

Part X of the CYFSA

Moving forward, learning together

Patricia Kosseim, Information and Privacy Commissioner of Ontario

Warren Mar, Assistant Commissioner, Tribunal and Dispute Resolution Services

Eric Ward, Assistant Commissioner, Strategic Initiatives and External Relations



Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
protection de la vie privée de l'Ontario

Ontario
Association of
Children's Aid
Societies

January 21, 2022

Our office

- Oversees Ontario's access and privacy laws
 - these laws establish the public's right to access government-held information and protect their personal privacy rights
- Provides independent review of government decisions and practices on access and privacy
- Commissioner appointed by, reports to, Legislative Assembly to ensure impartiality

Role of the IPC

- As the oversight body responsible for overseeing compliance with Part X, the IPC
 - receives and resolves complaints
 - investigates significant privacy breaches
 - issues recommendations and orders if we have to
 - collects and publishes annual statistics about Part X

The screenshot shows the homepage of the Information and Privacy Commissioner of Ontario. At the top left is the logo with the text "Information and Privacy Commissioner of Ontario" and "Commissaire à l'information et à la protection de la vie privée de l'Ontario". To the right are links for "Contact us", "A+", "A-", and "EN | FR". Below the header is a search bar. The main content area features a section titled "Information and Privacy Commissioner of Ontario" with a sub-header "The IPC acts independently of government to protect and promote access to information and privacy rights in Ontario." and a photo of the Commissioner. Below this is a "What's New" section with three items: "Commissioner's blog: Goodbye 2021", "New IPC submission", and "COVID-19 Information and Resources". At the bottom is a "Guidance and Decisions" section with two sub-sections: "Guidance" (with an image of a signpost) and "Decisions" (with an image of hands on a laptop).

IPC's role

- Under the CYFSA, the IPC may also:
 - offer **comments** on a service provider's actual or proposed information practices, at their request
 - receive **representations** from the public about the purposes of Part X
 - engage in or commission **research** into matters affecting the carrying out of Part X
 - in appropriate circumstances, **authorize** indirect collections of personal information
 - conduct public **education** programs and provide information about Part X and the IPC's role (this includes guidance materials for stakeholders)

Overview of Part X

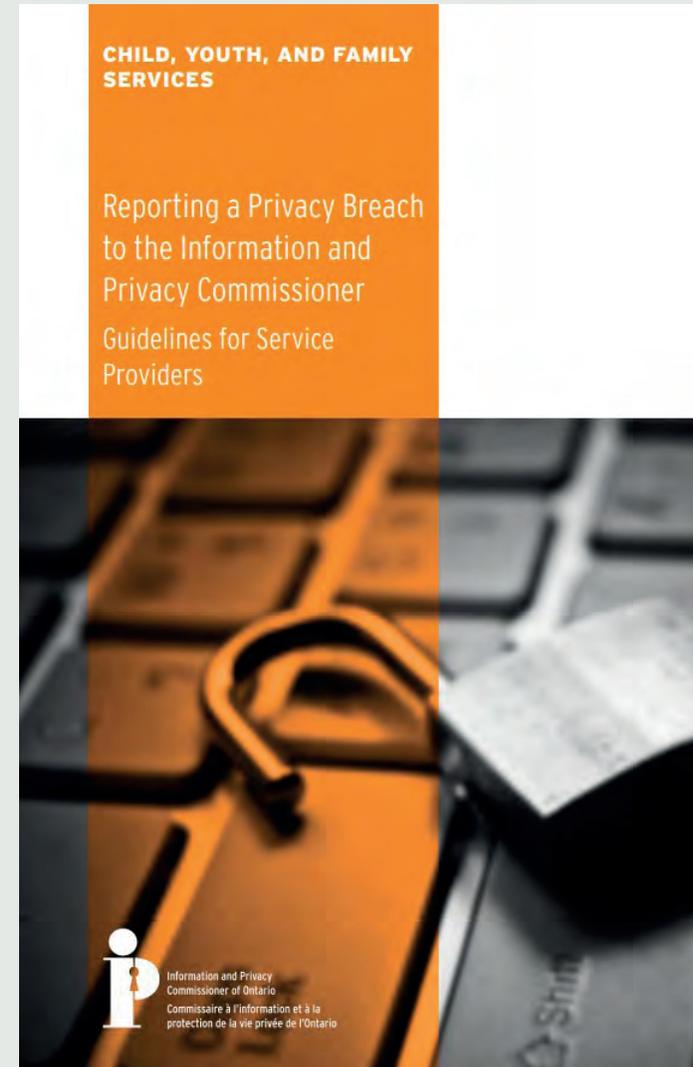
- Part X applies to personal information related to child and family services
- It sets out:
 - rights for individuals to access their information
 - privacy rules that service providers must follow, including requirements to report privacy breaches
- Service providers include CASs, Indigenous child and family well-being societies, and other entities funded under the CYFSA

