

*What Students Need to Know
about Freedom of Information
and Protection of Privacy*



A Study Guide for Secondary Schools
Grade 10 Teacher's Guide
November 2007

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Preface

The Information and Privacy Commissioner/Ontario (IPC) provides an active outreach program to help increase the understanding of two very important public values: (1) open government; and (2) personal privacy. As part of this outreach program, the IPC has developed an elementary and secondary school program: *What Students Need to Know about Freedom of Information and Protection of Privacy*.

What Students Need to Know provides an opportunity for students and their teacher to discuss why access to government-held information and personal privacy are important public values, and how these values are reflected in our relationships with governments.

The Grade 10 *What Students Need to Know* program is focused on introducing students to the importance of these two values, and how they are relevant to their lives. Our hope is that once the values are learned and understood, they will find expression and ongoing relevance as students mature. The secondary school teacher's guide contains a number of activities which are designed to generate questions and stimulate group discussion of open government and privacy protection.



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Teacher's Notes

Feedback Form

We really appreciate your feedback on this program so that we can ensure that it is as effective, relevant and easy to use as possible. Please take a moment to complete the Teacher Feedback Form included with this package.

Curriculum Expectations

The activities in this guide will assist teachers in meeting the following *expectations* in the Grade 10 Civics curriculum:

Informed Citizenship — Specific Expectations:

The Rights and Responsibilities of Canadian Citizenship

By the end of the course, students will explain why it is essential in a democracy for governments to be open and accountable to their citizens, while protecting the personal information citizens are required to provide to governments (e.g., *Municipal Freedom of Information and Protection of Privacy Act*).

Purposeful Citizenship — Specific Expectations:

Beliefs, Values, and Multiple Perspectives

By the end of the course, students will compare the varied beliefs, values, and points of view of Canadian citizens on issues of public interest (e.g., **privacy**, reducing voting age, **freedom of information**, compulsory military service, Native self-government, Québec sovereignty).

Assessment Activities

At the end of each activity is a student assessment, which is designed to assess a student's understanding of new concepts and the ability to apply them in written, oral, and visual forms.

Individual student anecdotal recording sheets can also be used to assess each student's abilities to communicate ideas orally and to participate in whole class and small group discussions. A sample recording sheet can be found at the end of Activity 4.

Have each student create a folder in which to store these materials.

Resources

The IPC website

The IPC website (www.ipc.on.ca) serves as a research and information tool. It is updated regularly and includes:

- information about the IPC's role and answers to frequently asked questions about access and privacy, including Ontario's *Personal Health Information Protection Act (PHIPA)*;
- annual reports;
- the text of the provincial and municipal *Freedom of Information and Protection of Privacy Acts*, as well as plain language summaries and the text of *PHIPA*;
- IPC orders, investigation reports and judicial reviews, with subject and section number indices;
- IPC publications such as policy papers, fact sheets and guidelines;
- FOI request, appeal, privacy complaint and other forms;
- links to other access and privacy websites in Canada and around the world; and
- links to other websites that provide information about access and privacy.

Media Awareness Network

The Media Awareness Network (www.media-awareness.ca) is a place where educators, parents, students and community workers can share resources and explore ways to make the media a more positive force in children's lives. The section (www.media-awareness.ca/english/issues/privacy/index.cfm) is focussed on the issue of privacy and includes such topics as new stories on privacy, privacy debates, how to become involved in privacy issues, a resource room, and information on legislation, codes, and practices.

Books for Teachers

The Privacy Payoff. Ann Cavoukian and Tyler J. Hamilton. Toronto: McGraw-Hill Ryerson, 2002.

Who Knows: Safeguarding Your Privacy in a Networked World. Ann Cavoukian and Don Tapscott. Toronto: Random House of Canada, 1995.

The 2005 Annotated Ontario Freedom of Information and Protection of Privacy Acts. Colin H.H. McNairn and Christopher D. Woodbury. Scarborough, Ont.: Thomson.



An Educator's Guide to Freedom of Information. Brenda Stokes Verworn. Aurora, Ont.: Aurora Professional Press, 1999.

Government Information: Access and Privacy. Colin H.H. McNairn and Christopher D. Woodbury. Thomson Canada, 1990.

The Privacy Rights Handbook: How to Take Control of Your Personal Information, Beth Givens. San Diego: Harper Collins Canada, 1997.

