

***Ensuring Access to Information and
Protecting Privacy
Right to Know Week 2015***

**Brian Beamish
Commissioner**

***Reaching Out to Ontario
Sault Area Hospital
September 25, 2015***



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Right to Know Week 2015

- Raise awareness of an **individual's right to access** government information
- Promote foi as essential to both **democracy** and **good governance**.
- Mark the benefits of a transparent and accessible **Open Government**.
- Celebrated in over 40 nations worldwide and across Canada.



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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**.



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The Three Acts

The IPC oversees compliance with:

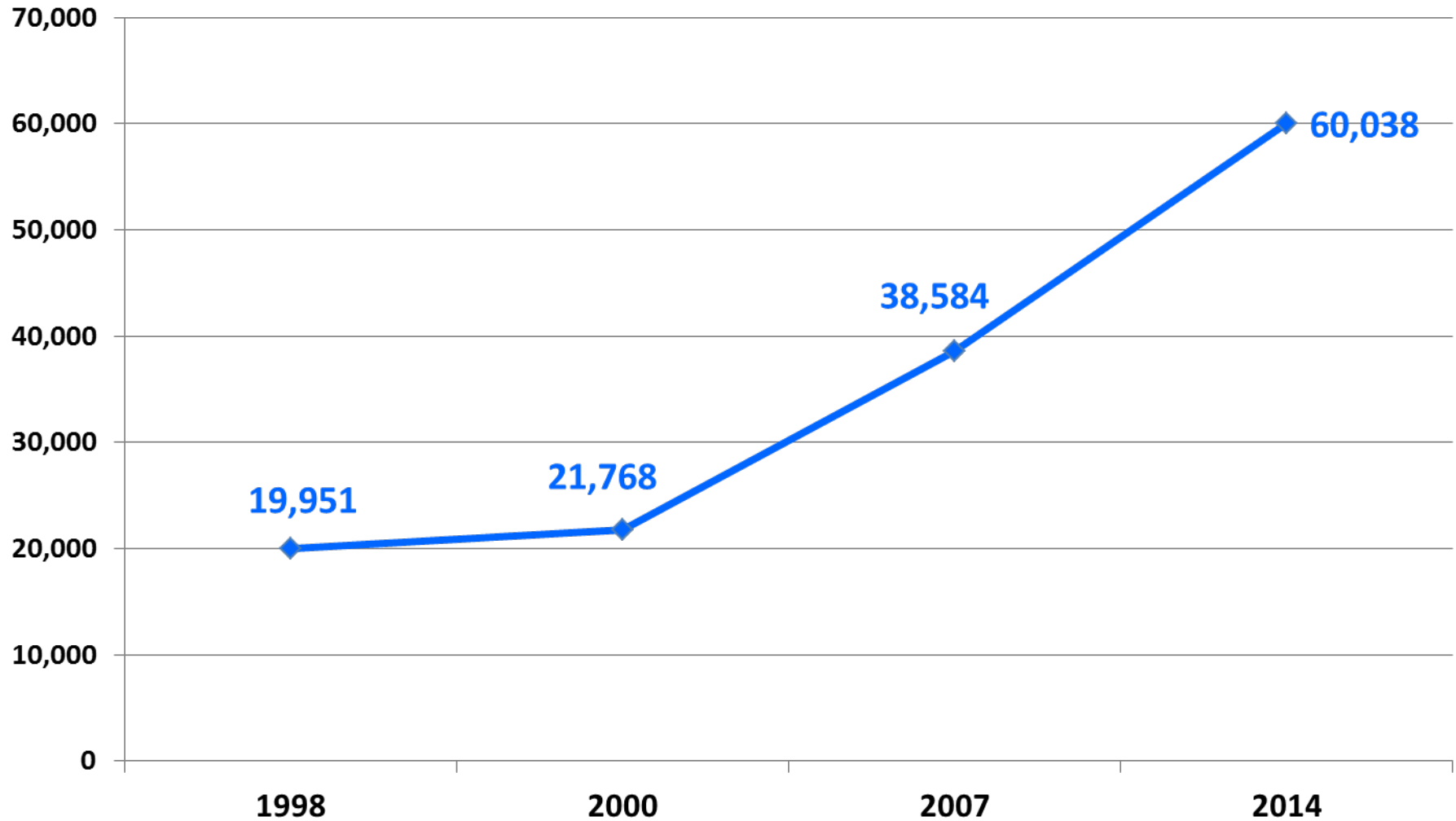
- *Freedom of Information and Protection of Privacy Act (FIPPA)*
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- *Personal Health Information Protection Act (PHIPA)*