Part X of the *Child, Youth and Family Services Act*: A Guide to Access and Privacy for Service Providers



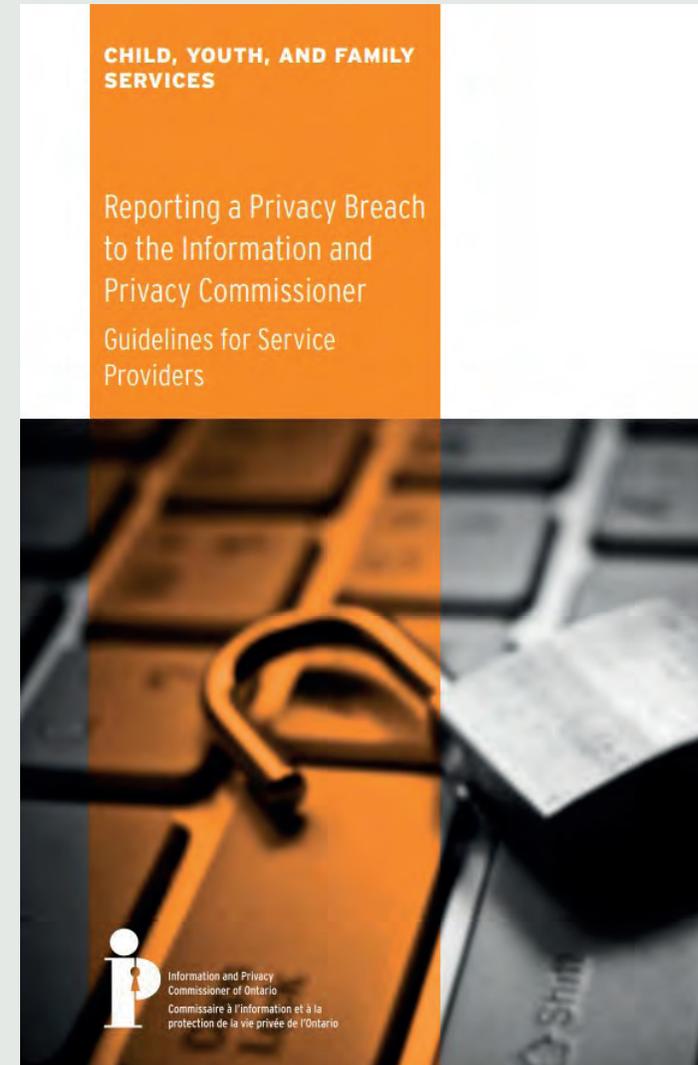
Responding to breaches

- Service providers must notify individuals if their information is stolen, lost, used, or disclosed without authority
- At the first reasonable opportunity, they must tell affected individuals:
 - what happened
 - steps taken to address the breach
 - who to contact if they have questions
 - their right to complain to the IPC