Internationally Recognized Privacy Principles

In 1980, the Organisation for Economic Co-operation and Development (OECD) developed a set of principles to ensure the fair treatment and handling of personal information collected by organizations. These principles are known as the Code of Fair Information Practices, and they form the basis of virtually all privacy legislation throughout the world.

The principles:

- Only the information that is really needed should be collected;
- Where possible, it should be collected directly from the individual to whom it pertains (the data subject);
- The data subject should be told why the information is needed;
- The information should be used only for the intended purpose;
- The information should not be used for other (secondary) purposes without the data subject's consent;
- The data subject should be given the opportunity to see his/her personal information and correct it if it's wrong.

Freedom of Information and Protection of Privacy Legislation in Canada

Freedom of information legislation in Canada gives members of the public a statutory right of access to government-held records. These laws operate in accordance with the general principles that:

- information should be available to the public;
- necessary exemptions to the right of access should be limited and specific; and
- decisions on the disclosure of government information should be reviewed independently of government.

The right of access to government records reflects an extremely important public value in mature democratic countries — it means that government is prepared to be open and accountable to its citizens.

Privacy protection legislation in Canada reflects the OECD's Code of Fair Information Practices. It creates rules the government must follow in order to protect an individual's right to privacy. These rules include:

- the right of access to one's own personal information, and the corresponding right to correct inaccurate personal information;
- the right to an independent review of any access decision;
- regulations governing the collection, retention, use, disclosure, and disposal of government-held personal information;
- the right to complain to an independent oversight body if anyone feels that these regulations have been breached.

Privacy protection is extremely important, especially in the computer age where technology can have a profound impact on the collection, use, and disclosure of personal information, as well as issues of storage and security. Without these rules and regulations, governments would have the power to infringe upon and control the lives of their citizens.

Federal Legislation

Privacy Act — Privacy Commissioner of Canada — The *Privacy Act* came into effect on July 1, 1983, replacing some limited personal information rights set out in Part IV of the *Canadian Human Rights Act*.

The federal Privacy Commissioner has oversight responsibilities for all federal government departments and agencies. She reviews decisions of the government regarding access to one's own personal information, and investigates complaints about breaches of the statutory rules and regulations regarding privacy. (Visit www.privcom.gc.ca/index_e.asp for more specific details.)

Access to Information Act — Information Commissioner of Canada — The *Access to Information Act* also came into effect on July 1, 1983.

The federal Information Commissioner has corresponding oversight responsibilities for freedom of information requests within the federal public sector. He reviews decisions of the government regarding access to government-held records, ensuring that any exemption claims are defensible, that searches for all relevant records are thorough, and that fees charges are reasonable. (Visit www.infocom.gc.ca/menu-e.asp for more specific details.)



Provincial Legislation

Ontario and all other provinces and territories in Canada have freedom of information and protection of privacy laws. All of these laws reflect the same public values of open government and protection of personal privacy, although coverage and powers vary from province to province. Some provincial legislation covers only provincial government organizations, while others cover both provincial and municipal government organizations; some cover hospitals, others cover universities, and some also cover self-regulating professional bodies. Most provinces and territories have an independent official with oversight responsibilities. Sometimes this is a provincial Ombudsman with the authority to recommend and persuade; in others, like Ontario, this person is a Commissioner with power to order the disclosure of records.

Private Sector

The underlying value of freedom of information law — public accountability through open government — has no application in the private sector. However, the value of privacy protection exists no matter what organization holds personal information.

On January 1, 2001, the federal *Personal Information Protection and Electronic Documents Act* came into force. The immediate impact was the extension of privacy protection to the federally-regulated private sector and to the transjurisdictional flow of personal information for commercial purposes. On January 1, 2004, the law expanded to cover provincially-regulated enterprises in those provinces that had not enacted very similar legislation. As of October 1, 2007, only British Columbia, Alberta and Quebec had enacted such legislation.

Activity 1—Personal Information and Privacy Matters

Time Needed

60 minutes

Resources

Slide 1 — Illustration

Handout 1 — Privacy Quiz

Handout 2 — A Day in the Life of a Student

Organizing Ideas

Important: Keep a record of student questions raised in Activity 1. In Activity 4, the students will need to decide which questions to use for student research.