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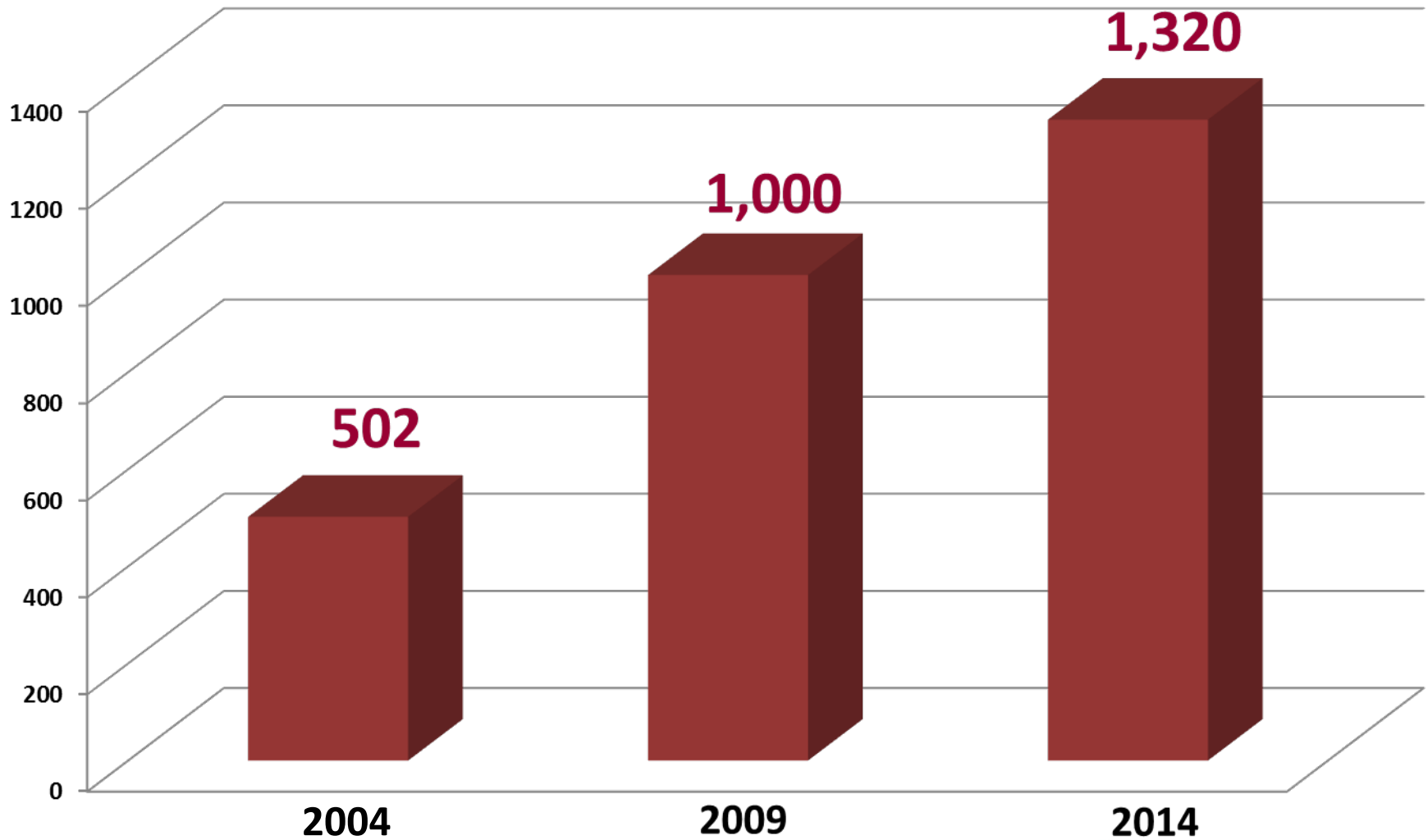
Total Access Requests Per Year