Mandatory breach notification

- Service providers must also notify the IPC of certain privacy breaches, including those involving:
 - theft of personal information
 - a pattern of similar breaches
 - use/disclosure by someone who knew they lacked authority to do so
 - an employee being disciplined or resigning due to the breach
 - a breach that has led or could lead to further breaches



CYFSA Annual Statistics

- The child and family services sector is also required to report detailed statistics to my office on an annual basis





Info Matters

Information and Privacy Commissioner of Ontario

Government

★★★★★ 5.0 + 3 Ratings

INFO MATTERS

NOV. 26, 2021

From the bedside to the board: Building a culture of privacy and security... >

Hospitals across Ontario have been investing heavily in the development of electronic health records, patient portals, and digital health solutions. As information systems become more complex, so too must the means of securing them. In this episode, Commissioner Kosseim speaks with The Ottawa...

▶ PLAY 37 min

OCT. 22, 2021

Teenage confidential: Teens, technology, and privacy >

Whether it's texts, chats, photos or videos — teens have so many ways to connect online nowadays it can be hard for parents to keep up! This episode explores some of the ways teens are using online technologies, their approach to privacy, and how parents can help them navigate the digital world...

▶ PLAY 30 min

SEP. 30, 2021

From FOI to front page news! >

Knowing how to access information has become a basic requirement these days for most investigative journalists whose job it is to shine a light on government decisions and actions in the public interest. In this episode, we go behind the scenes to learn how a modest access to information request can...

▶ PLAY 31 min

AUG. 25, 2021

First Nations data sovereignty >

Data holds the keys to preserving the cultures and traditions of First Nations communities, while providing them with the insights they need to help shape their future. This episode explores how the principles of data ownership, access, control, and possession (OCAP) help promote the ethical use...

▶ PLAY 34 min

www.ipc.on.ca/guidance-documents/info-matters-podcast/

Privacy Pursuit!

Games and Activities for Kids



Learn about online privacy through word searches, crosswords, puzzles, and more!



Information and Privacy
Commissioner of Ontario
Commissaire à l'information et à la
protection de la vie privée de l'Ontario



IPC Tribunal process



Early Resolution and Mediation: Critical to our success

- 75% of appeals, almost all privacy complaints, closed before adjudication/investigation
- Goal is to find resolution that satisfies the needs of all involved
- Saves significant time and resources for all parties

IPC Tribunal process: Adjudication



Annual statistics

- Deadline for submitting 2021 statistics is **March 31, 2022**
- IPC will host an online session for submitting annual statistics **Thursday, February 10 at 10 a.m.**
- Email **RSVP@ipc.on.ca** to **sign up**



Guide and answers to FAQs:
www.ipc.on.ca/access-organizations/annual-statistical-reporting/