This activity is designed to:

- define what constitutes personal information and privacy;
- demonstrate how personal information is collected during everyday activities; and
- demonstrate how that information can be used and abused.

Procedure

Step 1 (10 minutes)

Introduce the topic using Illustration 1. The following questions could be asked: What is happening in the illustration? What kind of information is being recorded? Why is this information being recorded? Are there situations where it is beneficial for the government to have personal information? What about situations where it would be harmful? Does the illustration convey a message about our society?

Step 2 (25 minutes)

Using Handout 1, have students work in pairs to complete the Privacy Quiz. Compare scores and record the class average. Discuss the questions that most students had trouble with and why this was so. Using the answer sheet provided, share this information with students. Invite students comments, questions, and concerns. Record the questions for use in Activity 3.



Review the statements of the quiz to have students identify what constitutes personal information. List these and other examples of items that constitute personal information.

Define the term “personal information” and add any missing items to your list. The following can be used as a reference:

Personal information is any information about you that is identifiable as yours, meaning that it has your name or any identifiable number (like your social insurance number) attached to it. Your personal information is your name plus any of the following: address, telephone number, sex, race, religion, ethnic origin, sexual orientation, medical records, psychiatric history, blood type, genetic history, prescription profile, fingerprints, criminal record, credit rating, marital status, education, place of work, employment history, personal interests, favourite movies, lifestyle preferences.

Refer to the title of the quiz and ask students to define the term “privacy.”

Privacy is difficult to define because its meaning may change from one context to another. Nevertheless, three distinct types of privacy have emerged: territorial privacy, privacy of person, and informational privacy.

One definition of privacy is: “The right to be left alone.”

Establish other categories for privacy, e.g., physical, genetic, workplace, communications, territorial (restricting people’s access to one’s private world).

Record students’ comments about when privacy matters to them and when it does not.

Step 3 (25 minutes)

Using Handout 2, divide the class into groups of four and have the students discuss and record their responses to the questions posed in the handout.

Follow this with a class discussion.

Record students’ comments about why privacy matters.

Student Assessment — Activity 1

Student Glossary

Have each student create a glossary of important concepts as you move through this study. The following is a list of terms for inclusion:

Personal information, privacy, identity fraud, direct marketing, harassment, stalker, open government, freedom of information, accountability, democracy, Act, consumer privacy, workplace privacy, Information and Privacy Commissioner/Ontario, individual rights, protection of privacy.

Student questions and research will generate other words that can be added to the student glossary.

Assess the accuracy of each student's definitions and his/her ability to use the words in context.

Role Play: A Day in the Life of a Student

Divide the class into groups of four. Have each group decide on a type of monitoring it wants to mime before the class. Class members should then guess what type of monitoring this activity represents and comment on how it affects an individual's privacy.

Assess the extent to which each student is able to create and mime appropriate situations that illustrate an understanding of the concept of monitoring.

Assess the extent to which each student is able to work collaboratively with others to create scenarios.



Activity 2 — Freedom of Information Matters

Time Needed

60 minutes

Resources

Slide 2 — Open Government

Slide 3 — Using The Act

Handout 3 — Water Polluters Escaping
Prosecution

Handout 4 — Question and Answer Sheet

Handout 5 — River Polluted

Handout 6 — Chernobyl: Once and Future
Shock

Handout 7 — Question and Answer Sheet

Organizing Ideas

Important: Keep a record of student questions raised in Activity 2. In Activity 4, the students will need to decide which questions to use for student research.

This activity is designed to:

- explain the concept of open government and its importance as a public value; and
- demonstrate how freedom of information laws reflect this value and the important role they play in ensuring government accountability.

Procedure

Step 1 (10 minutes)

Introduce the topic by asking students what open government means to them, and record their answers.

Using Slide 2, make the basic point of what open government means, and position it within the context of evolving and maturing democracies.

Step 2 (25 minutes)

Using Slide 3, identify freedom of information laws as the means of ensuring open government.

Divide students into pairs. Using Handout 3, have students read the newspaper article and record their answers to the following questions on Handout 4:

- a. What are the key facts reported in this article?
- b. If a freedom of information law didn't exist, which of these facts would not be known?
- c. What issue in society is being addressed by having this information known publicly?
- d. How has the right to obtain this information promoted the value of open government?

Have a general discussion of answers and record questions that emerge from the discussions for use in Activity 3.

