

# Insights from the IPC

Patricia Kosseim

Information and Privacy Commissioner  
of Ontario



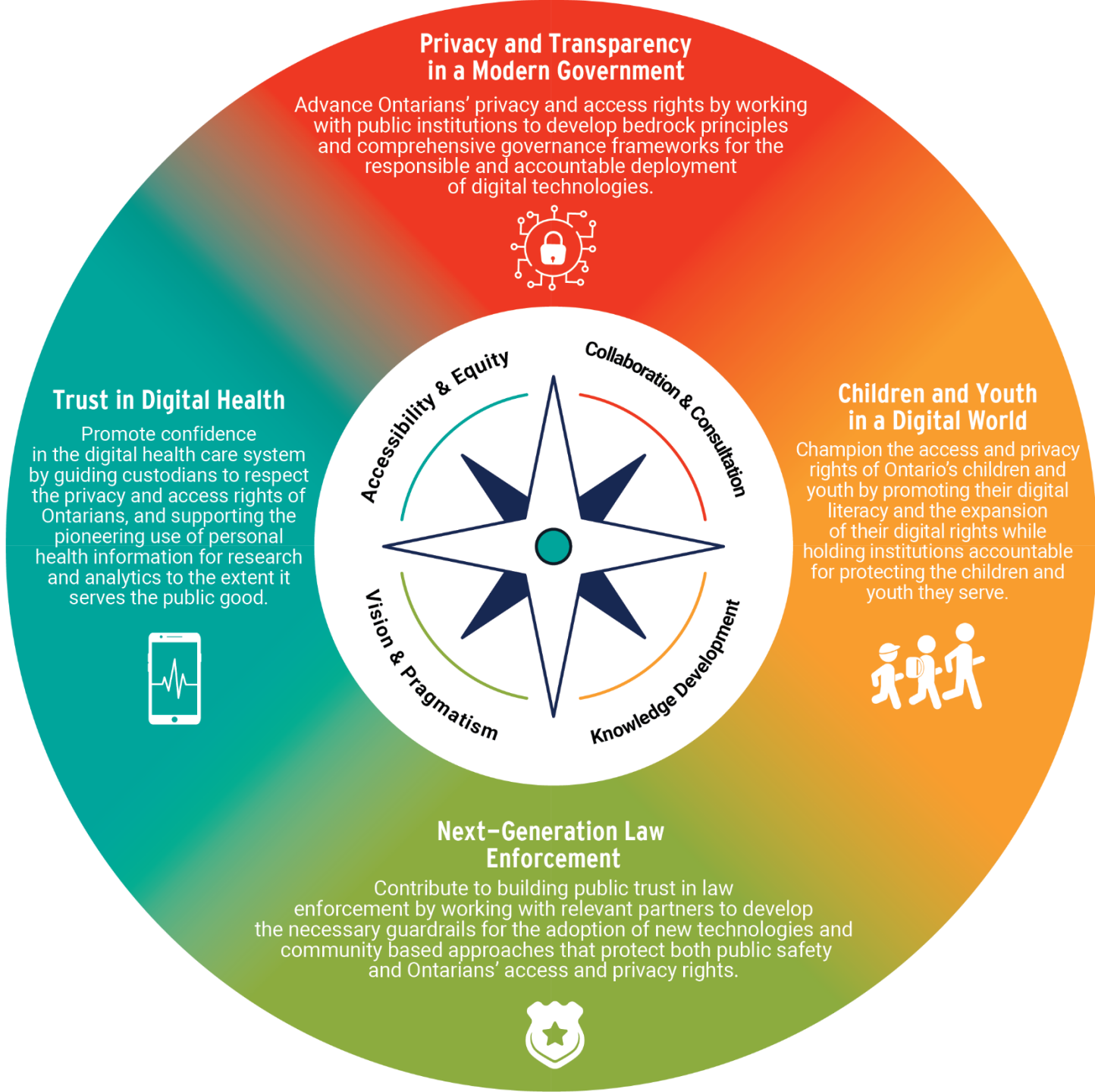
Information and Privacy  
Commissioner of Ontario

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

Ontario Bar  
Association

June 8, 2022

# IPC Strategic Priorities 2021-2025





# Privacy and Transparency in a Modern Government

Key submissions to government:

- Open letter on the policy framework for Ontario's digital identity program
- Comments on a trustworthy artificial intelligence framework for Ontario
- Comments on the proposed provincial data authority to provide broader access to government data





# Children and Youth in a Digital World

Focus on digital literacy and institutions' obligations when handling young people's personal information:

- Sponsor of a resolution on children's digital rights at the Global Privacy Assembly
- Webinar: Protecting student privacy rights in Ontario schools
- *Privacy Pursuit! Games and Activities for Kids*
- First decisions under Part X of *the Child, Youth and Family Services Act (CYFSA)*
- Advocating for children's data rights in the private sector



# Trust in Digital Health

Initiatives to promote confidence in the digital health system:

- COVID-19 proof of vaccination consultations
- Virtual health care guidance
- Guidance on digital health under PHIPA
- Guidance on the use and disclosure of personal health Information for broader public health purposes
- Initial review of Ontario Health as a prescribed organization
- Consultation on three-year reviews under PHIPA





# Next-Generation Law Enforcement

- Privacy Day webcast about law enforcement and surveillance technologies

## New guidance and advice:

- Police body-worn camera programs
- Use of facial recognition technology by police
- Expansion of closed-circuit television systems
- Community based approaches to policing



# IPC Strategic Advisory Council

- Evolution of the IPC's ad hoc advisory committee
- A permanent advisory council of experts from public/private sectors, academia, law, advocacy groups, health, education and law enforcement
- Members also participate on one of four priority tables, each dedicated to advancing a specific strategic priority



# PHIPA Decision 175



Three main takeaways:

1. De-identification is considered a “use” under PHIPA
2. Custodians planning to de-identify and sell data to a third party must clearly and explicitly state this in their public notice
3. Sale agreements must include additional privacy and security controls to ensure data remains de-identified

Full text of Decision 175 available at:  
[www.ipc.on.ca/decisions](http://www.ipc.on.ca/decisions)

