

# Navigating the Future

*AI in Ontario*

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# BIO



Javier Ruiz-Soler, PhD

*Senior Technology and Policy Advisor*

My work consists in identifying and analyzing trends in technology (information security governance, privacy enhancing technologies, artificial intelligence technologies, data access issues, and governance) and contributing to developing the IPC's policy capacity on Emerging Technologies.

I hold a PhD in Political Science and Technology.

# Agenda

- IPC Mandate
- Ontario AI landscape
  - Joint Statement IPC and OHRC
  - Principles with OPC and other Privacy Offices in Canada
  - Bill 194
  - Proctoring Software
- Resources
  - OECD Principles
  - Guidelines use of Gen. AI
  - IPC Procurement Guide
  - IPC Digital Charter for Ontario Schools
  - Consulting

# Privacy Law in Ontario

	Federal Public Sector	Private Sector	Ontario Public Sector	Ontario Health Sector
Generally applicable to	Government of Canada <ul style="list-style-type: none"> <li>E.g. federal ministries, agencies, crown corporations</li> </ul>	Private sector businesses in Canada	Public sector in Ontario <ul style="list-style-type: none"> <li>E.g. government, ministries, agencies, hospitals, universities, cities, police, schools</li> </ul>	Health care sector in Ontario <ul style="list-style-type: none"> <li>individuals, custodians (e.g. hospitals, clinics, pharmacies, etc.)</li> </ul>
Laws (non-exhaustive)	<ul style="list-style-type: none"> <li><a href="#">Privacy Act</a></li> <li><a href="#">Access to Information Act</a></li> </ul>	<ul style="list-style-type: none"> <li>Personal Information Protection and Electronic Documents Act (<a href="#">PIPEDA</a>)</li> <li>Canada's Anti-Spam Legislation (<a href="#">CASL</a>)</li> </ul>	<ul style="list-style-type: none"> <li>Freedom of Information and Protection of Privacy Act (<a href="#">FIPPA</a>)</li> <li>Municipal Freedom of Information and Protection of Privacy Act (<a href="#">MFIPPA</a>)</li> <li>Part X of <a href="#">The Child, Youth and Family Services Act</a></li> </ul>	<ul style="list-style-type: none"> <li>Personal Health Information Protection Act (<a href="#">PHIPA</a>)</li> </ul>
Oversight	<ul style="list-style-type: none"> <li><a href="#">Privacy Commissioner of Canada</a></li> <li><a href="#">Information Commissioner of Canada</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Privacy Commissioner of Canada</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Information and Privacy Commissioner of Ontario</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Information and Privacy Commissioner of Ontario</a></li> </ul>



IPC Mandate

# Information and Privacy Commissioner of Ontario



Patricia Kosseim

- Ontario's Information and Privacy Commissioner is an officer of the legislature
  - Appointed by and reports to the Legislative Assembly of Ontario
  - Independent of the government of the day
- The IPC has authority under the following laws:
  - *Freedom of Information and Protection of Privacy Act (FIPPA)*
  - *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
  - *Personal Health Information Protection Act, 2004 (PHIPA)*
  - *Child, Youth and Family Services Act, 2017 (CYFSA)*
  - *Anti-Racism Act, 2017 (ARA)*
  - *Coroners Act*

# IPC's Overall Role & Mandate

In addition to overseeing provincial access and privacy laws, the office of the IPC also serves the government, public institutions and the public through its mandate to:

- Resolve appeals when access to information is refused
- Investigate privacy complaints related to personal information
- Ensure compliance with the province's access and privacy laws
- Review privacy policies and information management practices
- Conduct research on access and privacy issues and provide comment on proposed legislation and government programs
- Educate the public, media and other stakeholders about Ontario's access and privacy laws and current issues affecting access and privacy

