

IPC Perspectives

Fall 2007

There are a number of major access and privacy events unfolding in Canada this fall, two of which involve Data Protection and Privacy Commissioners from around the world.

Ontario Information and Privacy Commissioner Ann Cavoukian, who designated September 24 as *Health Information Privacy Day*, is hosting an international conference, *The Privacy Prognosis in an Era of New Health Information Technology*, at Toronto's MaRS Centre that day. The conference is devoted to privacy issues in the context of emerging health information technology.

The following day, *Terra Incognita*, the 29th International Conference of Data Protection and Privacy Commissioners, opens in Montreal, hosted by Federal Privacy Commissioner Jennifer Stoddart.

For a more complete list of fall events involving Ontario's Information and Privacy Commissioner, or her office, please see the *Upcoming Presentations* list below.

Upcoming Presentations

September 17: Commissioner Ann Cavoukian delivers the inaugural lecture for a new inter-disciplinary program called [*Identity, Privacy and Security Initiative \(IPSI\)*](#) at the University of Toronto. Dr. Cavoukian is the Chair of the university's IPSI Advisory Council, which integrates interdisciplinary research and academic programs in technology, policy and science with identity, privacy and security issues. In the Commissioner's inaugural lecture, she will stress that privacy can remain a viable option – but only if it is built in and “architected directly into the technology.”

September 24: Commissioner Cavoukian is the opening speaker at the aforementioned, IPC-sponsored health information privacy conference at Toronto's MaRS Centre. A number of Data Protection and Privacy Commissioners and various other privacy experts from around the world are serving on some of the panels during this one-day conference. Topics range from *Genetics and Privacy* to *RFID Uses in Health Care*, and *Electronic Health Records* to *Anonymization and Health Research*. <http://www.governmentevents.ca/hpd2007/>.

September 26: Commissioner Cavoukian chairs a key panel discussion at the 29th International Conference of Data Protection and Privacy Commissioners in Montreal. The topic is: *Protecting Privacy through De-identification: Reality or Fallacy*. Later that day, Commissioner Cavoukian is serving on an international panel reviewing the privacy implications of radio frequency identification (RFIDs). http://www.privacyconference2007.gc.ca/Terra_Incognita_home_E.html.

September 27: As the international conference in Montreal continues, Commissioner Cavoukian and her counterparts in British Columbia, Alberta and Quebec will offer observations and highlights regarding their respective privacy conferences that they organized leading up to the annual international conference.

September 28: One of the ways the IPC is marking *Right to Know Week* in Ontario (and *International Right to Know Day*) is by holding a *Right to Know Blitz Day*. The IPC is setting up information tables at a number of Toronto malls, where staff will be handing out IPC publications and answering questions from the public.

October 2: Commissioner Cavoukian is a keynote speaker on the opening day of the annual Access and Privacy Workshop 2007 in Toronto organized by the Ontario Ministry of Government Services. <http://www.verney.ca/onapw2007/>

October 15: At the International Association of Business Communicators Conference in Kelowna, B.C., Commissioner Cavoukian will be explaining how to instill a “culture of privacy” into their organizations. <http://cwr.iabc.com/canadawide/iabc%20west%20brochure-high1.pdf>

October 23: The Commissioner is delivering a keynote address at the *Shared Risk, Shared Standards: Managing the Risks and Defining the Rules for the Security of Electronic Health Records in Ontario* conference at the Estates of Sunnybrook, Toronto. Sunnybrook Health Sciences Centre, Lang Michener LLP and Greyhead Associates are the co-sponsors of the conference.

October 31: Commissioner Cavoukian is organizing a special luncheon at the Dominion Club in Toronto to help focus attention on the importance of Ontarians’ **right to know** what elected and appointed officials are doing. The Commissioner will be the moderator for a panel that will include three of her fellow Officers of the Legislature – the Ombudsman, the Auditor and the Conflict of Interest Commissioner. (More details will be available shortly on the IPC’s website, [www@ipc.on.ca](http://www.ipc.on.ca).)