Step 3 (25 minutes)

Divide students into foursomes. Using Handouts 5 and 6, have students read the two articles and record their answers to the following questions on Handout 7:

- a. How would you compare the amount of information about the two environmental problems that was known by Canadian citizens versus citizens of the former USSR?
- b. If the former USSR had a freedom of information law, could this have helped the citizens living near Chernobyl? How and why?
- c. How would you compare the level of commitment to the value of open government of Canada with the former USSR, and why?

Have a general discussion of answers and record the questions that emerge from the discussion for use in Activity 4.



Student Assessment — Activity 2

Cartoon: Using the Act

Using the “Charlie” cartoon as an example, ask students to think of situations where people benefit from freedom of information laws. Invite students to illustrate a situation in a humorous way. Provide an opportunity for students to share their work.

Assess the extent to which each student is able to identify appropriate situations and create a drawing and text that illustrates the point.

A Canadian Press Story: Using the Freedom of Information Act

As a homework assignment, have students scan newspapers each day for a week looking for stories that deal with the use of a Freedom of Information Act. Discuss the circumstances which led to the use of this law. (Teachers should have clippings on hand in case students are not successful in locating stories.)

Have each student write a press story that demonstrates how the right to obtain information promotes the value of open government. Use the newspaper articles in Activity 2 (Handouts 3, 5 and 6) to discuss how journalists present key facts and create effective accounts of the issues.

Assess the following for each student:

- writing skills;
- the ability to communicate the main idea clearly;
- the ability to present a point of view and support it with rich details;
- the ability to present information in a written style that captures the audience’s interest;
- sensitivity to the public’s level of knowledge.

Activity 3 — Make an Informed Online Choice

Time Needed

60 minutes

Resources

Slide 1– Illustration

Handout 1 – **IPC brochure:** *When Online Gets Out of Line – Privacy: Make an Informed Online Choice*

Handout 2 – **IPC tip sheet:** *How to Protect your Privacy on Facebook*

Organizing Ideas

Important: Keep a record of several of the key student questions raised in Activity 3. In Activity 4, the students will need to decide which questions to use for student research.

Social networking websites such as *Facebook* and *MySpace* have become extremely popular. This activity is designed to:

- Make students aware of the potential privacy implications of posting personal information to a social networking site;
- Make students aware of the options they have, on at least some social networking sites, to limit who has access to their personal information.

Procedure

Step 1 (10 minutes)

Introduce the topic using Illustration 1. The following questions could be asked: How many of you are registered on one or more social networking websites? Have you checked to see what options the website, or websites, offer regarding controlling who will have access to your page? Do you limit access to a chosen few? When you post personal information about yourself online, are you ever concerned about who might see it – such as a teacher, or parent, or potential employer?

Step 2 (25 minutes)

Using Handout 1, have students work in groups of four to quickly read, then discuss the key points raised in the handout (*When Online Gets Out of Line – Privacy: Make an Informed Online Choice*).



Step 3 (25 minutes)

Have the class reconvene to discuss the topic. Distribute Handout 2 (*How to Protect your Privacy on Facebook.*) Initial question could be: Are any of you who have not limited access to the sensitive personal information that you have posted to a social networking site now considering using some of the privacy controls available?

Student Assessment — Activity 3

Ask students to think of situations where allowing open access to everything that someone has posted to his or her page on a social networking site – or that his or her friends have posted to the site – may come back to haunt him or her.

What is the key message Ontario's Information and Privacy Commissioner, Ann Cavoukian, has for students if they intend to sign up at a social networking site? (From the brochure: *It is important that you take the time to make informed decisions about the site you use, the information you post, and those with whom you choose to share your information.*)



Activity 4 — Open Government and Personal Privacy — Students' Questions

Time Needed

two 50-minute periods

Resources

Student questions raised during
Activities 1, 2 and 3
Internet access

Organizing Idea

The students research answers to their questions raised during Activities 1, 2 and 3.

Procedure

Step 1 (50 minutes)

Review the questions the class has collected during Activities 1, 2 and 3. Divide the questions into two categories; those related to open government and those related to personal privacy.

The following are some typical questions students may have:

Open Government:

Why is there not more open government in Canada?

Under what circumstances is it appropriate for the government to control the information that is accessible by its citizens?

Personal Privacy:

What do Internet companies do with the personal information we provide to them?

Can stores videotape you while you are shopping?