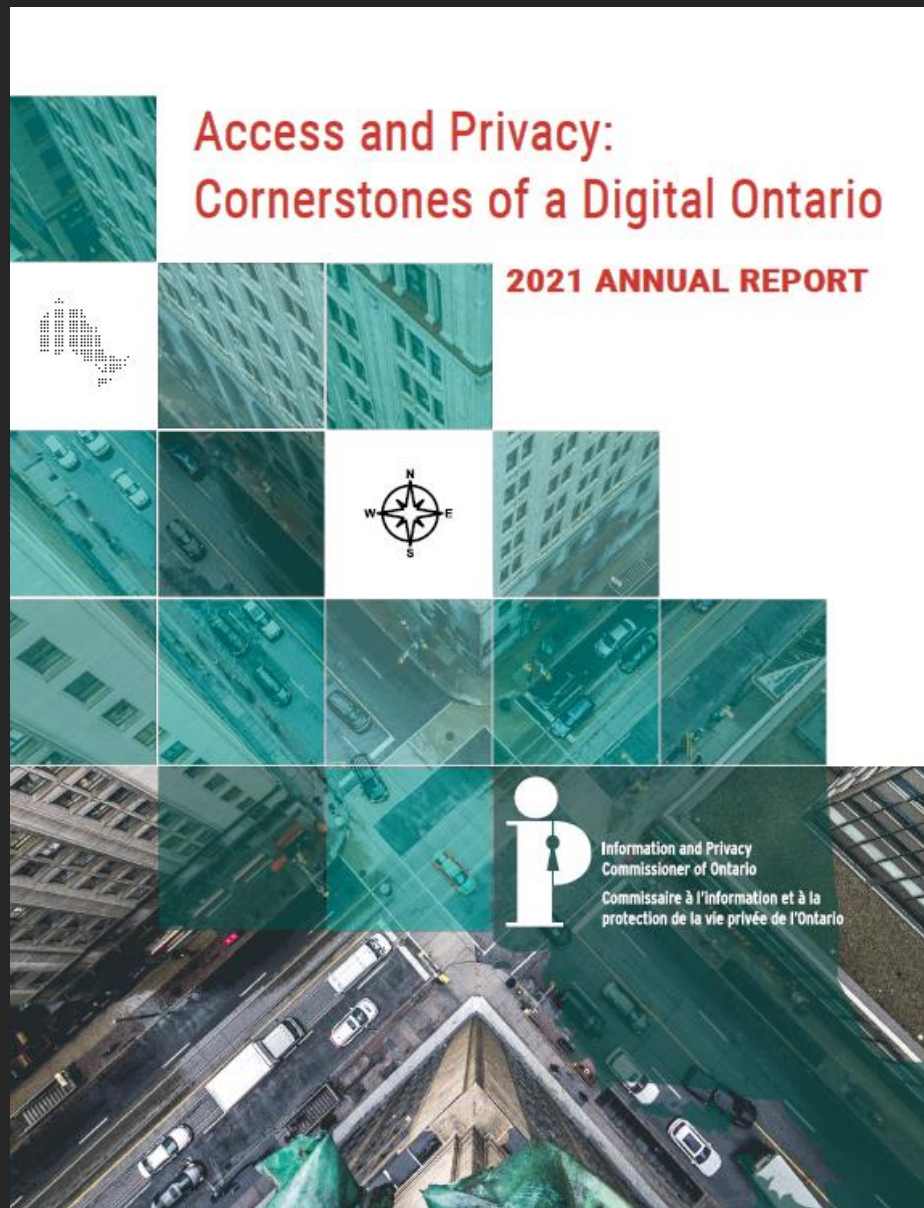


# PHIPA Decision 175 & ETHI Recommendations

- Decision 175 parallels recommendations of the House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI).
- These recommendations focus on:
  - transparency
  - prohibiting re-identification
  - process and standards for de-identifying data







Available next week at:  
[www.ipc.on.ca/about-us/annual-reports](http://www.ipc.on.ca/about-us/annual-reports)





# 2021 Annual Report: Notable Trends

- Increase in freedom of information and Part X access requests
- Cyberattacks on the rise
- Employee snooping continues to undermine trust
- Misdirected emails and faxes are still a problem



# IPC Resources and Guidance



**Privacy Pursuit!**  
Games and Activities for Kids

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

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**HEALTH** MAY 2021

DIGITAL HEALTH UNDER *PHIPA*:  
SELECTED OVERVIEW



FEBRUARY 2021

GUIDELINES FOR THE HEALTH SECTOR

**Privacy and security considerations for virtual health care visits**

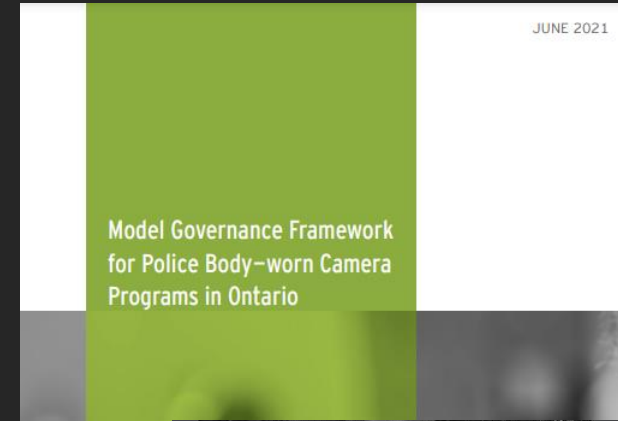
The delivery of virtual health care has become an integral part of Ontario's health system. Virtual health care can include secure messaging, telephone consultation, and videoconferencing. These forms of digital communication offer significant convenience for health information custodians (custodians) and their patients where physical distance poses a challenge. However, virtual health care also raises unique privacy and security concerns because it depends on technologies, communication infrastructures, and remote environments. Virtual health care raises new kinds of cybersecurity risks that are not as prevalent in the analog world.

Ontario's health privacy law, the *Personal Health Information Protection Act (PHIPA)*, applies to virtual care as it does to in-person care. Custodians must comply with the provisions of *PHIPA*, in addition to all other applicable laws and regulations, as well as guidance issued by relevant professional regulators.

In this guide, we recall some of the key requirements in *PHIPA* relevant to all custodians, including those who operate in a virtual health care context. We then provide some practical steps custodians should take to protect personal health information, particularly as they plan and deliver virtual health care.