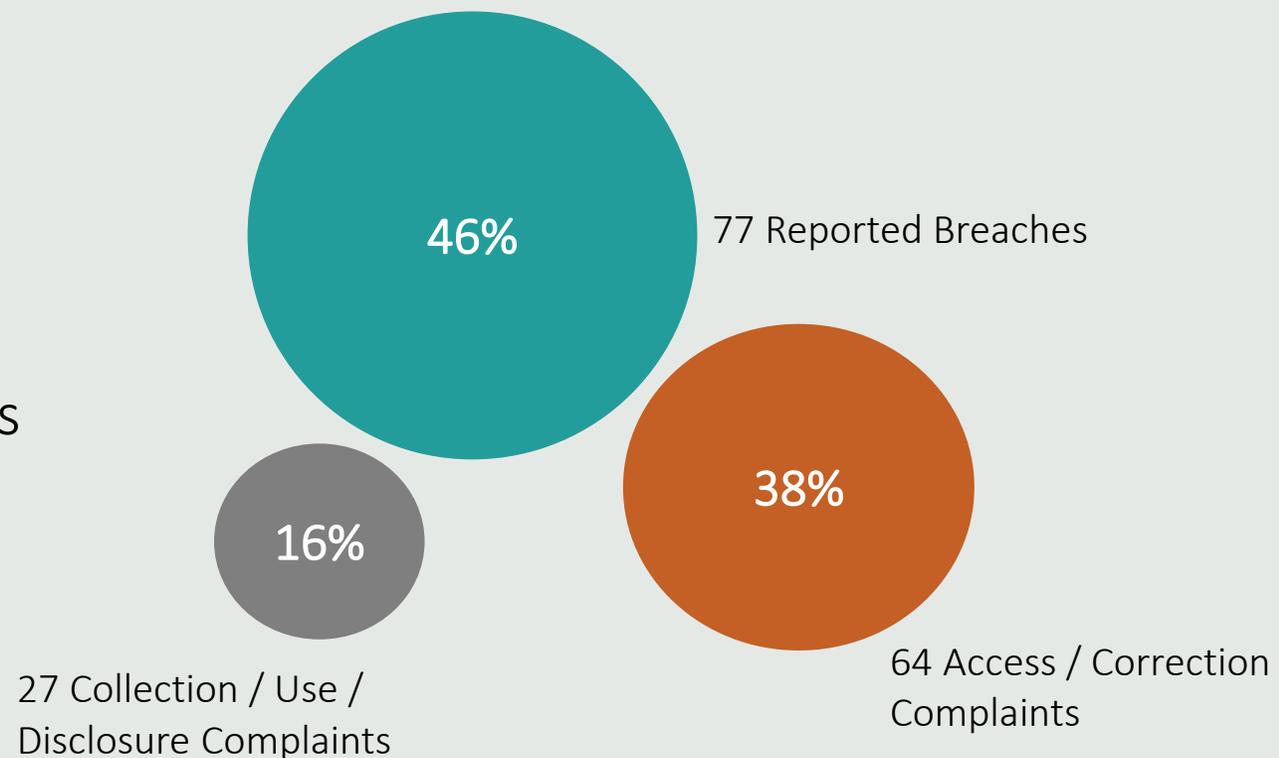
2021 CYFSA Tribunal stats: Breaches

- 77 breaches reported to our office:
 - 36 misdirected or lost personal information
 - 27 general unauthorized collection, use or disclosure
 - 7 snooping
 - 3 stolen personal information
 - 2 cyberattacks
 - 1 ransomware
 - 1 lost or stolen mobile devices



