



News Release

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Commissioner Cavoukian calls on government to preserve Freedom and Liberty

Toronto, June 17, 2014 - In the final annual report of her unprecedented third term as Ontario's Information and Privacy Commissioner, Dr. Ann Cavoukian draws attention to the need for greater transparency and accountability from the provincial and municipal governments. She also calls on Canadians to keep the pressure on our country's leaders to ensure that the message of "respect our privacy, respect our freedoms," is heard loud and clear.

Entitled *Freedom and Liberty*, the Commissioner has put forward four key recommendations in her report to safeguard Ontarians' right of access to public records, and holding government to account:

- **New Consequences for Insufficient Records Retention** – As outlined in the Commissioner's special investigation report, [*Deleting Accountability: Record Management Practices of Political Staff*](#), the Commissioner recommended four changes to improve retention of records in the Office of the Premier and Ministers' Offices. The Commissioner reiterates her recommendations to create a legislative duty to document business-related activities; require institutions to securely retain records that are subject to freedom of information requests under the *Acts*; prohibit the wilful destruction of records; and make it an offense to willfully destroy or alter records.
- **Municipal Councillors' Records** – Much of what is characterized as political or constituency work in councillors' records in responding to freedom of information requests actually relates to municipal business and should be subject to the provisions of *MFIPPA*. The Commissioner recommends that amendments be made to the *Act* so that information such as travel, hospitality and other expenses will become publicly accessible.
- **Government Contracts** – Contracts awarded by publicly-funded institutions should be disclosed routinely and proactively — Ontarians have a right to know how their money is being spent. The Commissioner calls on the provincial government to provide clarity to the sections of the *Acts* currently being used to deny access and to send a clear message that this information should be made available proactively.
- **Modernization of the Acts** – The *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* are now more than 20 years old and may be considered mature legislation. When the *Acts* were written, legislators could not have envisioned the opportunities and challenges that would arise as a result of the growth of the Internet. Therefore, the Commissioner is recommending revisiting and strengthening the laws to reflect the realities of the Information Era. She also repeats her call for all institutions that receive significant public funding, especially Children's Aid Societies, to be brought under the *Acts*.

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In the wake of the Edward Snowden revelations, Commissioner Cavoukian has emphasized the need to ensure that when laws are updated to provide police and surveillance agencies with new powers, accountability and transparency measures must also be updated. She believes that the federal government and the Communications Security Establishment Canada (CSEC) have not appropriately answered the many questions about the information they collect about Canadians and how that information is used and retained. The Commissioner calls upon Canadians to engage with the government to ensure that privacy and civil liberties are preserved.

Quotes

“Ontario has the capacity to become one of the most open and transparent jurisdictions in the country, if not the world. We must never forget that open, accountable government is at the cornerstone of our democratic society.”

“As a lifelong privacy professional, I ask every Canadian to expect accountability from their elected officials. The government must be reminded that it is there at the pleasure of the governed – citizens must be informed of its activities.”

Ann Cavoukian, Ph.D.
Information and Privacy Commissioner
Ontario, Canada

Key Statistics

- A new record of 55,760 FOI requests were filed in 2013, up six per cent from 2012's of 52,831.
- Almost 55 per cent (29,937) FOI requests were filed by individual members of the public.
- The Ministry of the Environment once again received more requests (7,434) than any other provincial institution, completing 86.5 per cent within 30 days.
- The Toronto Police Service topped the list of municipal institutions as it received 5,246 requests, completing 65.1 per cent within 30 days.
- The municipal institutions that received more than 1,000 requests were mainly police services; however, a significant amount of requests were made to the City of Toronto (2,790) and the City of Brampton (1,432).
- New *Personal Health Information Protection Act* complaints were down by seven per cent.

A more detailed look at FOI compliance rates, requests, appeals and privacy statistics is available in the online section of the [Annual Report](#). This lists specific 2013 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/>.

Privacy and Access Education Initiatives

The Commissioner's made-in-Ontario actionable frameworks of *Privacy by Design* and *Access by Design* continue to be adopted by governments and institutions in Ontario and around the world. In 2013, important new projects included:

- The Commissioner released 13 educational papers in 2013 covering numerous important privacy topics ranging from metadata, public surveillance, Big Data and much more.
- In collaboration with the Ministry of Government Services, the Commissioner launched the *Privacy by Design* Centre of Excellence which was established to provide privacy protection resources and guidance to more than 65,000 Ontario Public Service members.
- With the intention of promoting the concept of de-identification in health care and to foster best practices, the Commissioner introduced the *Privacy by Design* De-identification Centre. The Centre demonstrates the importance of de-identification in protecting privacy.
- To further the work of the Open Data movement, the Commissioner hosted an event in September with open government leaders sharing best practices and key learnings from successful projects which have fostered more transparency and accountability in government and created more opportunities for meaningful citizen engagement.

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 *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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