Does the government have a master file on me?

Divide the class into groups of four students. Each group should select one question from each category. Try to avoid having more than one group working on the same questions.

Explain to the students that the group is responsible for conducting research to find the answers to the questions selected. The following are some Internet resources that may be of assistance:

IPC website — www.ipc.on.ca
Ontario Government website — www.gov.on.ca
Media Awareness Network — www.media-awareness.ca
Canada's SchoolNet — www.schoolnet.ca

Advise the students that each group should also develop recommendations related to questions it answers.

Finally, indicate that in Step 2 each group is also responsible for preparing written answers to the questions the group has selected, as well as recommendations for change (one page maximum).

The following is an **example** of a question, an answer, and a recommendation:

Question: Is it safe to provide personal information on the Internet?

Answer: Always be careful when providing personal information online. Never provide anything online that you would not provide offline. This includes any personal information such as name, address, phone number, school, and family information. A combination of: 1) common sense, 2) awareness of how your personal information can be collected and used and disclosed; and 3) technological tools, can help minimize the loss of privacy on the Net. Use extreme caution in chat rooms or on bulletin boards. You never know who you are really "talking" to or how the information you are providing could be used. Know that, when you post a message to a chat room or bulletin board or forum, your e-mail address and what you say is there for anyone to see.

Recommendation: Legislation should be developed to require that Internet service providers cannot host a website unless it has a privacy policy telling people what will or will not be done with the information you provide to them.

Step 2 (50 minutes)

Since the Internet is a major source of information for answering the questions, research time could be scheduled during class, after school, or as homework (if students have access to the Internet at home or at the public library).



Student Assessment — Activity 4

Assess the quality of the questions each student raises during Activities 1 and 2, based on the following:

- questions are significant;
- questions contribute to the study;
- ideas are expressed clearly;
- additional questions pertinent to the topics are raised in the student's questions.

Most of the answers to the questions will be found on the Internet. Since this activity involves a more complex search requiring students to visit a number of sites, it will be important that each group has a student with experience doing Internet research.

Assess each student's ability to carry out the research assignment and to provide appropriate answers to the research questions. One of the ways to do this, since students will be working in a group, is to have each student write an account that outlines how he/she went about the search.

Sample Teacher Anecdotal Recording Sheet

Student: _____

Scale: 1=seldom 2=occasionally 3=frequently 4=regularly

| Performance Task | Scale | | | |
|--|--------------|---|---|---|
| communicates ideas clearly and effectively | 1 | 2 | 3 | 4 |
| demonstrates orally an understanding of the content | 1 | 2 | 3 | 4 |
| shows respect for the ideas of others | 1 | 2 | 3 | 4 |
| listens without interrupting | 1 | 2 | 3 | 4 |
| contributes to discussions | 1 | 2 | 3 | 4 |
| carries out assignments independently and completes them on time | 1 | 2 | 3 | 4 |
| works effectively in a small group | 1 | 2 | 3 | 4 |



Resources



**What Students
Need to Know**





Activity 1 — Handout 1 — Privacy Quiz

Source: Adapted and used with permission of the *Information and Privacy Commissioner for Alberta*

True or False?

- _____ 1. E-mail messages you send are private and cannot be read by others.

- _____ 2. Others have the ability to read your messages on ICQ (I Seek You — Internet instant message service).

- _____ 3. Your Internet activities can be tracked.

- _____ 4. The government can use personal information it has compiled on you for any purpose it wants.

- _____ 5. A teacher is allowed to search you for drugs or weapons.

- _____ 6. A video store may use your Ontario Health Card number for identification when you apply for a membership.



