSIONER / ONTARIO

ANN CAVOUKIAN, Ph.D., COMMISSIONER

To reach more Ontarians, IPC adds electronic delivery

THE INFORMATION AND PRIVACY COMMISSIONER/Ontario, in order to reach more Ontarians, has added an electronic delivery option.

This edition of *IPC Perspectives* is the first IPC publication being delivered in two formats, print and electronic. The

last edition of *Perspectives* (Fall 1998) included an insert on how you could be added to the IPC's new electronic mailing list.

The IPC has also been contacting various individuals and offices and a number of these have also selected elec-

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Commissioner Ann Cavoukian with Brian Beamish, the IPC's new Director of Policy and Compliance, and Larry Hebb (right), Chairperson of the Canadian Centre for Ethics and Corporate Policy, prior to the Commissioner's February speech on privacy and e-commerce during the CCECP's spring luncheon series.



New numbering system

LATE IN 1998, THE IPC'S TRIBUNAL SERVICES Department introduced a new numbering system to help clients and IPC staff quickly identify orders, appeals, and complaints.

Here's how the new system works. Depending on the circumstances, the new number is composed of either two or three parts, separated by hyphens. The two-part numbers include a prefix and a number (e.g., MO-11018). The three-part numbers include a prefix-number-suffix (e.g., PO-15456-I).

The prefix indicates both:

- the jurisdiction (Provincial or Municipal);

- the type (Appeal, Complaint or Order).

The number is a unique identifying number for this particular item.

Some orders will have a suffix which indicates the order is one of the following:

- an Interim order;
- a Final order;
- a Reconsideration order.

The two examples cited are a municipal order and an interim provincial order, respectively.

To reach more Ontarians, IPC adds electronic delivery

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tronic delivery. As well as receiving new publications faster, individuals on the electronic delivery list will find it much easier to pass copies along within or outside the office.

The IPC publishes between 10 and 20 papers and reports each year, from the Annual Report to *Perspectives* (a twice-a-year newsletter) to policy papers to a new publication series called *If you wanted to know...* (for more on this new series, see page 3).

Subscribers to the electronic mailing list will receive IPC publications in PDF (portable document format), a format that is widely used. These files can be read and printed using Adobe Acrobat Reader software — free versions of which are available for all major plat-

forms (including Windows and Macintosh). The software can be downloaded directly from Adobe at: <http://www.adobe.com/prodindex/acrobat/readstep.html>.

If you would like to be moved from our regular mailing list to our electronic list, simply e-mail the following information to publicat@ipc.on.ca:

Your name
Organization
Mailing address
E-mail address

If you have any questions or comments about electronic delivery, please contact the IPC's Communications Department at (416) 326-3333, or 1-800-387-0073.

IPC creates new series

THE INFORMATION AND PRIVACY COMMISSIONER/Ontario has launched a new series of publications, entitled *If you wanted to know...*, that focuses on contemporary issues that people are asking a lot of questions about, many of them related to the Internet. Three papers have been released since the series was launched several months ago. These include:

- **How to Fight Spam.** Spam is unsolicited commercial e-mail, some of which is connected to elaborate cons or X-rated services. Depending on who in the family gets to the computer first, this unsolicited e-mail may be read by children. The IPC paper briefly outlines the problem, then cites practical steps that can be taken to reduce the flow of spam.

