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# IPC Practices

PUTTING ONTARIO'S INFORMATION AND PRIVACY LEGISLATION TO WORK  
INFORMATION AND PRIVACY COMMISSIONER/ONTARIO  
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## Tips on Protecting Privacy

*Individuals complain to the Information and Privacy Commissioner (IPC) when they believe an institution has breached their privacy. In this issue of IPC Practices, the IPC offers institutions practical suggestions to assist them in responding to the IPC during privacy investigations, and to prevent common breaches of privacy under the Freedom of Information and Protection of Privacy Act (the provincial Act) and the Municipal Freedom of Information and Protection of Privacy Act (the municipal Act).*

*The IPC also suggests that Freedom of Information and Privacy Co-ordinators ensure that all employees who deal with the issues listed below are aware of the relevant tips.*

### Medical Certificates

When employees are absent from work, institutions often request a letter or medical certificate issued by the employee's doctor explaining the absence. The IPC has received complaints about this collection of personal information. Investigations have revealed that the manner of collection was not in compliance with the *Acts*. Institutions sometimes contacted the doctor directly to request the certificate without the employee's knowledge or consent. The IPC found that indirect collection of personal information in this circumstance was not in compliance with the *Acts*.

*Tip* — When institutions require a medical certificate or letter to explain an employee's absence, the institution should ask the employee to contact the doctor directly.

### Pay cheques and pay stubs

The IPC has received complaints about the manner in which pay cheques and pay stubs are distributed to employees. Investigations have revealed that pay cheques and pay stubs are often distributed in bulk form without envelopes, allowing the employee who distributes them to view personal information such as salary, home address, deductions, and Social Insurance Number.

*Tip* — If pay cheques and pay stubs are distributed in bulk form, they should be placed in sealed envelopes with only the name of the employee displayed, in order to protect the confidentiality of employees' personal information. Alternatively, employees may pick them up from payroll or another appropriate office. The IPC recommends the same treatment for T-4 slips.

### Posting lists containing employees' personal information

The IPC has received complaints about institutions posting lists containing employees' personal information. One complaint involved a list of employees



eligible for early retirement, another involved a list of employees to be interviewed and the time of the interview. In these cases, the IPC found that the disclosure of the employees' personal information was in breach of the privacy provisions of the *Acts*.

*Tip* — Institutions should always ensure that the disclosure of personal information does not breach an individual's privacy. The IPC suggests that before a list containing personal information is posted publicly, even if the posting of such a list has been a common practice, institutions should refer to section 42 of the provincial *Act* or section 32 of the municipal *Act* to determine if disclosure is permitted.

## Severing personal information

When a portion of a record cannot be disclosed because it contains personal information, the information is often "severed" or removed from the record. There are various ways to sever information. A common method is to use a black magic marker to block out the information that should not be disclosed. The IPC has received complaints that it is sometimes possible to read the severed personal information when using this method. If personal information is disclosed in this manner, it is a breach of the *Acts*, even if the disclosure was inadvertent.

*Tip* — To prevent an inadvertent disclosure of information when using the severing method described above, the IPC suggests that institutions:

1. Use a dark-coloured marker to block out the information to be severed.
2. Photocopy the severed record.
3. Ensure that the severed information cannot be read.
4. Always provide the photocopied version to the requester, not the original.

Institutions that need to sever a large volume of records may be interested in knowing that photocopy machines with a "sever function" are available. The information to be severed is circled in red and photocopied on the special machine. The resulting copy excludes the circled information.

## Supporting disclosure of personal information in privacy investigations

The IPC has found that institutions sometimes confuse the access and privacy provisions of the *Acts* when responding to the IPC during privacy investigations.

*Tip* — When responding to privacy complaints regarding disclosure of personal information, institutions should rely on section 42 of the provincial *Act* and 32 of the municipal *Act* to support the disclosure of personal information. These sections outline circumstances where the disclosure of personal information is permitted.

### IPC Practices

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