Activity 1— Handout 1 — Privacy Quiz Answers

1. **False.** An unencrypted e-mail message is not private. An e-mail message sent from Toronto to New York could travel through servers in Montreal and Chicago before it reaches its final destination. Along the way, there may be “sniffers” and other software tools waiting to copy or tamper with the contents of the message. Some sniffers look for key words or names, while others watch for credit card numbers or passwords. To help prevent this from happening, consider using an e-mail encryption program. For additional information, visit the IPC’s website to view the IPC publication, *E-mail Encryption Made Simple*.
2. **True.** There are programs that can take over an ICQ account and assume someone’s identity (ICQ Hijack and icqspoof). You shouldn’t use ICQ for anything except information you want to share with the rest of the world.
3. **True.** Your Internet activities could be tracked by something called a cookie. A cookie is akin to a Post-it Note — it stores information on the hard drive of your computer about you and your preferences for a particular website. A cookie can save you time if you visit the same site often, as you don’t have to re-key your preferences every time you log on to that site. However, some people view this as an invasion of privacy. Cookies can be read by anyone with access — including remote access — to your computer. A review of these cookies could tell someone what sites you have visited on the Internet. But you can control the cookies you receive by configuring your browser to alert you whenever a website attempts to send a cookie. You may also be able to delete the cookies stored on your computer. Refer to your browser’s help file for instructions.
4. **False.** In the Province of Ontario, the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* regulate how provincial and local governments can collect, use, disclose, and retain your personal information. Complaints can be made to the Information and Privacy Commissioner, who ensures compliance with the *Acts*.
5. **True.** A teacher or a principal has the authority to conduct a search where there are reasonable grounds to believe that a school rule has been violated and the evidence of the breach will be found on the student.
6. **False.** In Ontario, it is illegal to use a person’s Health Card number for anything other than specific medical purposes. The use of your Health Card number is strictly regulated by legislation called the *Ontario Health Cards and Numbers Control Act*.



Activity 1 — Handout 2

A Day in the Life of a Student

| Time | Activity | Type of Monitoring | What information is being collected? | How do you feel about this? Why? |
|------------|---|---|--------------------------------------|----------------------------------|
| 7:30 a.m. | Get up in the morning. | <i>Pass a traffic camera.</i> | | |
| 8:30 a.m. | Pass a major intersection. | <i>Transit stations and some school buses have video monitoring.</i> | | |
| 8:45 a.m. | Get on the school bus or public transit. | <i>The parent volunteer removes your name from the absentee list.</i> | | |
| 9:15 a.m. | You're late, go to the office. | <i>Consent form requires parent's signature and date.</i> | | |
| 9:30 a.m. | Go on a field trip to the museum. | <i>Your name is recorded in the lunch room attendance book.</i> | | |
| 12:00 p.m. | Go to the office with a note allowing you to leave the school property for lunch. | | | |

| Time | Activity | Type of Monitoring | What information is being collected? | How do you feel about this? Why? |
|-------------|---|---|---|---|
| 1:00 p.m. | Return to school. | <i>Some schools have video monitoring in the halls.</i> | | |
| 2:00 p.m. | Leave school early for a doctor's appointment. | <i>The nurse in the doctor's office asks your parent for your health card number and medical history.</i> | | |
| 3:00 p.m. | Go to the drugstore with your parent to pick up a prescription. | <i>Your prescription is entered into the pharmacy database.</i> | | |
| 3:30 p.m. | Call your friend on a cellular phone. | <i>Anyone with certain scanning equipment could listen.</i> | | |
| 4:00 p.m. | Driving home, your parent is stopped by police and given a speeding ticket. | <i>Police check your parent's licence and driving record.</i> | | |





| Time | Activity | Type of Monitoring | What information is being collected? | How do you feel about this? Why? |
|-------------|---|---|---|---|
| 4:30 p.m. | Go to the local store for candy. | <i>A camera monitors you while you shop.</i> | | |
| 6:30 p.m. | Log on to the Internet, and visit a website. | <i>"Cookie" (tracking file) is stored on your computer.</i> | | |
| 6:45 p.m. | Type in your name and address to get a password to another website. | <i>You leave an electronic trail back to your computer.</i> | | |
| 7:00 p.m. | Read your e-mail and send messages. | <i>Your e-mail can be read by others in a variety of ways.</i> | | |
| 8:00 p.m. | Subscribe to a magazine or CD club. | <i>Direct marketers buy lists of names to learn about your preferences and interests.</i> | | |
| 11:00 p.m. | Go to bed. | | | |



Open Government

- The Government tells you what it wants you to know.

- The Government tells you what you want to know.



Using the Act



Using the “Freedom of Information Act,” Charlie is sent a list of things they put in hot dogs.

Activity 2 — Handout 3

Water polluters escaping prosecution

MARTIN MITTELSTAEDT
The Globe and Mail

Ontario's Environment Ministry has almost stopped prosecuting water polluters. Only three of the 134 companies and sewage plants that broke pollution laws in 1996 have been successfully taken to court.