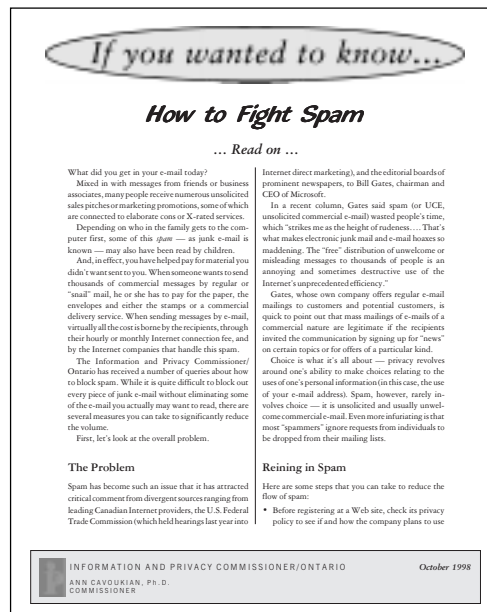
- **What to do about Cookies.** A cookie is a small text file used as an information-gathering software tool. A cookie is planted and stored on your computer's hard drive by a Web site when you first visit. The cookie lies dormant until you visit that particular Web site again — when the contents of the cookie (including where you went on that site during your previous visit) are passed from your computer to the Web page's server. The paper explains how you can reduce

the number of electronic tracks you leave behind you on the Web.

- **Why Web sites need Privacy Policies.** Recent polls show that the public is apprehensive about how the personal information that many Web sites collect from visitors will ultimately be used. The paper explains how a prominently posted privacy policy can benefit both the organization/company that created the site and potential visitors — a number of which are more likely to enter sites when they know how their personal information will be used. The paper leads organizations/companies through a review of what type of personal information they currently collect (or are considering collecting on a new Web site) — and whether all of this information really needs to be collected — and explains how to build a privacy policy.

All three publications are posted on the IPC's Web site (www.ipc.on.ca). Go to the second page of the Web site, click on *Access and Privacy Matters*, then on *If you wanted to know...*

If you do not have access to the Web and would like a printed copy of one or more these publications, just call the Communications Department at: (416) 326-3333 or 1-800-387-0073.



IPC launching school program

THE ONTARIO INFORMATION AND PRIVACY Commissioner has a very active Outreach program to help increase public understanding of issues related to two of the key rights every Ontarian has: access to government information and protection of personal privacy.

The Tribunal Services Department of the IPC has recently been focusing on one particular segment of the Outreach program, targeting elementary and high school students. The Schools Education Program is currently in the final design stages, and will be piloted in various classrooms later this spring.

The program, *Ask an Expert*, is aimed at Grades 5 and 10. These two grades were carefully chosen because this is when the concepts of government and civics are introduced in the classroom. We feel it is important that children begin to learn about the values of open government and privacy protection in the context of other related and relevant studies.

With considerable help from curriculum specialists and classroom teachers, we have developed teachers kits, which

will help teachers prepare classes before an IPC speaker arrives. The kits also include follow-up exercises that can be used to reinforce our key messages. The presentations by Tribunal Services Department staff are designed to be interactive, and our goal is to leave children with a basic understanding of why personal privacy and open government are important to both themselves and to society.

We feel strongly that if these important concepts are introduced at an early and appropriate stage in a child's education, they will be instilled for life. As children mature, we hope that the basic values they have learned in the "Schools Education Program" will become increasingly more relevant and important.

The IPC will fine-tune *Ask an Expert* over the spring and summer months, and expand it more fully during the 1999-2000 school year.

If you would like more information on *Ask an Expert*, please contact the IPC's Communications Department at (416) 326-3333 or 1-800-387-0073.

Subject Index format changed

TO MAKE THE *SUBJECT INDEX* EVEN MORE useful, the IPC is replacing the twice-a-year printed version with a weekly update that will be posted to the IPC's Web site.

The *Subject Index* being mailed with this edition of *Perspectives* is the final copy that is being mailed out en masse. The weekly updates will start in May.

Each week, the electronic listing on the IPC's Web site (www.ipc.on.ca) will be updated.

Throughout the year, anyone who does not have access to the Web but would like the latest version of the *Subject Index* just has to call the IPC's Communications Department at (416) 326-3333. The latest available edition will be printed and mailed to you.

Summaries

“Summaries” is a regular column highlighting significant orders and privacy investigations.

R-9800015

In this order, the IPC reconsidered its Order P-1538.

