

Commissioner Ann Cavoukian applauds Premier for *not* appealing the court ruling striking down adoption law

TORONTO - Ontario Information and Privacy Commissioner Ann Cavoukian today applauded Premier Dalton McGuinty for deciding not to appeal the decision of Superior Court Justice Edward Belobaba - whose September 19, 2007 ruling struck down sections of *Ontario's Adoption Information Disclosure Act* just two days after it came in force. The Commissioner is also very pleased with the government's commitment to bring in a new law that will include a disclosure veto.

Mr. Justice Belobaba declared that the legislation was unconstitutional because provisions to protect the privacy of birth parents and adopted children were inadequate as well as breaching the privacy rights guaranteed under the Canadian Charter of Rights and Freedoms.

"I am delighted with the Premier's decision and encourage the government to move quickly to introduce new legislation that will be in keeping with the court ruling," said Commissioner Cavoukian. The Commissioner had written to the Premier on October 1st, urging him not to appeal the ruling by the court. The Commissioner added that the Premier would have the full support of her office in drafting legislation that the court ruling said should include a disclosure veto.

"This is a very emotional issue for many people," said Commissioner Cavoukian, "and I very sincerely praise the Premier for his decision. The ultimate goal should be a new law with a disclosure veto which would mean that the vast majority of people who want their adoption files opened would be able to do so, while those who really feared the disclosure of such potentially life-changing information would be able to keep their files sealed."

In her October letter to the Premier, and again today, the Commissioner cited one of the statements made by Mr. Justice Belobaba in his September 19 ruling:

"It is not the obligation of the applicants and certainly not that of the court to suggest ways how the new law could comply with (sic) *Charter*. In this case, however, the answer seems obvious. In her submission to the standing committee that was considering the new law, the Information and Privacy Commissioner of Ontario, Ann Cavoukian, argued that a disclosure veto would not only protect the privacy rights of the minority but would in fact allow the vast majority to get the information they were seeking. Not to adopt a disclosure veto for past adoptions, said Ms. Cavoukian "would be to ignore the wishes of an entire segment of society'."

The Commissioner today reiterated her commitment to provide the full support of her office to assist the government in developing constitutionally appropriate legislation. She looks forward to working with the Premier and the government in bringing about such legislation.

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*, and commenting on access and privacy issues.

Media Contact:

Bob Spence
Communications Co-ordinator
Direct line: 416-326-3939
Cell phone: 416-873-9746
Toll free: 1-800-387-0073
bob.spence@ipc.on.ca
www.ipc.on.ca