

Ensuring Access and Protecting Privacy

What's New at the IPC

Brian Beamish
Commissioner

Reaching Out to Ontario
Brock University
May 6, 2015



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

Our Office

- The Information and Privacy Commissioner (IPC) provides an independent review of government decisions and practices concerning access and privacy.
- The Commissioner is appointed by and reports to the Legislative Assembly; and remains independent of the government of the day to ensure impartiality.



The Three Acts

The IPC ensures compliance with:

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



Our Mandate

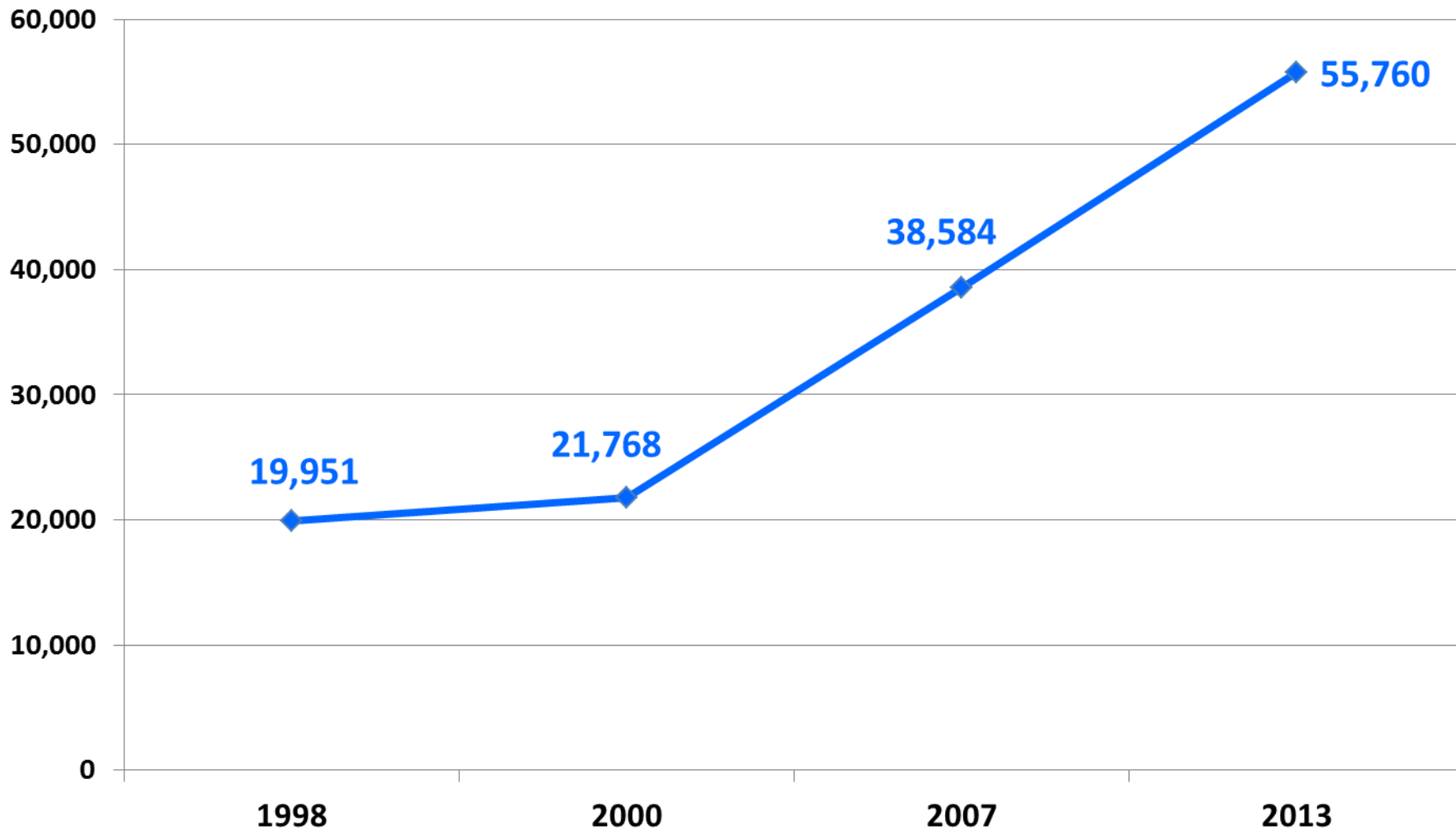
- Resolve access to information appeals.
- Investigate privacy complaints – public sector and health.
- Conduct research into access and privacy issues.
- Comment on proposed government legislation and programs.
- Educate the public.