## IPC'S VISION

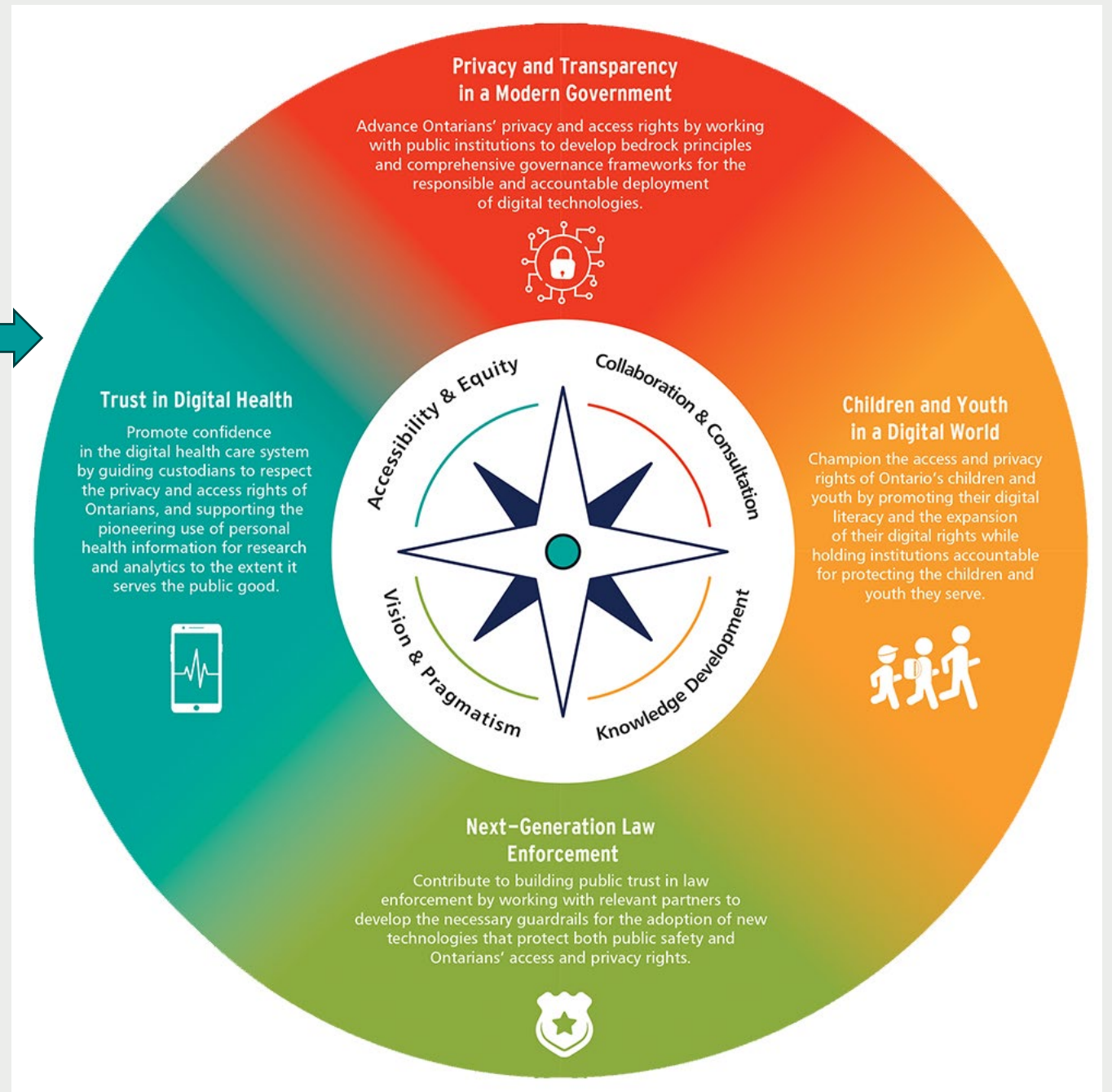
Enhance Ontarians' trust that their access and privacy rights will be respected by ...





# IPC

- Strategic Priorities
- IPC Technology Team
  - AI
  - Cybersecurity
  - Tech Expertise







# Ontario AI Landscape

State of Art in the Province

# Ontario AI Landscape

- Canada, and Ontario, are the epicenters of AI development
  - Research
  - Investment
  - Knowledge
- Unfinished business in Ontario
  - C-27 Private sector
  - Bill 194 Public sector in Ontario
- Education
- Healthcare
- Law Enforcement
- First Nations
- Youth



# AI in Ontario

- Statement IPC and OHRC
  - Brief Summary
  - IPC contribution
- Principles of AI from OPC and other Privacy Offices in Canada
  - Brief Summary
  - IPC Contribution
- Bill 194
  - Brief Summary of Content
  - IPC Submission
- Proctoring Software IPC decision
  - Brief Summary of content
  - IPC Submission



# Joint Statement IPC and OHRC

- The IPC and OHRC are issuing this joint statement to urge the Ontario government to develop and implement effective guardrails on the public sector's use of AI technologies.
- Such guardrails must effectively address safety, privacy, accountability, transparency (including access to information), and human rights.
- [LINK: Joint statement by the Information and Privacy Commissioner of Ontario and the Ontario Human Rights Commission on the use of AI technologies | Information and Privacy Commissioner of Ontario \(ipc.on.ca\)](#)

