



Privacy of Personal Information

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Privacy Laws in Canada

There are two types of data protection legislation in Canada:

1. Law that requires government to limit their collection, use, and disclosure of citizen personal information; and,
 2. Law that requires businesses to limit their collection, use, and disclosure of consumer personal information.
- Laws apply to all of Canada, not just Ontario.
 - *The IPC does not oversee these laws.*

Privacy Laws in Ontario



- *Freedom of Information and Protection of Privacy Act (FIPPA);*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA);*
- *Personal Health Information and Protection Act (PHIPA).*



FIPPA and MFIPPA

- Requires government to protect privacy of citizen's personal information held by government;
- Gives right for citizen to request access to their personal information held by government and to request that the personal information be corrected;
- Government must follow rules on the collection, retention, use, disclosure and disposal of personal information;
- Gives citizens the right to complain to our office and we investigate the complaint.



PHIPA

- The goal is to keep personal health information confidential, while allowing for effective health care delivery;
- Gives right for the patient to request access to their personal information held by government and to request that the personal information be corrected;
- Health information custodians must follow rules on the collection, retention, use, disclosure and disposal of personal information;
- Gives patient the right to complain to our office and we investigate the complaint.



The Commissioner

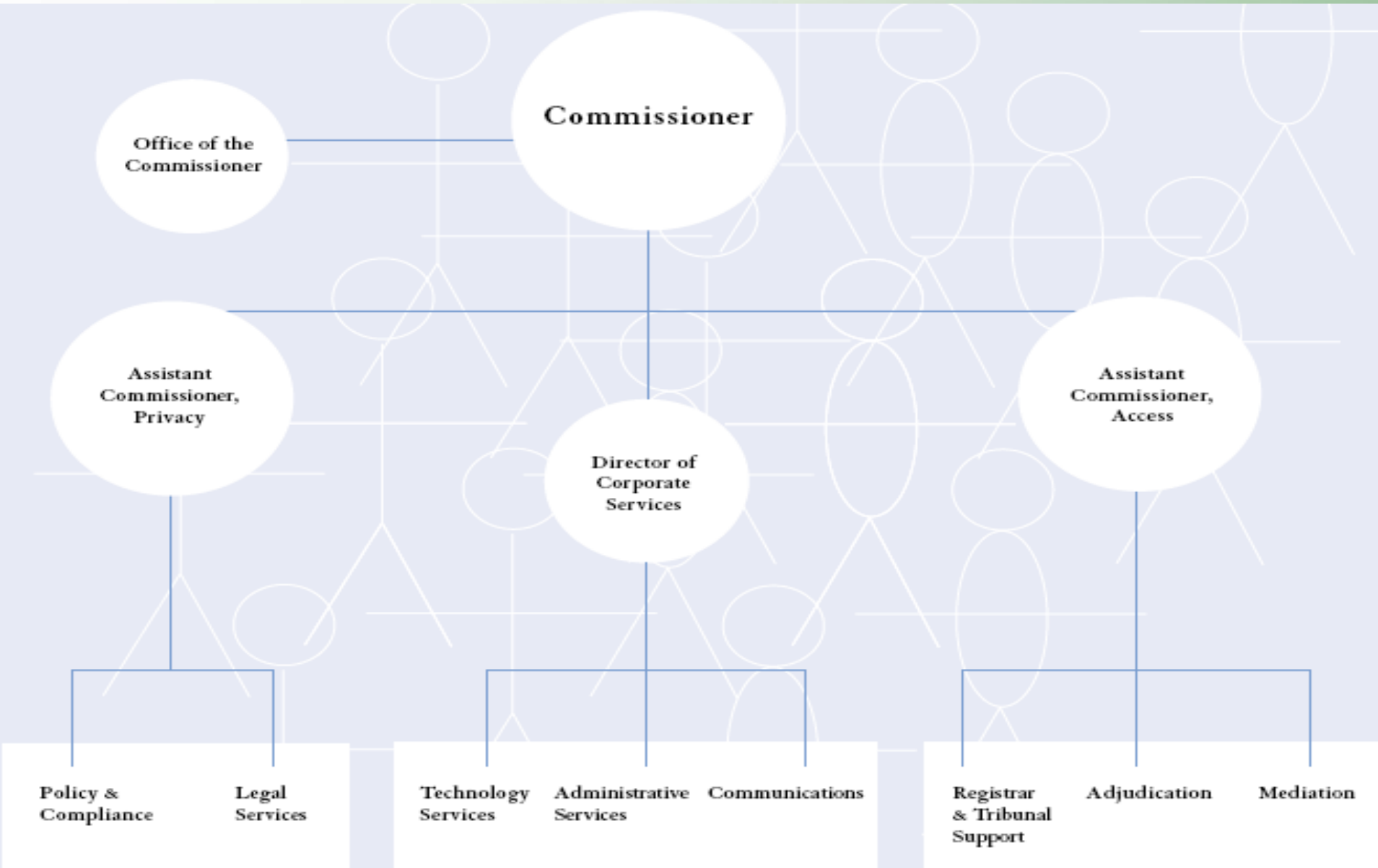
The Commissioner is appointed by the Ontario legislature and is independent from the government.

The Commissioner has the power to:

- Offer comment on the privacy protection implications of proposed programs of institutions;
- In appropriate circumstances, authorize the collection of personal information otherwise than directly from the individual;
- Engage in or commission research into matters affecting the carrying out of the purposes of this Act;
- Conduct public education programs and provide information concerning this Act and the Commissioner's role and activities;
- Receive representations from the public concerning the operation of this Act.



Corporate Structure of the IPC





Nature of Complaints

Overall, 128 privacy complaints were opened in 2004, an increase of 23% from the previous year;

92 were initiated by individuals and 36 were initiated by the Commissioner;

62% concerned the disclosure of personal information;

22% regarded the collection of personal information;

5% cited security as an issue;

4% for the use of personal information as an issue; and

7% involved a number of varying issues.

108 of the 126 privacy complaints were closed in 2004.



Private Sector Law in Ontario

Privacy Commissioner is calling for a private sector law for Ontario:

- Requirement for businesses to notify customers if there has been a security breach involving personal information;
- Not be restricted to commercial settings alone;
- Limits on collection, use and disclosure without consent;
- Employee information covered by provincial privacy rules;
- Strong oversight of the new privacy regime;
- Power to conduct effective investigations into alleged privacy breaches.



How to Contact Us

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