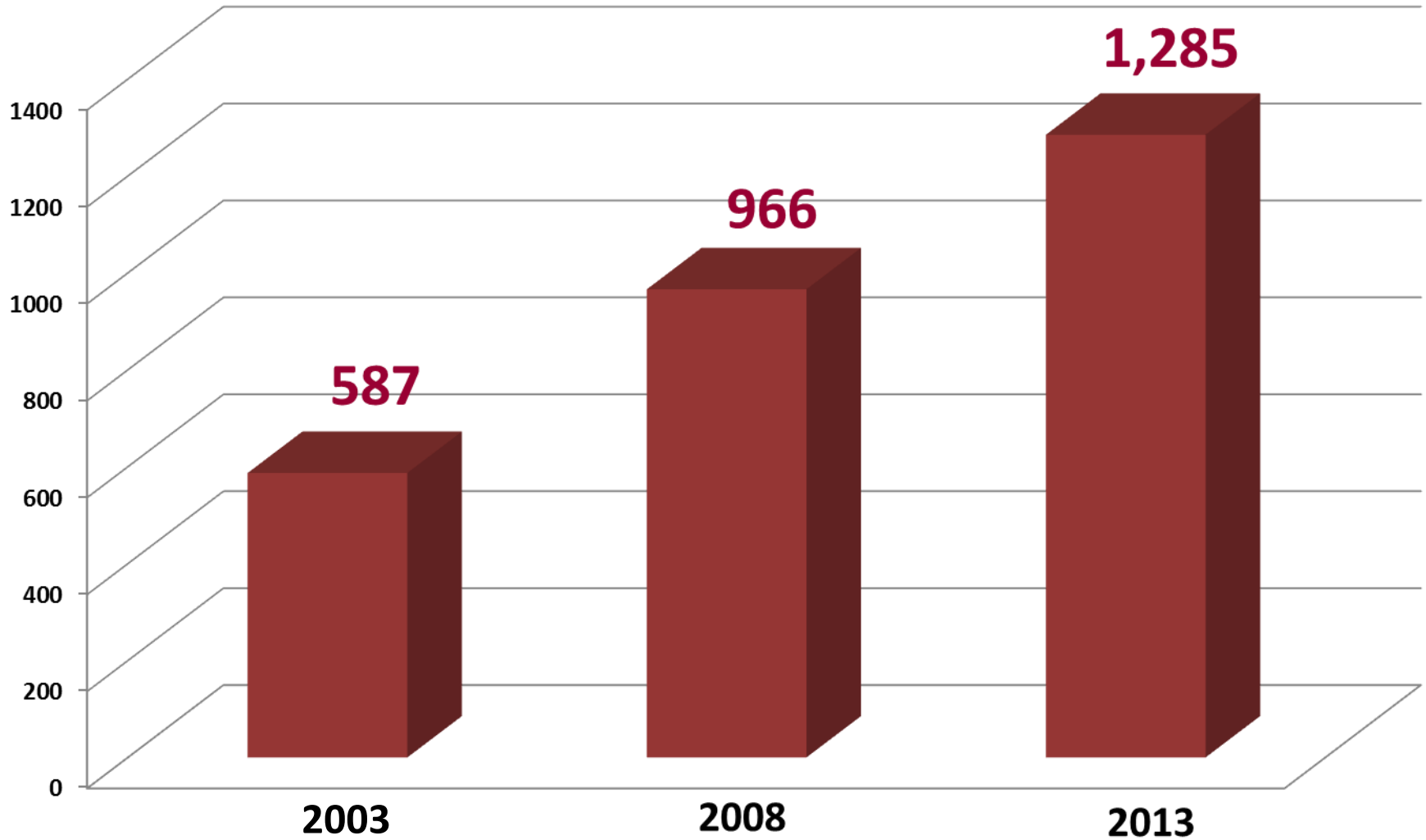
Access/Transparency



Total Access Requests Per Year

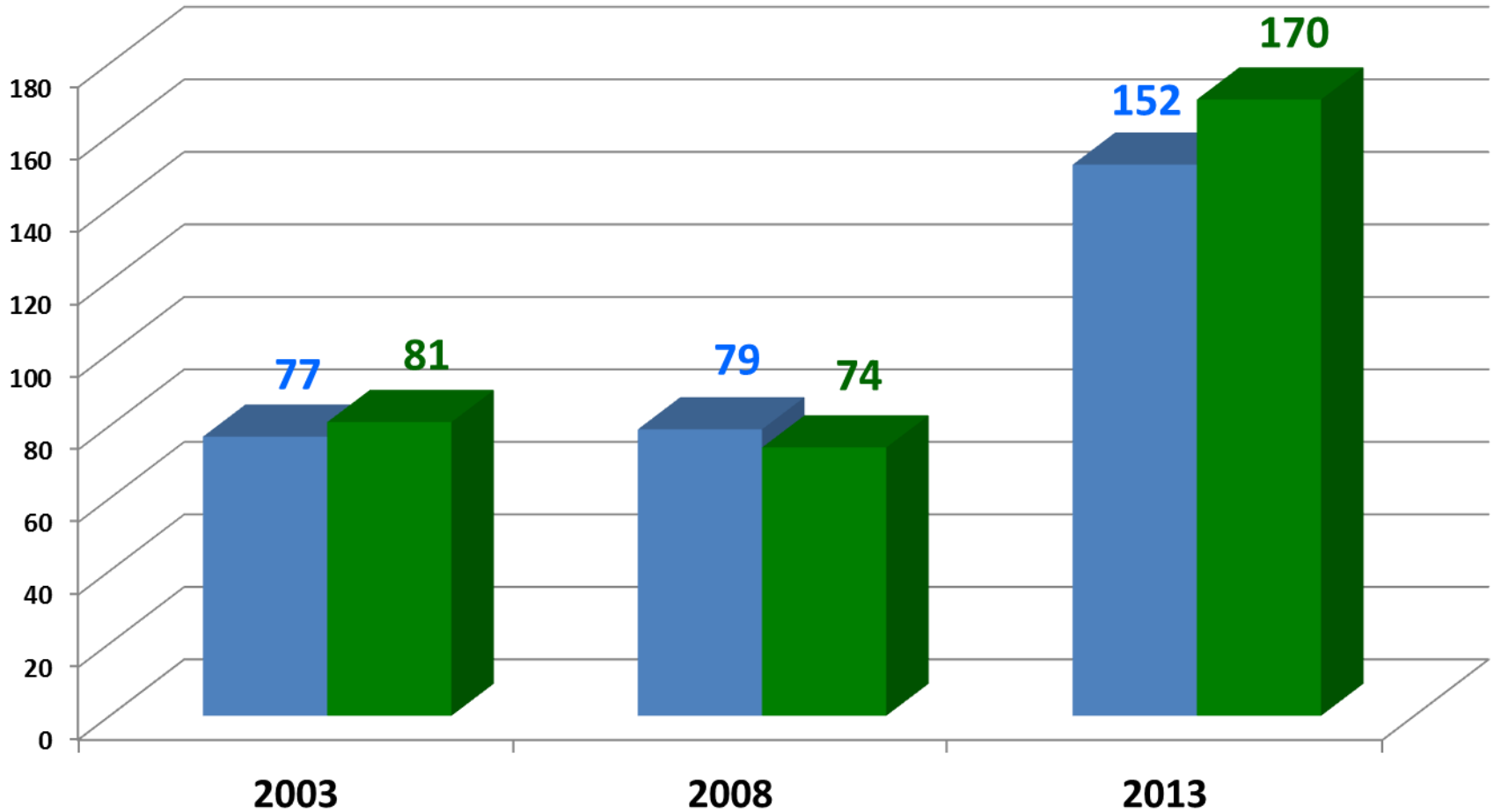


Total Appeals Received Per Year



Total Orders Issued

■ Municipal Orders ■ Provincial Orders



Salary and Expenses Disclosure

- ***Public Sector Salary Disclosure Act, 1996***
- **Travel and Hospitality Expenses**
 - Cabinet Ministers, Senior Management, etc.
 - 22 of Ontario's largest agencies.
- ***Broader Public Sector Accountability Act, 2010***
 - Public reporting for Local Health Integration Networks and hospitals.