Ministry inspectors noted more than 1,000 violations of provincial water-pollution rules during that year. At many of the facilities, there were multiple infractions.

The figures were obtained by the Sierra Legal Defence Fund under the province's freedom-of-information law after a legal battle lasting a year and a half. They are to be issued publicly in a report today. The government tried to prevent the environmental watchdog group from obtaining the data by demanding \$20,000 for it. But the ministry was ordered to open its records at no cost after the group made an appeal to Ontario's Information and Privacy Commissioner.

"With over a thousand violations and only three prosecutions, it's no wonder [Environment Minister Norm Sterling] has been trying to keep this information from the public," said Stewart Elgie, a lawyer with the defence fund.

He said the ministry isn't protecting the environment from water pollution hazards.

The Ministry's budget has been cut by about 45 per cent since 1995,

has stopped doing that. The figures obtained are the latest available.

The organization said several major companies in the province violated waste-water standards in 1996 and for the previous four years, including Petro-Canada at its refinery in Oakville; Ethyl Canada in Sarnia; Inco at facilities in Northern Ontario; Domtar at facilities in Trenton, and ICI at facilities in Cornwall.

The three entities prosecuted for water-pollution violations in 1996 were: Malette Inc., which failed to report discharge of phenois, a corrosive and poisonous chemical, and was fined \$8,000; Domtar Inc., which was fined \$14,000 and made a \$14,000 donation to a local conservation authority over charges relating to phenois and the acidity of its discharges; and Russell Waste Stabilization Pond, a sewage facility near Kingston that was fined \$2,000 and made a voluntary conservation donation of \$6,000.

Provincial-water pollution rules limit discharges of harmful substances and require companies and sewage plants to keep accurate records of what's in the waste they put out and report that to the ministry.

The worst polluters by sector in the province are sewage-treatment plants, the mining industry, chemical companies, and the forest-products industry, which each had at least 140 offences during 1996.

Karen Vaux a spokeswoman for the minister, said yesterday that some of the violations in the Sierra report represent single offences by companies or municipalities.

"Our priority is to get them to fix it and ensure that these types of occurrences don't happen again," she said.

Seven municipal sewage plants were known to the government to be violating pollution laws for five years running. The largest communities with poorly functioning sewage works were Waterloo and Dundas, but the list also included Arnprior, Morrisburg, Bobs Lake Lagoon, Moosonee and Strathroy.

RANKING THE POLLUTERS

Industries that exceeded Ontario water pollution limits, by number of violations in 1996

| | |
|--------------------------------|-----|
| Municipal sewage treatment | 187 |
| Mining | 186 |
| Chemical (organic / inorganic) | 185 |
| Pulp and paper | 140 |
| Lime production | 61 |
| Petroleum | 54 |
| Automobile manufacturing | 53 |
| Food processing / rendering | 52 |
| Power generation | 37 |
| Metal / steel / iron | 26 |
| Industrial minerals | 6 |
| Cement | 3 |
| Other | 23 |

Source: Ontario Ministry of the Environment

The Globe and Mail

and the group says the lack of enforcement is a sign that the government is no longer providing the resources to prosecute environmental criminals.

The province used to make public a list of prosecutions every year and also make frequent reports on waste-water offences, but the Conservative government of Mike Harris





Activity 2 — Handout 4

Please answer the following questions:

a. What are the key facts reported in this article?

b. If freedom of information law didn't exist, which of these facts would not be known?

c. What issue in society is being addressed by having this information known publicly?

d. How has the right to obtain this information promoted the value of open government?



Activity 2 — Handout 5

River polluted, document says

The Globe And Mail
May 29, 1997

CHALKRIVER, Ont.—For nearly 20 years, the nuclear complex in Chalk River leaked more than 4,000 litres radioactive water each and every day through the soil to the Ottawa River.

Even though Atomic Energy of Canada Ltd. removed the source of its leak in 1996, water is still percolating through soil that remains contaminated with radioactive tritium and strontium then into the river a few hundred metres away.

The Atomic Energy Control Board which regulates nuclear safety in Canada, acknowledged last December that Chalk River's NRX reactor had experienced a "mild" leak.

The board said then, and still says, that the Ottawa River dilutes the pollution, and there is no danger to people who drink the water.