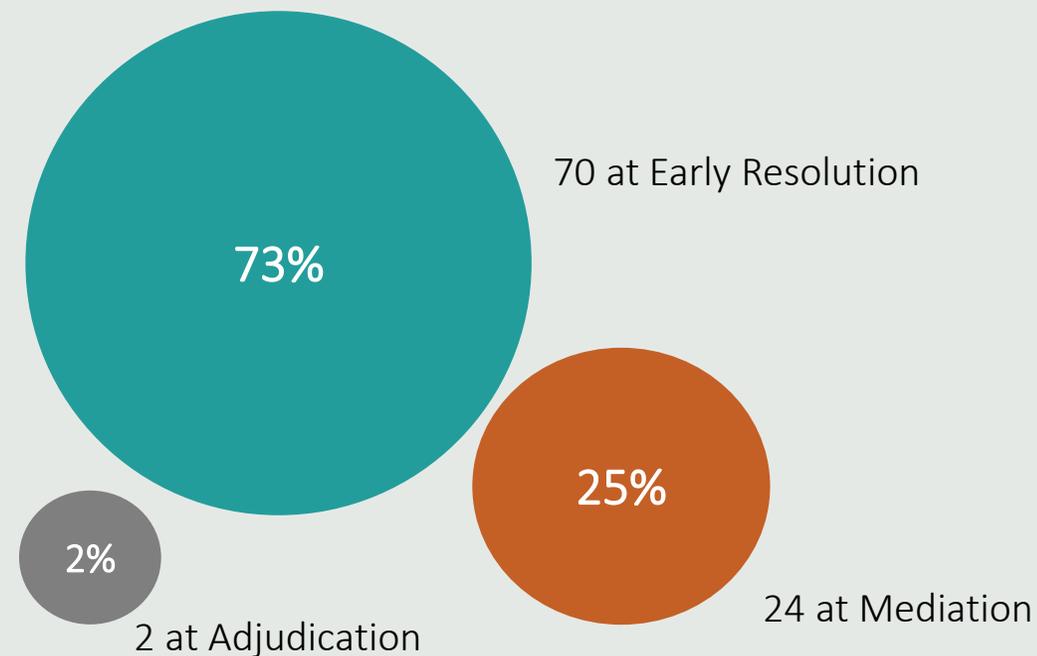
2021 CYFSA Tribunal stats: Files opened

- **168** CYFSA files **opened**
 - 77 reported breaches
 - 64 access/correction complaints
 - 27 collection/use/disclosure complaints



2021 CYFSA Tribunal stats: Files closed

- **96** CYFSA files **closed**
 - 70 resolved at early resolution
 - 24 resolved at mediation
 - 2 resolved at adjudication



CYFSA Decision 1

- First CYFSA Decision issued in November 2021.
- The complainant, a teacher, sought access to “records of service” relating to himself from the Children’s Aid Society of Toronto (CAST).
 - CAST received two reports from a third party about a child who may be in need of protection. Both reports named the complainant as the alleged wrongdoer.
- CAST refused the complainant’s access request on the basis that it had not provided a “service” to the complainant within the meaning of section 281 under Part X and in combination with section 312(1) (right of access) of the CYFSA.
- Therefore, the complainant has no right of access under the act.
- The IPC upheld CAST’s decision.
- The requested records do not relate “to the provision of a service” to the complainant, who is neither a child nor a family member of a child.
- No order issued.

CYFSA Decision 2

- An adopted person made a request to the Children's Aid Society of Ottawa (CASO) for access to all information about himself, including information about his birth parents.
- CASO issued a decision granting partial access to the information contained in the requester's file, redacting all information that might identify his birth parents.
- The requester filed a complaint with the IPC seeking access to his birth parents' identifying information.
- The identifying information about the requester's birth parents is excluded from the scope of Part X of the *CYFSA* under the exception at section 285(4)(a) as information that relates to an adoption.
- As a result of the application of the exception, Part X did not apply to the requested information and the requester did not have a right of access to his birth parents' identifying information under that part.
- The complaint was dismissed.