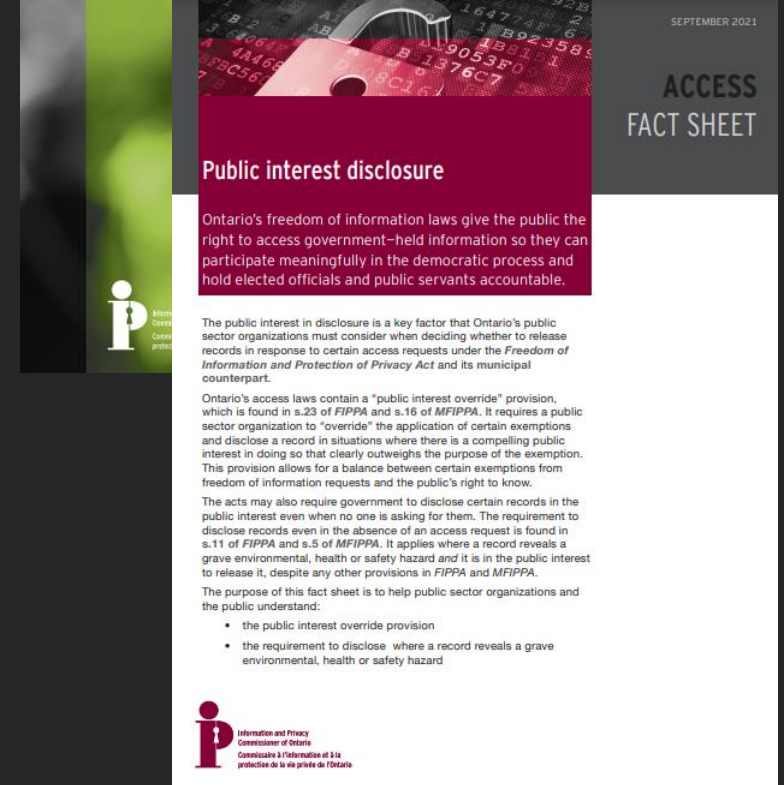
*PHIPA* applies to virtual care as it does to in-person care.

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JUNE 2021

Model Governance Framework for Police Body-worn Camera Programs in Ontario



SEPTEMBER 2021

ACCESS FACT SHEET

**Public interest disclosure**

Ontario's freedom of information laws give the public the right to access government-held information so they can participate meaningfully in the democratic process and hold elected officials and public servants accountable.

The public interest in disclosure is a key factor that Ontario's public sector organizations must consider when deciding whether to release records in response to certain access requests under the *Freedom of Information and Protection of Privacy Act* and its municipal counterpart.

Ontario's access laws contain a "public interest override" provision, which is found in s.23 of *FIPPA* and s.16 of *MFIPPA*. It requires a public sector organization to "override" the application of certain exemptions and disclose a record in situations where there is a compelling public interest in doing so that clearly outweighs the purpose of the exemption. This provision allows for a balance between certain exemptions from freedom of information requests and the public's right to know.

The acts may also require government to disclose certain records in the public interest even when no one is asking for them. The requirement to disclose records even in the absence of an access request is found in s.11 of *FIPPA* and s.5 of *MFIPPA*. It applies where a record reveals a grave environmental, health or safety hazard and it is in the public interest to release it, despite any other provisions in *FIPPA* and *MFIPPA*.

The purpose of this fact sheet is to help public sector organizations and the public understand:

- the public interest override provision
- the requirement to disclose where a record reveals a grave environmental, health or safety hazard

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[www.ipc.on.ca/resources/guidance-for-organizations](http://www.ipc.on.ca/resources/guidance-for-organizations)