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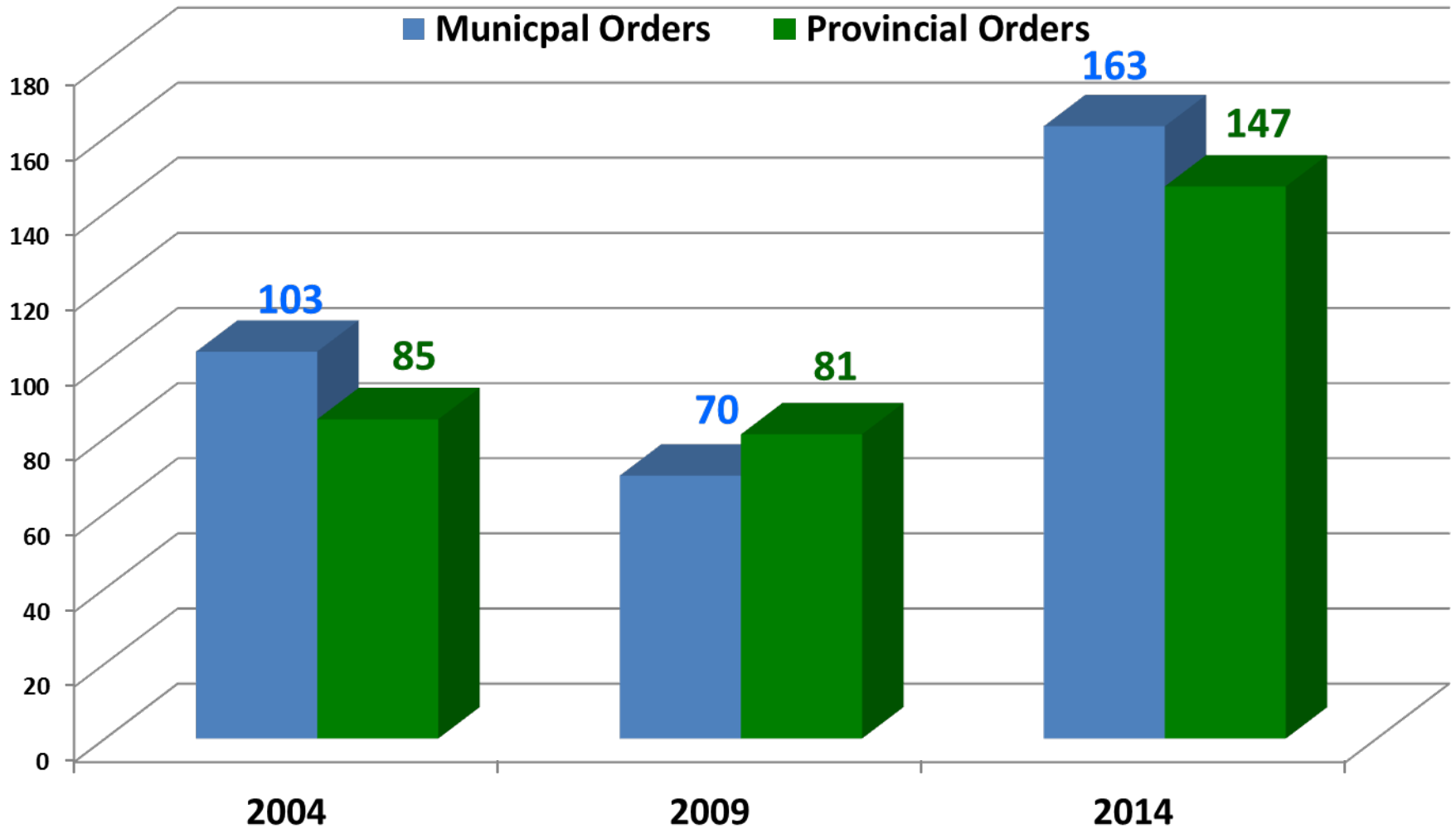
Total Appeals Received Per Year



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Total Orders Issued



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Ontario's Open Government Initiative

- Open Government involves three pillars: **Open Information**, **Open Data** and **Open Dialogue**.
- **Open Information** - the proactive release of information about the operation of government to improve transparency and accountability, and promote more informed and productive public debate.
- **Open Data** - proactive publishing of data collected by government in free, accessible and machine-readable formats and encouraging its use by the public as well as within government.
- **Open Dialogue** - proactive involvement of the public in planning and decision-making to ensure that the government understands and responds to public interests in a collaborative way.