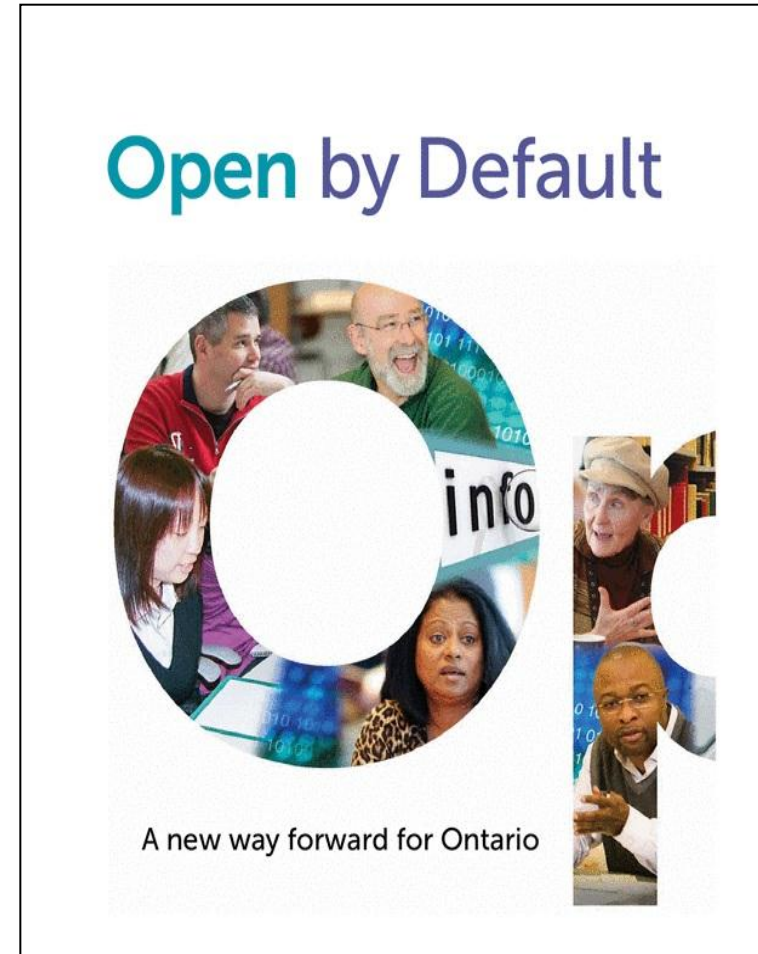


Open Government Engagement Team

Open by Default Report

Highlights need for improvement of the Freedom of Information (FOI) framework:

- Reform Acts by basing them on the principals of Open by Default and requiring the proactive publication of certain types of information;
- Reform the FOI process so that government systems can receive, process and respond to information requests online and in machine-readable formats;
- Publish FOI responses online as soon as they are released to the requestor(s).



Mandate Letters

- Open by Default report recommended the Premier's mandate letters to Cabinet ministers outlining departmental priorities be published within two business days of being signed.
- In September 2014, the Premier responded by publishing the letters for the first time.



Ontario How can we help you? Search Popular +

Mandate Letters 2014-2015
Read the mandate letters Premier Wynne wrote to each Cabinet Minister, outlining the key priorities for their ministry:

- Aboriginal Affairs
- Agriculture, Food and Rural Affairs
- Attorney General
- Children and Youth Services
- Citizenship, Immigration and International Trade
- Community and Social Services
- Community Safety and Correctional Services
- Economic Development, Employment and Infrastructure
- Education
- Energy
- Environment and Climate Change
- Finance
- Finance: Ontario Retirement Pension Plan
- Francophone Affairs
- Government and Consumer Services
- Health and Long-Term Care
- Health and Long-Term Care: Long-Term Care and Wellness
- Intergovernmental Affairs
- Labour
- Municipal Affairs and Housing
- Natural Resources and Forestry
- Northern Development and Mines
- Pan/Parapan American Games Secretariat
- Research and Innovation
- Seniors' Secretariat
- Tourism, Culture and Sport
- Training, Colleges and Universities
- Transportation
- Treasury Board Secretariat
- Women's Directorate