# Resources

- **IPC Strategic Priorities 2021-2025**  
<https://www.ipc.on.ca/about-us/ipc-strategic-priorities-2021-2025-final-report/>
- **IPC Strategic Advisory Council 2021-2025**  
<https://www.ipc.on.ca/about-us/ipc-strategic-priorities-2021-2025-final-report/ipc-strategic-advisory-council-2021-25/>
- **Privacy and Transparency in a Modern Government (various submissions)**  
<https://www.ipc.on.ca/about-us/privacy-and-transparency-in-a-modern-government/>
- ***Privacy Pursuit! Games and Activities for Kids***  
[https://www.ipc.on.ca/wp-content/uploads/2021/09/privacy-pursuit-activity-book-for-kids\\_ipc.pdf](https://www.ipc.on.ca/wp-content/uploads/2021/09/privacy-pursuit-activity-book-for-kids_ipc.pdf)
- **Trust in Digital Health (health sector guidance)**  
<https://www.ipc.on.ca/about-us/trust-in-digital-health/>
- **Model Governance Framework for Police Body-Worn Camera Programs in Ontario**  
<https://www.ipc.on.ca/wp-content/uploads/2021/07/model-governance-framework-police-body-worn-camera-programs.pdf>
- **PHIPA Decision 175**  
<https://decisions.ipc.on.ca/ipc-cipvp/hipa/en/item/520967/index.do>



16 episodes

Conversations about people, privacy, and access to information. Hosted by Patricia Kosseim, Information and Privacy Commissioner of Ontario.

[www.ipc.on.ca/media-centre/info-matters-podcast/](http://www.ipc.on.ca/media-centre/info-matters-podcast/)

## Info Matters

Information and Privacy Commissioner of Ontario

Government

★★★★★ 5.0 • 3 Ratings

MAY 31, 2022

### In conversation with Jim Balsillie: Data, technology, and public policy >

Data is the engine of the modern economy, a key driver of innovation and growth. While the power of data is undeniable, questions emerge about the impact of digital transformation on our human rights, our collective well-being, and the state of our democracy. Commissioner Kosseim speaks with Jim...

[▶ PLAY](#) 29 min

MAY 3, 2022

### Focusing in on police use of body-worn cameras >

In recent years a global movement has taken shape, calling for greater scrutiny of interactions between citizens and police. Cameras worn by police officers have emerged as a tool to support greater transparency and accountability, documenting what an officer sees and hears on the job....

[▶ PLAY](#) 37 min

MAR 22, 2022

### Power to the people! Access, privacy, and civic engagement >

This episode explores the role of civic engagement in fostering greater government transparency and clearer privacy policies that work for everyday people. Commissioner Kosseim speaks with community activist and bestselling author Dave Meslin about barriers that keep people from engaging in societal...

[▶ PLAY](#) 35 min

FEB 24, 2022

### Family ties: Using investigative genetic genealogy to solve crimes >

Millions of people around the world are purchasing DNA testing kits and uploading their results to genealogy websites to trace their family trees. Police services are making use of this genetic information too, looking for matches with DNA samples left at crime scenes to solve cold cases....

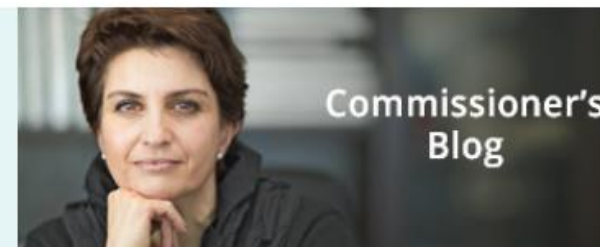




## Commissioner's Blog

219 results

Read Commissioner Kosseim's blogs on privacy, access, cyber safety, and more.



Search

### [The IPC's Strategic Priorities: One Year In](#)

May 24 2022

Over a decade ago, at the 35th International Conference of Data Protection and Privacy Commissioners (as it was then called), the community of international data protection regulators walked away with a key take-home message: "be selective to be effective." If that old adage was applicable th...

### [Ripe for public debate: Legal and ethical issues around de-identified data](#)

May 17 2022

Every once in a while, there are privacy investigation decisions that stand out because of their precedent setting nature. One such decision is PHIPA Decision 175, which details an investigation into the sale of de-identified data by a health information custodian to a third-party corporation. My...

### [It's a Gold Star for Privacy Day: Empowering a New Generation of Digital Citizens](#)

Feb 03 2022

Data protection authorities around the world recognize Data Privacy Day every January 28 as a way of raising public awareness about the importance of privacy and data protection rights. In case you missed it, this past Friday the IPC continued its tradition of hosting an annual Privacy Day event,...

# CONTACT US

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