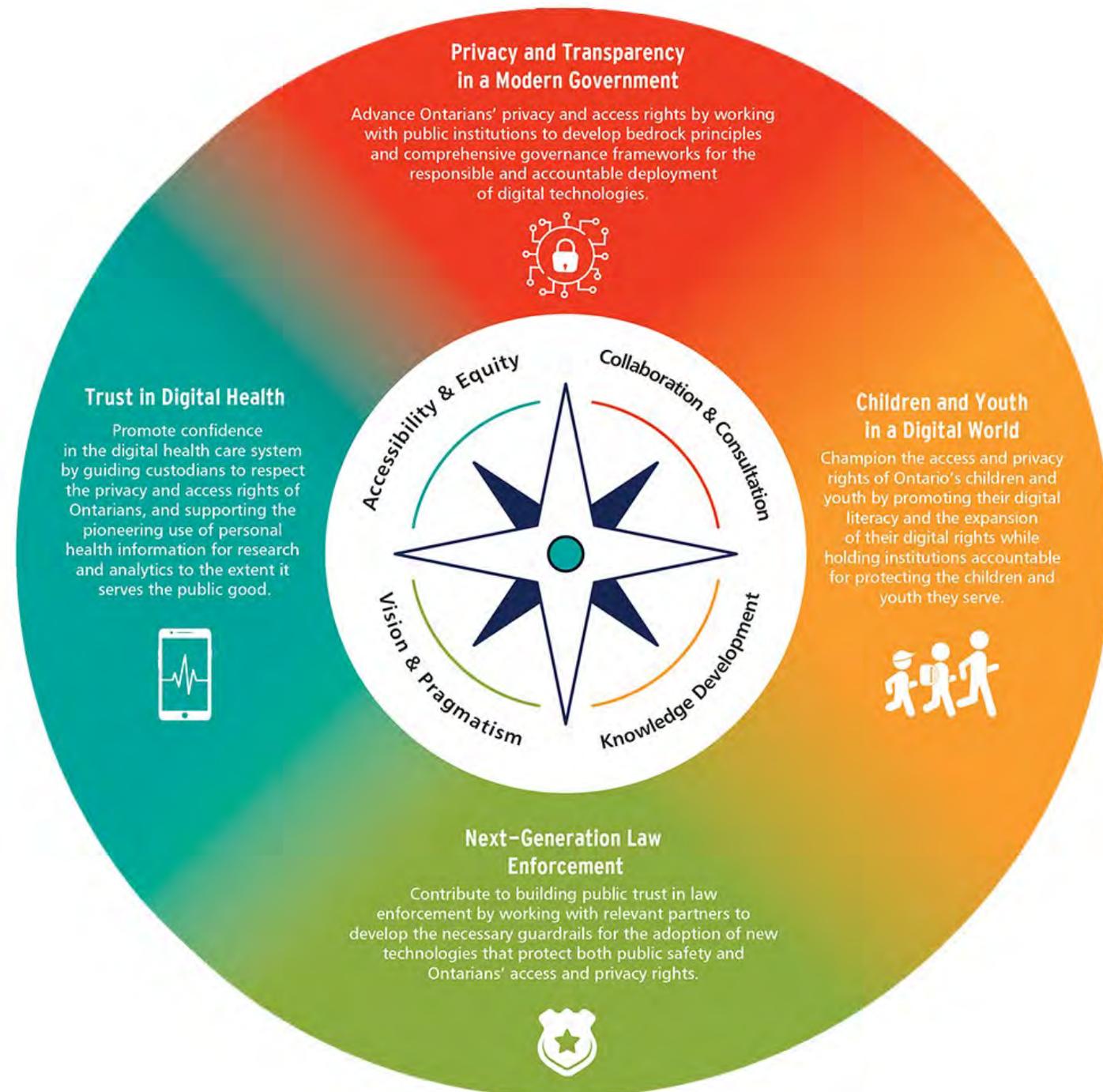
Process improvements

- Secure document exchange
- Electronic appeal form
- Online payment portal



IPC's Strategic Priorities

- Privacy and Transparency in a Modern Government
- Children and Youth in a Digital World
- Next-Generation Law Enforcement
- Trust in Digital Health



Children and Youth in a Digital World

Champion the access and privacy rights of Ontario's children and youth by promoting their digital literacy and the expansion of their digital rights while holding institutions accountable for protecting the children and youth they serve.



Privacy in the classroom

The screenshot shows a YouTube interface. At the top, there's a search bar and navigation icons. Below, the main video player displays a video titled "Protecting Student Privacy Rights in Ontario" with 423 views and posted 4 weeks ago. The video description states: "IPC webinar on protecting student privacy rights. This webinar explores the privacy obligations that schools and school boards have under MFIPPA when delivering educational services and includes best practices for meeting these obligations." Below the main video, there's a section for "IPC Webinars" with a "PLAY ALL" button and a row of five video thumbnails with their respective titles and durations.

