



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

News Release

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We must Be Proactive in our pursuit of Access and Privacy: Commissioner Cavoukian

2010 Annual Report cites benchmark ruling to lower costs for Ontarians to access their own health records

TORONTO – Ontario's Information and Privacy Commissioner, Dr. Ann Cavoukian, today issued a challenge for public organizations to "Be Proactive" with access and privacy initiatives, as she released her 2010 Annual Report.

Her call to action follows a year in which more Freedom of Information (FOI) requests were filed with government organizations in Ontario than ever before. In 2010, the Commissioner's office (IPC) also posted a new record for the number of privacy complaints closed.

The Commissioner's core concepts of *Privacy by Design (PbD)* and *Access by Design (AbD)* provide guiding principles for embedding default privacy and access within processes and technologies from the outset – avoiding many of the inefficiencies, costs and "harm" related to privacy breaches and requests for government-held information.

Rolling back fees for access to Ontarians' health records

Within her Annual Report, the Commissioner also stressed the importance of a benchmark ruling from her office in 2010. Following an Ontario citizen's complaint, a medical professional was ordered to significantly reduce a charge for access to health records. This followed an IPC review of fee structures in order to determine "reasonable cost recovery" – the amount that health care providers are permitted to charge.

"We have consistently urged the government to bring in a regulation that would set specific fees that health care providers can charge individuals," says Commissioner Cavoukian. "The fees vary dramatically across the health sector, and my office has received numerous complaints about excessive fees. This health order will now serve as a solid benchmark for decisions from my Office, until a regulation is officially introduced."

Celebrating Innovation in Privacy and Access

The Commissioner's *Privacy by Design* approach was officially centre-stage in 2010, as her made-in-Ontario solution was adopted as an "essential component of fundamental privacy protection" by International Data Protection Commissioners. Now an International Privacy Standard, *Privacy by Design* has been embraced by The U.S. Federal Trade Commission and European Union. The international acclaim in 2010 paved the way for continued innovation closer to home, to ensure that citizens' personal information is protected – by default.



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The Commissioner praised Ontario organizations that stood out in their commitment to proactive privacy in 2010. They include **Hydro One** and **Toronto Hydro** for their work to embed privacy into Ontario's emerging Smart Grid, and **The Ontario Lottery and Gaming Corporation**, for a new privacy-protective biometric facial recognition system to support its voluntary self-exclusion program, for patrons who want to be kept out of gambling sites.

On the issue of access to information, the cities of **Toronto** and **Ottawa** earned special recognition for their leading open government initiatives – the proactive release of pertinent government-held information in open, usable formats.

Key Statistics: New records set for Privacy Complaints and FOI requests

- Overall, the IPC **closed** 267 privacy complaints in 2010 under the two public sector information and privacy *Acts*, the highest number ever. The *disclosure* of personal information was the most cited reason for filing a privacy complaint;
- The number of FOI requests filed across Ontario in 2010 climbed to 38,903, breaking the record of 38,584 set in 2007.
- The total number of privacy complaints filed with the IPC (under the two public sector *Acts* and the *Personal Health Information Protection Act*) climbed to 440 in 2010
- In 2010, 977 appeals (of decisions issued by individual government organizations related to FOI requests) were submitted to the IPC, the second highest number in 15 years.

Get Your Local Perspective – In-depth Statistics Available

A more detailed look at FOI compliance rates, requests, appeals and privacy statistics is available in the online section of the Commissioner's Annual Report. This lists specific 2010 statistics for Ontario's ministries, agencies and local government institutions covered under the *Acts*, such as municipalities, universities, health units and police services. Find it all at www.ipc.on.ca

About the IPC

The Information and Privacy Commissioner is appointed by and reports to the Ontario Legislative Assembly, and is independent of the government of the day. The Commissioner's mandate includes overseeing the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, as well as the *Personal Health Information Protection Act*, which applies to both public and private sector health information custodians. The Commissioner's mandate also includes helping to educate the public about access and privacy issues.

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