# Principles with OPC and other Privacy Offices

- Considerations for the application of key privacy principles to generative AI technologies
  - Legal Authority
  - Appropriate Purpose
  - Necessity and Proportionality
  - Openness
  - Accountability
  - Individual Access
  - Limiting collection, Use and disclosure
  - Accuracy
  - Safeguards

Link: [Principles for responsible, trustworthy and privacy-protective generative AI technologies - Office of the Privacy Commissioner of Canada](#)



# Bill 194

- Ontario government introduced Bill 194, the [Strengthening Cyber Security and Building Trust in the Public Sector Act, 2024](#), aimed at strengthening digital infrastructure and data privacy protections within public entities and services in Ontario
  - Require public sector entities to develop and implement cyber security programs, and submit reports on cyber security.
  - Regulate how public sector entities, identified by regulation, use artificial intelligence ("AI") systems.
  - Allow the government to make regulations on how children's aid societies and school boards collect, use, retain or disclose digital information relating to individuals under age 18.



# Bill 194 and AI

- Provide information to the public about their use of the AI system;
- Develop and implement an accountability framework respecting their use of the AI system (which may require roles and responsibilities for specified individuals);
- Take steps to manage risks associated with the use of the AI system (which may include reporting and record-keeping);
- Use (or not use) the AI system in accordance with any prescribed requirements;
- Disclose information about their use of the AI system; and
- Ensure that an individual exercises oversight of the use of the AI system and what additional information that individual must make available (which may include publishing how inquiries may be made about the entity's use of such systems).



# Bill 194 and Children

- Lieutenant Governor in Council to make regulations governing how children's aid societies and school boards collect, use, retain or disclose digital information relating to individuals under age 18. These regulations may include requirements to submit reports to the Minister, and may prohibit the collection, use, retention or disclosure of certain digital information about minors.
- the Minister may: (a) make regulations setting technical standards for children's aid societies and school boards, and how they collect, use, retain and disclose digital information about minors; and (b) make regulations and issue directives as to what digital technology can be made available to minors by children's aid societies and school boards.
- It is important to note that the above requirements relating to digital technology affecting minors would apply to persons acting on behalf of children's aid societies and school boards. This means that businesses that develop or license technologies, or provide digital technology solutions, to children's aid societies and school boards should expect to be affected by the requirements.

# IPC Submission on Bill 194

## Children

- Privacy protections for children under Ontario's existing privacy laws should be strengthened.
- The application of ministerial regulations and directives regarding digital technologies made available for use by individuals under 18 should be broadened.
- Children's personal information should be deemed as sensitive.

## AI

- Fundamental AI Principles
- No-go zones
- Risk based approach

# Proctoring Software Investigation

- McMaster Investigation on software to monitor students were not cheating.
- IPC found that the use of personal information was inadequate.
  - Some of the data was used for AI training purpose
- IPC made some recommendations
  - Strong measures to protect students' personal information
  - Broader privacy and ethical risks associated with the use of AI

# IPC's Opportunities

- Active engagement at the international, federal, and provincial levels
- Consolidation of all IPC AI-related engagements.
- Development and Refinement of IPC's Principles and Guidelines of the Responsible Use of Artificial Intelligence Technologies.
- Identifying area of law reform, using principles to guide future policy guidance on AI technologies.
- Providing Support and consultations to public sector entities.



Resources

# Resources

- Risk Assessment: [AI Risk Management Framework | NIST](#)
- Government of Canada Algorithmic Impact Assessment tool: [Algorithmic Impact Assessment tool - Canada.ca](#)
- OECD Responsible AI: [AI principles | OECD](#)
- Guidelines use of Gen. AI: [Principles for responsible, trustworthy and privacy-protective generative AI technologies - Office of the Privacy Commissioner of Canada](#)
- IPC Procurement Guide: <https://www.ipc.on.ca/en/resources/privacy-and-access-public-sector-contracting-third-party-service-providers>
- Digital Privacy Charter for Ontario Schools: [Digital Privacy Charter for Ontario Schools | Information and Privacy Commissioner of Ontario \(ipc.on.ca\)](#)
- IPC Consultations: [Policy consultations | Information and Privacy Commissioner of Ontario \(ipc.on.ca\)](#)

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