

NEWS RELEASE

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## Commissioner Cavoukian marks 25 years of innovative access and privacy leadership in Ontario!

TORONTO, ON (May 28, 2013) – Ontario’s Information and Privacy Commissioner, Dr. Ann Cavoukian, today released her 2012 Annual Report, highlighting the accomplishments of the Office of the Information and Privacy Commissioner (IPC) over the past 25 years.

The report shows that 2012 was another very active year for the protection of privacy and access to information, at the same time, the costs per provincial personal information requests were substantially lowered. New records were set for personal information and freedom of information requests filed, under the three Acts (*FIPPA*, *MFIPPA* and *PHIPA*) falling within the Commissioner’s jurisdiction. Also making great strides last year were the Commissioner’s made-in-Ontario concepts of *Privacy by Design* and *Access by Design*, which call for proactively embedding privacy and access by default within operational processes and technologies – right from the outset.

### Quotes:

“I have been fortunate to find myself in a unique historical position as Commissioner during the advent of the Internet — it drastically changed the very concepts of how we view access and privacy. Advances in information technology have not only inspired people to develop new products and services that enhance our lives, they have also given rise to a backlash by those who wish to erode our privacy and fear a culture of openness.”

“I firmly believe that the efforts of my office were needed as I look back on the last 25 years,. Ontarians can be assured that this office has grown into a first-class agency known around the world for demonstrating innovation and leadership, in the fields of both access and privacy.”

Dr. Ann Cavoukian  
Information and Privacy Commissioner, Ontario

Below are some of the highlights of the 2012 Annual Report:

### Key Statistics of 2012

- A new record of 52,831 freedom of information (FOI) requests were made in 2012, up 17% from 2011’s total of 45,159.
- The cost per provincial personal information FOI request was reduced from \$11.35 in 2011 to just \$4.98 to 2012, a 56% decrease per request.
- 35% more Access/Correction cases under PHIPA were closed in 2012.



- 2012 saw a 17% increase in total Municipal FOI requests from 28,001 to 32,860. Provincial FOI requests were up 16% from 17,158 to 19,971.
- In 2012, the Ministry of the Environment maintained its place at the top of the list with the largest number of FOI requests at 6,871.
- Of the top 10 municipal institutions to receive FOI requests, eight were police services boards, which continued to receive, by far, the most requests under *MFIPPA* — 19,339.
- The Toronto Police Services Board has continued to maintain its position, since 2009, as the municipal institution that has received the most FOI requests at 5,168, a six per cent increase from 2011 when they received 4,862. The board completed 4,863 requests, a three per cent increase; however, its 30-day compliance rate was 62 per cent which was significantly lower than the 76.3 per cent they achieved in 2011.
- In 2012, the *Broader Public Sector Accountability Act* took effect and hospitals were brought under *FIPPA* - a historical milestone in the evolution of freedom of information in Ontario. 937 freedom of information requests were submitted to Ontario Hospitals. 845 requests were completed, with an extended compliance rate of 95 per cent.

### Key Statistics of 25 Years of IPC Leadership

- In its first year (1988), 4,770 provincial freedom of information requests were made to institutions and 4,247 (89%) were completed. In 2012, 17,158 requests were made and elevated to a 97% rate of completion, a total of 16,647.
- In 1991, the first year of tracking municipal freedom of information requests, 4,063 were received and 3,714 (91%) were completed. In 2012, 28,001 requests were made and 96% of requests were completed, a total of 27,156.

### Recommendations

Commissioner Cavoukian made the following recommendations in the 2012 Annual Report:

- 1) The government should launch a comprehensive review to compile a list of institutions, including Children's Aid Societies, which are primarily funded by government but are not yet covered by *FIPPA* or *MFIPPA*. This should be followed by a prompt assessment of these institutions – with the default position being that each institution on the list should be added to the appropriate *Act*, unless there are compelling reasons not to add a specific institution.
- 2) The government should review the provisions of the *Election Act* to consider what changes need to be made to ensure that only necessary elector information is collected, with appropriate protections and oversight in place to guard against improper uses of voter information, by both individuals and political parties, and to ensure that the personal information of electors is secured throughout the entire lifecycle of the data.
- 3) To ensure that strong privacy protections are embedded into all sectors of the government, the Commissioner urges the government of Ontario to mandate that a *Privacy by Design* approach be adopted for all new information technologies, business practices, and operational processes in the Ontario Public Service and broader public sector.

## **The Year of the Innovator – Privacy Enables Innovation**

The Commissioner continued to advance the international standard of *Privacy by Design* (PbD) in 2012. Here are some highlights of the accomplishments:

- *PbD* continued to spread across the world receiving further recognition from organizations such as U.S. Federal Trade Commission and the European Data Protection privacy standards committee.
- The Commissioner released *Operationalizing Privacy by Design: A Guide to Implementing Strong Privacy Practices*, which provides an anthology of real-world experiences, lessons learned, and successes encountered in implementing the *PbD* framework in nine different application areas.
- The Commissioner co-hosted the first *SmartData* International Symposium at the University of Toronto, which featured speakers and experts from across North America examining how *SmartData* will serve to protect privacy in the future.

## **Recommendations for Elections Ontario**

The Commissioner was asked to investigate the loss of two Elections Ontario USB keys containing the unencrypted personal information of up to 2.4 million Ontarians. The Commissioner recommended concrete steps that Elections Ontario needed to undertake in three areas to enhance the protection of personal information and restore the trust of Ontarians. These recommendations were accepted unreservedly, and Elections Ontario has made significant progress in implementing them – including the appointment of a Chief Privacy Officer. To illustrate the lessons learned by this incident the Commissioner released a new paper following her investigative report entitled, *A Policy is Not Enough: It Must be Reflected in Concrete Practices*, a guide which outlines a proactive *Privacy by Design* approach to reducing the risk of privacy harms arising in the first place.

## **Raising Concerns Over Unlawful Access**

Last year was extremely significant in the battle to ensure the privacy rights of Canadians. From holding a public symposium to accepting numerous speaking engagements, to media interviews, Commissioner Cavoukian worked to raise awareness of the serious privacy implications of online surveillance in the proposed federal "warrantless access" legislation (Bill C-30). It was indeed a great relief when it announced that it was withdrawing the bill and would not be moving forward with the proposed legislation. A huge success!

## **In-depth Local Statistics**

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 2012 statistics for Ontario's ministries, agencies and local government institutions covered under the Acts, such as municipalities, universities, hospitals, and police services. The annual report is available here: <http://annualreport.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.

*Media contact:*

Trell Huether

Media Relations Specialist

Desk: 416-326-3939

Cell: 416-873-9746

Toll-free: 800-387-0073

[media@ipc.on.ca](mailto:media@ipc.on.ca)