

News Release

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Commissioner Cavoukian Expects the Toronto Police Service to Follow the Law

Commissioner launches legal action to halt the indiscriminate disclosure
of attempted suicide information by the Toronto Police

TORONTO, ON (June 5, 2014) – Ontario’s Information and Privacy Commissioner, Dr. Ann Cavoukian, has filed a [Notice of Application for Judicial Review](#) with the Ontario Superior Court of Justice requesting an order that the Toronto Police Service (TPS) stop the practice of indiscriminately disclosing attempted suicide information via the Canadian Police Information Centre (CPIC) database.

Since the release of her report, “[Crossing the Line: The Indiscriminate Disclosure of Attempted Suicide Information to U.S. Border Officials via CPIC](#),” the majority of the police services the Commissioner consulted with have already adopted her recommendation to immediately cease the routine disclosure of suicide-related information. The TPS has disregarded this recommendation and stated that it is its policy to disclose **all** confirmed cases of threatened or attempted suicides via CPIC, without exception. In her report, the Commissioner found that this indiscriminate disclosure was not in compliance with section 32 of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and its provincial equivalent.

The report outlined a set of four circumstances — referred to as the Mental Health Disclosure Test — where the disclosure of suicide-related personal information to law enforcement agencies within Canada and to U.S. border officials via CPIC (as well as the Federal Bureau of Investigation and the Department of Homeland Security) would be permissible (in cases involving threats to public safety or police officer safety). By applying this test, police services can ensure that incidents of attempted suicide are only disclosed in limited and justifiable circumstances. This test has been supported by leading mental health professionals and organizations, police services, and human rights advocates. The best way to protect privacy is through data minimization — do not share personal information in your custody or control, unless it is absolutely necessary.

In her application, the Commissioner is asking the court to issue an order:

- Confirming her finding that the routine disclosure of personal information concerning all threats or attempts of suicide by individuals via CPIC is in breach of *MFIPPA*.
- Directing the TPS to immediately cease its sweeping disclosure practices relating to cases of attempted suicide.
- Requiring that the TPS only record suicide-related information in CPIC if the specific circumstances fall within the Mental Health Disclosure Test.

Quotes:

“I am both disappointed and surprised by the Toronto Police Service’s refusal to reconsider its practice of blanket disclosure, given the positive relationship we have enjoyed over the years,” said Commissioner Cavoukian. “I have the greatest respect for Toronto Police Chief Bill Blair, with whom I have enjoyed a positive working relationship. However, the routine sharing of this sensitive information is in direct violation of Ontario privacy legislation. This privacy-invasive practice has had a significant impact on numerous individuals — it has the potential to damage lives. Discretion must be exercised before sharing sensitive mental health information.”

“Mental health information, including information about a past suicide attempt, is personal and sensitive information that should not be shared absent compelling circumstances,” said Sukanya Pillay, Executive Director and General Counsel, Canadian Civil Liberties Association. “There is serious harm being done to an individual’s right to privacy while there is arguably no gain to public safety. Canadian police must avoid disclosing this sensitive personal information in a discriminatory fashion. The CCLA fully supports the Information and Privacy Commissioner’s application to ensure that the sharing of this information by the Toronto Police Service is limited and in compliance with Ontario laws.”

About the Information and Privacy Commissioner of Ontario

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. A vital component of the Commissioner's mandate is to help educate the public about access and privacy issues.

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