November 5: The Commissioner is a special guest speaker at the 2nd Annual Ontario Bar Association’s Privacy Law Summit in Toronto. She will be giving a presentation entitled, *A Week in the Life of A Privacy Commissioner*. www.oba.org

Recent IPC Publications

The IPC has issued (in order of publication) the following publications since the last edition of *IPC Perspectives*:

- [What to do if a privacy breach occurs: Guidelines for government organizations](#). December 2006.
- [If you wanted to know...What is involved if you are asked to provide a Police Background Check?](#) January 2007.
- [Biometric Encryption: A Positive-Sum Technology that Achieves Strong Authentication, Security AND Privacy](#). March 2007.
- [How to Avoid Abandoned Records: Guidelines on the Treatment of Personal Health Information In the Event of a Change in Practice](#). May 2007.
- [Checklist for Health Information Custodians in the Event of a Planned or Unforeseen Change in Practice](#). May 2007.
- [Encrypting Personal Health Information on Mobile Devices](#). May 2007.
- [How to Protect your Privacy on Facebook by “Opting Out” of Default Settings](#). May 2007.
- [Commissioner Cavoukian’s 2006 Annual Report](#). June 2007.
- [Wireless Communication Technologies: Video Surveillance Systems](#). June 2007.
- [Privacy and Boards of Directors: What You Don’t Know **Can Hurt You**](#). **Updated** July 2007.
- [A Mini Guide to Ontario’s Freedom of Information and Protection of Privacy Act](#) (brochure). **Updated** July 2007.
- [Your Privacy and Ontario’s Information and Privacy Commissioner](#) (brochure). **Updated** July 2007.
- [Wireless Communication Technologies: Safeguarding Privacy & Security](#). August 2007

These publications and many more, as well as videos, are available on the IPC’s website at www.ipc.on.ca.

Recent significant IPC orders include:

MO-2225: Commissioner Ann Cavoukian, invoking for the first time a cease and destroy records provision in Ontario privacy laws, ordered the City of Ottawa and the Ottawa Police to stop collecting

extensive personal information from individuals selling used goods to second-hand stores. She also ordered the destruction of the personal information already collected. "We are setting a standard with this order for other municipalities that have similar bylaws," said the Commissioner. ([Order](#)) ([News Release](#))

PO-2541: The appellant sought records regarding the incarceration of his birth father some 65 years ago. He was seeking medical information and other information that might assist in the diagnosis of his own daughter's health problems.

Result: The medical records were ordered disclosed; other records relating to the father's arrest and incarceration were exempt under section 21(1). ([Order](#))

PO-2511: The appellant sought information (including tenant name and unit number) that had been severed from an Ontario Rental Housing Tribunal order.

Result: The ORHT's decision to withhold the name and unit number was upheld, but financial information was ordered disclosed as it alone could not be linked to an identifiable individual. In a postscript, the IPC adjudicator urged the ORHT "to consider adopting the practice of many administrative tribunals, including the IPC, of drafting its orders in a manner which removes personal information and identifiers to better facilitate the public's access to its body of case law." ([Order](#))

MO-2201: This order deals with a deemed refusal. The Hamilton Police Services Board received a lengthy request for access to records relating to an investigation conducted by the police and to records relating to a complaint the requester filed with the Ontario Civilian Commission on Police Services and the Professional Standards Branch of the Police. Enclosed with the request was a \$5 cheque, signed by the requester's spouse. The police refused to accept the \$5 personal cheque, advising the requester that a money order or certified cheque was required as a pre-condition to processing the request.

Result: Based on the requester resubmitting a \$5 personal cheque (the police had returned the cheque), the police were ordered to accept the cheque and to issue a final decision letter to the appellant regarding the access request. As part of the conclusion section of the order, the adjudicator said: "This order is directed towards the (Hamilton Police) in the context of this particular appeal. However, it is my expectation that their payment practices for requests under the Act will change and that, in the future, they will accept personal cheques to cover the request fee. In addition, to the extent that other institutions refuse to accept personal cheques for the \$5 access fee, this practice should cease." ([Order](#))

For more information, please call or write:

Information and Privacy Commissioner/Ontario
2 Bloor Street East, Suite 1400
Toronto, Ontario M4W 1A8
Telephone: 416-326-3333; 1-800-387-0073
Fax: 416-325-9195
TTY: 416-325-7539
Website: www.ipc.on.ca