Updated: September 25, 2014



Helping to Protect Personal Privacy



Challenges Ahead

- Law Enforcement Surveillance
 - Bill C-51, CCTV cameras, body-worn, etc.
- Cloud Computing
 - Public/health sector moving to the cloud?
- Service Integration
 - More efficient public services may mean sharing personal information
- Big Data
 - Profiling citizens, consumers



Survey Guidelines



Best Practices for Protecting
Individual Privacy in
Conducting Survey Research



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- Updated from 1999 version, co-authored with Ontario Public Service.
- Changes reflect use of online survey tools, and use of mobile devices.



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Privacy Impact Assessment Guide

- This Guide is meant to help Ontario's public institutions conduct Privacy Impact Assessments (PIA) in compliance with privacy and access legislation.
- Carrying out a PIA does not need to be complex or time consuming, but thoroughness is necessary to ensure that potential privacy risks are identified and mitigated.



Privacy and the Internet: A Guide for Municipalities

- The Internet is now seen as a pillar of the Open Government movement which promotes publishing records online – a highly effective means of ensuring that the public has access to information.
- However, when records include personal information, there are privacy implications that must be considered.



Protecting Personal Health Information





 **10 YEARS OF THE PERSONAL HEALTH
INFORMATION PROTECTION ACT**



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Unique Characteristics of Personal Health Information

- Highly sensitive and personal in nature.
- Yet, it must be shared seamlessly among a range of health care providers to deliver timely, efficient and effective health care to the individual.
- This dual nature of personal health information (PHI) is recognized in *PHIPA*.