The appeal stemmed from a decision of the Ministry of the Attorney General to grant partial access to correspondence received by the Ministry from several organizations requesting that the Ministry take action against the activities of the organization represented by the appellant. The correspondence, and the subsequent internal Ministry responses, contain the names and titles of the individuals who wrote the letters on behalf of each organization, the dates of each letter, and the business address, telephone, and facsimile numbers for each organization.

After an extensive review of past orders, court decisions and related federal legislation, the IPC found that the names of the individuals who wrote the letters relate to them only in their capacities as officials with the organizations which employ them. The IPC concluded that their involvement in the issues addressed in the correspondence with the Ministry is not personal to them but, rather, relates to their employment or association with the organizations whose interests they are representing.

The IPC found that this information is not personal in nature but may be

more appropriately described as being related to the employment or professional responsibilities of each of the individuals who are identified therein. Essentially, the information is not **about** these individuals and, therefore, does not qualify as their “personal information” within the meaning of the opening words of the definition.

In order for an organization, public or private, to give voice to its views on a subject of interest to it, individuals must be given responsibility for speaking on its behalf. The individuals expressing the position of an organization act simply as a conduit between the intended recipient of the communication and the organization which they represent. The voice is that of the organization, expressed through its spokesperson, rather than that of the individual delivering the message.

Interim Order MO-1168-I

This interim order dealt with a claim by the Kawartha Pine Ridge District School Board that a request made by an unsuccessful bidder for records regarding consulting services was frivolous and vexatious.

The Board raised this claim after learning the unsuccessful bidder had appealed its decision not to grant access. The Board did not advise the appellant directly that it intended to

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Q & A

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

Q. What qualifies as personal information?

A. Personal information is defined in the *Freedom of Information and Protec-*

tion of Privacy Act and the *Municipal Freedom of Information and Protection of Privacy Act* as “any recorded information about an identifiable individual.”

Our new management team

By Ann Cavoukian, Ph.D., Information and Privacy Commissioner

AS PART OF OUR ONGOING REVIEW OF IPC operations and structures, we have been examining our senior management structure and have made a number of significant changes. Our new system is now in place and I am very pleased to announce our new management team.

The three members of the new executive are Assistant Commissioner Tom Mitchinson, who is responsible for Tribunal Services; Ken Anderson, Director of Corporate Services and General Counsel; and Brian Beamish, Director of Policy and Compliance.

Also joining the management team is my new executive assistant, Greg Keeling.

Many of you may know Tom and Ken — they are long-time members of the IPC and are invaluable. Brian and Greg both joined the IPC recently. Brian came to the IPC from the Ministry of Solicitor General and Correctional Services, where he was a Senior Policy Advisor. Greg comes to us from Management Board Secretariat, where he was a Senior Analyst.

Summaries

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deny access to the records on this basis in accordance with section 20.1(1) of the *Act*, but notified the Commissioner's office of its intention. In addressing this procedural deficiency, the IPC found that the appellant was not prejudiced by the lack of notice from the Board as any deficiency was rectified by the Commissioner's office at an early stage in the appeals process. However, the IPC stated that had the Board raised this issue later in the process, the claim may have been disallowed.

The Board based its arguments under both sections 5.1(a) and (b) on the following: alleged wrongful acts of the appellant; the appellant had already been given the reasons for the Board's decision; the appellant was seeking access to information to use it either to

discredit the Board or to make a claim against it.

The IPC found that the appellant had only submitted one, clearly articulated request to the Board. The IPC also found that the Board's reasons relate to activities of the appellant that are completely unrelated to the appellant's attempts to gain access under the *Act*. Therefore, the appellant's actions in filing the access request did not amount to a "pattern of conduct." The IPC found further that, even though the appellant's eventual use of the information may be against the Board's interest, the appellant's reasons for seeking access were genuine. Therefore, the request was neither made in "bad faith" nor for a purpose other than to obtain access.

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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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