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Draft Open Data Directive

- The Ontario government released its draft Open Data Directive on May 1, 2015 for consultation.
- The draft directive codifies minimum requirements that must be met to implement Open Data – a key component of proactive disclosure.



Open Data Directive Consultation

The IPC **applauded** this effort and recommended that the draft directive:

- Ensure **the protection of personal information** in data sets through appropriate de-identification;
- Require periodic reviews of open de-identified data so that **it cannot be linked** to individuals;
- Provide direction on how to further open the **procurement process** and ensure disclosure of government contracts.



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Open Dialogue

- Treasury Board open consultations on the draft Open Data Directive.
- Ministry of Municipal Affairs and Housing open consultations regarding its review of Ontario's *Municipal Act, City of Toronto Act* and the *Municipal Conflict of Interest Act*.
- Ministry of Community Safety and Correctional Services open consultations of street checks.



Municipalities are in the Lead!

- Institutions in the broader public sector, particularly **municipalities**, are leading the way in Open Data, Open Information and Open Dialogue.
- Many have Open Government **strategies and action plans** outlining their vision, principles, priorities and planned activities.
- Most larger municipalities have **Open Data catalogues** (for example: Toronto, Guelph, Waterloo, Windsor).



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The City of Guelph

Guelph received **award** this year from Institute of Public Administration of Canada (IPAC) and Deloitte.

- One of **top three cities** for advancing local government, responding to citizens' needs.
- Included:
 - comprehensive Open Government Action Plan
 - Open Government Community Leadership Team
 - turned Council orientation into an online resource everyone can access



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Open Contracting: Proactive Disclosure of Procurement Records



Open Contracting: Proactive Disclosure Of Procurement Records

September 2015



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- The proactive disclosure of procurement records will improve the **transparency of government spending** and reduce resources required to respond to access to information requests.
- This paper provides guidance on how to make procurement records publically available, while protecting sensitive **third party information** and **personal information**.



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Call to Action

Open and accountable government empowers the public to fully participate in the activities of its government and the decision making that impacts us all.

We urge all institutions to commit to the pillars of Open Government.



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Protecting Personal Health Information



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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*.



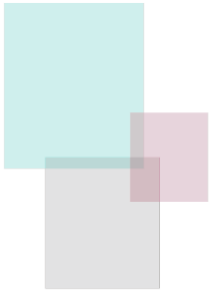
Health Orders We Have Issued in Response to Unauthorized Access

Information and Privacy Commissioner/
Ontario

ORDER HO-002




Ann Cavoukian, Ph.D.
Commissioner
July 2006




PHIPA Order
HO-010

December 31, 2010




Information & Privacy Commissioner,
Ontario, Canada

Ann Cavoukian, Ph.D.
Commissioner



PHIPA Order
HO-013

December 16, 2014



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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



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New Legislation: The Health Information Protection Act

- The “*Electronic Personal Health Information Protection Act*” Bill 78 was introduced in May 2013, but did not make it past second reading due to the 2014 election.
- Bill 119 was introduced last week. From the previous Bill, it proposes to:
 - Set out rules for the **collection, use and disclosure** of PHI in provincial electronic health records (EHRs).
 - Establish processes in which individuals can access **manage** consent directives and access their own provincial EHRs.
 - Determine **requirements** for prescribed organizations of who will be responsible for EHRs.



The Health Information Protection Act

The bill also proposes to:

- **Mandatory** privacy breach reporting to the IPC and to relevant regulatory colleges.
- Remove the requirement that **prosecutions** must be commenced within six months of when the offence occurred.
- **Double** the maximum fines for offences from \$50,000 to \$100,000 for individuals and from \$250,000 to \$500,000 for organizations.



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Panel Sessions

- **Panel A (Auditorium) – *Protecting personal health information in an electronic environment:***
 - Manuela Di Re, Director of Legal Services and General Counsel
 - Debra Grant, Director of Health Policy
- **Panel B (Goulais Room) – *Working towards a more transparent and accountable government:***
 - David Goodis, Assistant Commissioner
 - Sherry Liang, Assistant Commissioner



How to Contact Us

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