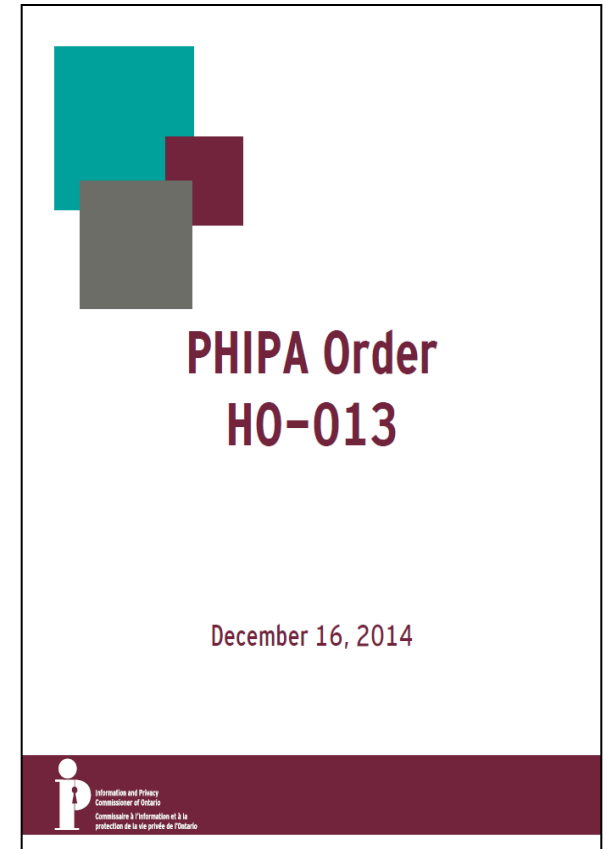
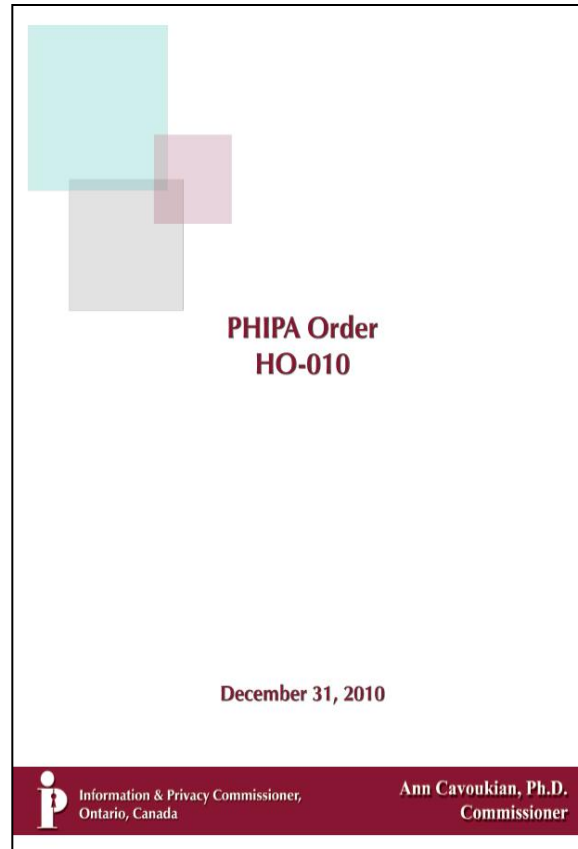
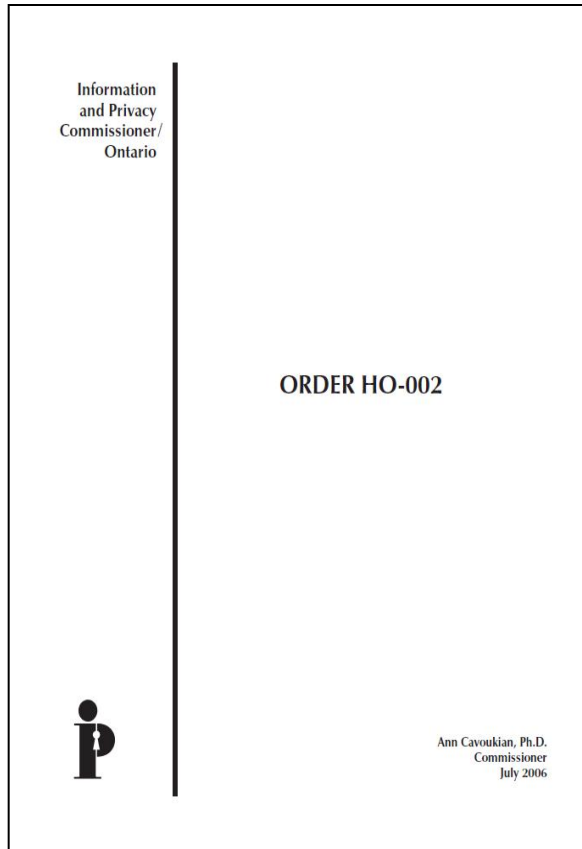


The Meaning of “Unauthorized Access”

- There have been a number of cases of “unauthorized access” in Ontario where PHI has been accessed without consent and for purposes not permitted by *PHIPA*.
- Unauthorized access includes viewing or “snooping” PHI.



Health Orders We Have Issued in Response to Unauthorized Access



“Is It Worth It?” Campaign

<https://youtu.be/sxi7BjdTJ4o>



Detecting, Deterring and Reducing the Risk of Unauthorized Access

Everyone has a role to play:

- Health Information Custodians
- IPC
- Employees/Agents
- Regulatory Colleges
- Ministry of Health and Long-Term Care
- Attorney General



Build A Culture of Privacy

- Build a culture of privacy from the top down.
- Ensure your staff know how to apply privacy policies and procedures in their day-to-day work.
- Provide on-going privacy training.
- Use multiple means to communicate privacy messages.
- Regularly assess the effectiveness of your privacy program.



Panel Sessions

- **Panel A (AS203) – *Working towards a more transparent and accountable government:***
 - David Goodis, Assistant Commissioner, IPC
 - Sherry Liang, Assistant Commissioner, IPC
 - Elsé Khoury, Manager of Information Services and Freedom of Information Coordinator, Niagara Region
- **Panel B (AS204) – *Protecting personal health information in an electronic environment:***
 - Manuela Di Re, Director of Legal Services and General Counsel, IPC
 - Debra Grant, Director of Health Policy, IPC



How to 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



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