Thumbnail	Title	Duration	Views	Time Ago
	The Do's and Don'ts of Video Surveillance	21:39	2.7K	2 years ago
	Reporting Health Privacy Breaches to the IPC	12:29	1.2K	3 years ago
	The Impact of Records and Information Management on Access and Privacy	12:51	3.3K	4 years ago
	IPC Webinar: Situation Tables	58:53	724	4 years ago
	IPC Webinar: Understanding Exemptions in FIPPA and...	58:50	1.5K	4 years ago

The cover features a vertical orange bar on the left with the word "EDUCATION" at the top. The main title "A Guide to Privacy and Access to Information in Ontario Schools" is centered. The date "JANUARY 2019" is in the top right corner. The background is a blurred classroom scene with a stack of books in the foreground.

The cover has a dark grey header with "JANUARY 2019" and "EDUCATION FACT SHEET". The main title "Protecting Your Students' Privacy Online" is in a white box. Below, a text box states: "Online educational tools and social media provide new opportunities for teachers to learn, enhance educational techniques and connect with students, parents, and the greater community. Protecting students' privacy in the age of technology has never been more important." Below this is a section titled "PRIVACY RISKS OF ONLINE TOOLS AND SERVICES" with a list of risks and a recommendation from the Information and Privacy Commissioner of Ontario.

PRIVACY RISKS OF ONLINE TOOLS AND SERVICES

Terms and conditions and privacy policies for online tools can make it difficult to determine if you are complying with provincial privacy laws. For example, some online services:

- collect and retain students' and parents' personal information such as names and email addresses
- track and record online activities and interactions with other students
- evaluate students' performance to generate learning profiles and market products directly to students and parents
- sell students' information to third parties

The Information and Privacy Commissioner of Ontario recommends that teachers considering the use of online educational services:

- consult with school officials before selecting these services
- read privacy policies and terms of service carefully to understand how students' information may be collected, used and disclosed
- only use school board approved apps and services



IPC Privacy Day webcast

*Children and Youth in a Digital World
Empowering a New Generation of Digital Citizens*

Registration details at: www.ipc.on.ca/media-centre/events/



Empowering a new generation of digital citizens

There is in every child at every stage a new miracle of vigorous unfolding, which constitutes a new hope and a new responsibility for all.

- Erik Erikson 1902 - 1994

Moving forward: Working and learning together



Resources

- [Part X of the Child, Youth and Family Services Act: A Guide to Access and Privacy for Service Providers](#)
- [Reporting a Privacy Breach to the Information and Privacy Commissioner Guidelines for Service Providers](#)
- [Privacy Pursuit! Games and Activities for Kids](#)
- [Providing Access to Personal Information under the Child, Youth and Family Services Act: A Guide for Service Providers](#)
- [Know your Rights: Your File and Your Rights Under Ontario's Child and Family Services Law](#)
- [Privacy and Access to Information in Ontario Schools: A Guide for Educators \(Fact Sheet\)](#)
- [Privacy in the School \(Fact Sheet\)](#)
- [Protecting Your Students' Privacy Online \(Fact Sheet\)](#)
- [Your Child's Privacy in School \(Fact Sheet\)](#)
- [A Guide to Privacy and Access in Ontario Schools](#)

Resources

- Webinar: [Protecting Student Privacy Rights in Ontario](#)
- [Guidelines for Submitting Annual Statistics to the IPC](#)
- [Workbook for Submitting Your Annual Statistical Report to the Information and Privacy Commissioner of Ontario](#)
- [IPC Strategic Priorities](#)
- [Access and Correction Form Under Part X](#)
- [Info Matters Podcast](#) all episodes
- Info Matters Podcast Season 1 Episode 7: [First Nations data sovereignty](#)
- [CYFSA Decision 1](#)
- [CYFSA Decision 2](#)
- [IPC website](#)

CONTACT US

Information and Privacy Commissioner of Ontario

2 Bloor Street East, Suite 1400

Toronto, Ontario, Canada M4W 1A8

Phone: (416) 326-3333 / 1-800-387-0073

TDD/TTY: 416-325-7539

Web: www.ipc.on.ca

E-mail: info@ipc.on.ca

Media: media@ipc.on.ca / 416-326-3965