But an access-to-information request filed by Lynn Jones of nearby Pembroke shows the

leak carried large amounts of radioactive water into the river, which supplies drinking water for many communities downstream for nearly two decades.

The Atomic Energy Control Board was not particularly concerned with the leak because the amount of radioactivity released was two million times less than regulatory limits, said Board spokesman Robert Potvin.

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— May 29, 1997



Activity 2 — Handout 6

CHERNOBYL: ONCE AND FUTURE SHOCK

A liquidator's story

For the first time in print, a Belarusian scientist gives his personal recollections of the secrecy that, in the crucial period immediately following the Chernobyl accident, left the unsuspecting public exposed to fallout

ON THE Monday morning, 28 April, at the Nuclear Energy Institute of the Belarusian Academy of Sciences, I switched on the apparatus - the gamma-spectrometer and the dosimeters: everything was (in physicists' slang) 'hot', which meant that there had been a big nuclear accident on the Institute's premises: our dosimetrist ran out of the laboratory, and reported that the level in the yard was about 300 microerontgens an hour. Then he was summoned by telephone to monitor the radiation contamination round the nuclear reactor of the Institute of Radioactive Technology; so that was the main source of the accident! But they had their own dosimetrists there, and the dose level was almost the same; the same was true in the vicinity of a third nuclear device... Moreover, it was clear that the radiation levels fell the further one went inside the building... When the head of the dosimetry service, A Lineva, telephoned the Central Public Health Station of Minsk, they said, 'This is not your accident.'

We looked at the tall smoke-stack, and then at the map of Europe, and we saw that the wind was blowing radiation towards Sweden. In fact, we learned later, on 1 May the level of radioactive contamination in Stockholm was 17 Curies per square kilometre from Caesium-137, and 87 Curies per square kilometre from Iodine-131).

But in our place, they brought me in a twig from the yard, and I observed that it was emitting radiation... the gamma-spectrometer showed Iodine-131 and other 'young' radionuclides... Later we tested soil and trees from many regions of Belarus, and the Institute started to measure the specific activity of foodstuffs arriving for the Institute canteen and the crêche.

Meanwhile, the dosimetry service headed by M V Bulyha was monitoring the radiation cloud hanging above Minsk.

We started to ring our relatives and friends in Minsk, advising them about safety measures. But this did not last long: at around midday, our telephones were cut off. And a couple of days later, we specialists were called into the Secrecy Department, and made to sign a 29-point document forbidding us to divulge secrets connected with the accident at the Chernobyl-plant. These included the structure of the RDMK-1000 reactor, the amount of uranium, etc, 'secrets' that had already been published in scientific literature.

And meanwhile out in the street, radioactive rain was falling...

We went home from work without looking from side to side; it was painful to see how the children were playing in the radioactive sand, and eating ices.

In our street, I went up to a street vendor and told her to stop selling her sausages, as radioactive rain was falling. But she just said: 'Be off, you drunkard! If there'd been an accident, they'd have announced it on radio and TV.' A naive soul, she believed in the righteousness of the Soviet authorities.

In the evening, on Central TV, Moscow showed us how tractors with great swirls of dust behind them were tilling the soil down in Naroula country, part of which lies in the 30-kilometre zone around the Chernobyl station. Then, on 1 May, as always, children and adults marched in columns through the streets without even guessing at the consequences. So now, today, in Belarus we have some 400 children with thyroid cancer... who at that time knew nothing about Iodine-131...

Mikhail Byckau is a nuclear physicist, who from mid-May 1986 until his retirement from the International Sakharov Institute of Radioecology in April 1995, played an active role in the 'liquidation' (clean-up) and monitoring programmes in the contaminated area

— Translated by Vera Rich

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Activity 2 — Handout 7

On April 26, 1986 there was a major accident at the Chernobyl nuclear power station, located in Ukraine about 20 km south of the border of Belarus. At that time, Belarus was part of the country that is now known as Russia. The accident resulted in the release of large quantities of radioactive substances into the atmosphere and had devastating effects on the population, livestock and the environment.

Please read the article *Chernobyl: Once and Future Shock* then answer the following questions:

- a. How would you compare the amount of information about these two environmental problems that was known by Canadian citizens versus citizens of Belarus?

- b. If the former USSR had a freedom of information law, could this have helped the citizens living near Chernobyl? How and why?

- c. How would you compare the level of commitment to the value of open government of Canada with Belarus, and why?
