



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 remain *Ever Vigilant* in preserving our privacy and promoting access: Commissioner Cavoukian

TORONTO – Ontario’s Information and Privacy Commissioner, Dr. Ann Cavoukian, has proclaimed “Ever Vigilant,” as the theme for her just released 2011 Annual Report. This follows in the footsteps of her efforts, which began early last year, to raise awareness about grave privacy concerns over federal “lawful access” legislation.

The report shows that 2011 was another very active year for the protection of privacy and access to information. New records were set for the number of freedom of information requests filed, appeals submitted, and privacy complaints made under the three *Acts* (*FIPPA*, *MFIPPA* and *PHIPA*) which fall under the Commissioner’s jurisdiction.

Also making great strides last year were the Commissioner’s made-in-Ontario solutions of *Privacy by Design* and *Access by Design*, which call for embedding default privacy and access within processes and technologies, right from the outset.

Proposed Federal Legislation Threatens Freedom and Privacy

Beginning in mid-2011, Commissioner Cavoukian launched a campaign to increase public awareness about “lawful access” legislation advanced by the federal government. On this issue, she wrote an open letter to Public Safety Minister Vic Toews, penned several op-eds and letters to the editor, organized a pivotal symposium, conducted dozens of media interviews, urged Canadians to write their members of Parliament, mounted a dedicated website (www.realprivacy.ca) and developed concrete recommendations to amend the proposed law to ensure that privacy rights are respected.

Reintroduced as Bill C-30 in February 2011, this legislation was designed to provide police with much greater ability to access and track information about identifiable individuals via everyday communications technologies, such as the Internet and smartphones, at times, without a warrant or any judicial authorization.

“This so-called “lawful access” legislation represented one of the most invasive threats to our privacy and freedom that I have ever encountered in my 25 years. The broad powers proposed represent much more – they represent a looming system of what I am calling, “Surveillance by Design,” said Commissioner Cavoukian.



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“Although the Prime Minister has signalled his openness to amend the bill, we must not let our guard down – we must remain ever vigilant to safeguard our privacy, the underpinning of freedom and liberty.

Urges the Ontario Government to Implement Open Data

In 2011, Commissioner Cavoukian continued to advocate for Open Data, a concept that calls for certain types of non-personal, general records to be made freely available, in machine-readable format, to everyone to use and republish, without restriction.

A growing movement, Open Data has been embraced by a number of municipalities. The City of Toronto has set a world-class example with www.DataTO.org, a one-stop website where anyone can find and download diverse information on many subjects relevant to the city.

Ontario still lacks a centralized data portal, although discussions have been mounting. “As Commissioner, I believe that Ontario needs to establish its own Open Data portal so that we may continue to demonstrate that we are a world leader in access to information. I therefore urge the government of Ontario to have a centralized Open Data site up and running by the end of 2012,” said Commissioner Cavoukian.

***Privacy by Design* Flourishes as the International Standard for Privacy Protection**

The Commissioner continued to advance *Privacy by Design (PbD)* in 2011. Here are some highlights showing the Commissioner’s groundbreaking work to spread the word about *PbD*.

- International recognition of *PbD*’s principles by many organizations, including the European Union, the California Public Utility Commission and U.S. Senators John Kerry and John McCain, who cited *PbD* in their *Commercial Privacy Bill of Rights*;
- Continued support by The U.S. Federal Trade Commission (FTC):
Former Federal Trade Commissioner, Pamela Jones Harbour, strongly supported the use of *PbD*, and advocated its application in FTC Consent Decrees. Jon Leibowitz, Chairman of the FTC, continued to recommend *PbD*. Following a December 2010 report first recommending *PbD*, a final FTC report was issued in March 2012, in which three practices were recommended – the first among them, that companies adopt a *Privacy by Design* approach by building privacy protections into their everyday business practices.
- In May, the Ontario and Lottery Gaming Corporation rolled out its long-awaited facial recognition program, which the Information and Privacy Commissioner (IPC) helped to develop, at all of its 27 gambling facilities in Ontario;
- Organizations across the globe operationalized the Principles of *PbD*, showing that privacy can spark innovation;
- *Privacy by ReDesign*, the first spinoff of *PbD*, was introduced to provide a framework for improving privacy protection in existing mature and legacy systems;
- Many collaborative projects took place, including a partnership with San Diego Gas & Electric, whose parent Sempra Energy, is a Fortune 500 firm;
- Declaring 2011 as “the Year of the Engineer,” the Commissioner reached out globally to bring *PbD* to engineers and developers.

Helping Hospitals to Prepare for Freedom of Information Legislation

Commissioner Cavoukian spent much of 2011 consulting, collaborating and cooperating with Ontario's hospitals to help them prepare for operating under the *Freedom of Information and Protection of Privacy Act (FIPPA)*, which took effect January 1, 2012.

"As Ontario was the last province in Canada to extend *FIPPA* to hospitals, I was very pleased to reach out to hospitals across the province, and to encourage them to take a proactive, rather than a reactive, approach to public disclosure, releasing information as part of an automatic process," said Commissioner Cavoukian.

Key Statistics: New Record Set for 2011 Freedom of Information (FOI) Requests

- A total of 45,159 freedom of information (FOI) requests were filed in Ontario in 2011, a new record, up 16 per cent from the previous record of 38,903, set in 2010;
- In 2011, 1,214 appeals (of decisions issued by individual government organizations related to FOI requests) were submitted to the IPC — the highest number ever;
- Overall, 1,023 appeals were closed last year, a 12 per cent increase over 2010;
- A record 277 privacy complaints were closed in 2011.

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 2011 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 Legislative Assembly of Ontario, Canada, 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 includes educating the public about access and privacy issues.

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