

Information Sharing – Drivers and Recommendations

Sherry Liang
Assistant Commissioner

Big Picture Issues – The Regulators' Perspective
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IPC Mandate and Role

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; he remains independent of the government of the day to ensure **impartiality**.



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The Three Acts

The IPC Ensures Compliance With:

FIPPA and *MFIPPA*

- Provides right of access to information and appeals to the IPC;
- Privacy complaints may be filed with IPC – investigations may result in recommendations or Orders;

PHIPA

- Provides comprehensive privacy protections for personal health information;
- Primarily a privacy statute – also provides patients with a right of access to their health information, and a right to appeal access decisions to the IPC.



Three examples of consultations with IPC on data sharing programs

- Situation tables (hubs)
- Student data
- Smart meters



Situation Tables

Organizations have identified the fact that vulnerable individuals can experience urgent needs that cannot be met by any one program or institution.

Information sharing and collaboration has been identified as the best way to serve people at risk.



Situation Tables

What is a situation table?

- Collaborative, personal information sharing among community service providers, to meet urgent needs.
- Representatives from the police, municipalities, hospitals, social services, schools and school boards, consider individual cases.
- Following a situation table meeting, services are provided proactively (e.g. intervention) to meet the urgent needs of the individuals.



Situation Tables – Prince Albert Model

Prince Albert, Saskatchewan led one of the first Canadian situation tables, based on a police led hub in Strathclyde, Scotland.

The threshold to support information sharing at the situation table included the following considerations:

- Number of elevated risk factors
- Risk factors are acute (imminent / probable the risk will lead to harm of substantial severity)
- Risk factors are spread across several agencies and no one agency can mitigate the risk alone
- The agency bringing forward the case did all it could to mitigate the risk
- Interest in discussing the case outweighs individual interests of not having the discussion



Situation Tables:

Findings in Saskatchewan

The Saskatchewan Office of the Information and Privacy Commissioner conducted a review of the Prince Albert hub and provided recommendations on how to improve the privacy program.

Recommendations include:

1. Strong governance, including enforcing need-to-know access and privacy training of participants
2. Data minimization and de-identification
3. Comprehensive privacy planning, including consent of and notice to individuals, standard record-keeping practices and data verification
4. Delay sharing personal information until it can be confirmed that the situation merits an “acutely elevated risk”



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Situation Tables – Privacy Risks

- Identify **legal authority** to collect, use or disclose personal information with some or all of the agencies within the situation table.
- Collection, use and disclosure of personal information **without the individual's knowledge** and consent
- Disclosing personal information to **too many agencies**, or disclosing **more than necessary**.
- Insufficient **governance and oversight** mechanisms.
- Inadequate **anonymization** techniques.



Situation Tables - IPC Involvement

The Commissioner's response to the Minister's mandate letter led to the following involvement:

- Commissioner Beamish actively participated in Economics of Policing Workshop (January 2015).
- Policy staff observed discussions at three situation tables in Spring, 2015:
 - Cambridge
 - North Bay
 - Rexdale FOCUS
- Respond to queries from various institutions interested in situation tables.
- Will be collaborating with the Ministry of Community Safety and Correctional Services on the development of tools and guidance.



Situation Tables – Recommendations

Situation tables can be privacy protective with **sufficient planning and governance**.

- **Privacy Impact Assessments** should be conducted to address potential risks.
- Whenever possible, personal information should be collected, used and disclosed with the **individual's consent**.
- Sharing of personal information should be limited to those with a **need-to-know**.
- **Personal accountability** must be emphasized.
- Institutions should be **transparent about their participation** in a situation table.
- Information should be anonymized, remembering that removal of direct identifiers may not be sufficient to prevent re-identification.



Student Information

The 2012 report by the Commission on the Reform of Ontario's Public Services (Drummond Report) called for greater evidence in policy and program development.

In 2011 and 2012, the Ontario Auditor General called for improved information on student outcomes and transitions to post-secondary education to help students make informed decisions.

The government has identified a need for more information to ensure evidence-based policy and program development.



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Student Information

In 2013, the Ministry of Training, Colleges and Universities (MTCU) consulted with the IPC about proposed changes to the MTCU Act that would permit it to collect and use students' personal information for a variety of planning and analytical purposes

Proposed research includes:

- Understanding the transition of students from secondary school to post-secondary education and training
- Trends in post-secondary education or training choices made by students
- Planning to enhance affordability and accessibility of post-secondary education and training



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Student Information – Privacy Protections

In order to mitigate any potential privacy risks associated with sharing student personal information, the MTCU Act includes risk mitigating provisions that require:

- Data minimization – collecting only required personal information and only when other data will not suffice
- Limited collection – requiring information only when it is necessary to meet one of the specific purposes of the act
- Notice of collection – notices must be posted on the government’s website



Student Information

In 2015, O. Reg. 262/15 under the MTCU Act was passed to permit sharing of student personal information with the Ministry of Finance

The purpose of this information sharing is to allow the Ministry of Finance to conduct research and inform planning and program development associated with financial aid and affordability of post-secondary education

Some examples include:

- Understanding student financial resources
- Identifying barriers to student participation, progress, completion and transition to employment
- Enhancing affordability, accessibility and quality of education



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Smart Meters

Smart meters are devices that collect detailed information on electricity usage from a building and transmit that information to energy providers for the purposes of time-of-use billing.

The information collected is summarized for customers so that they may understand their energy consumption, and introduce energy saving activities in their homes or companies.

Intended to encourage energy conservation and planning by customers, while also providing economic benefits, such as opportunities for the private sector to develop new tools and apps for customer use.



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Smart Meters – Privacy Risks

Unauthorized access to and use of smart meter data poses significant privacy and security risks as this data can reveal when individuals are not at home, what their daily routines are, and when these change.

Broad third party access to and use of this information could pose additional problems, such as unwanted targeted marketing and advertising based on personal information.

The energy sector is aware of the potential privacy implications and is proceeding cautiously with privacy protections in mind.



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Smart Meters

The data generated by smart meters offer significant potential value for designing conservation and demand response programs, system planning, policy development, research and to support innovation in Ontario.

The energy sector believes that access to certain information about distributed generation and consumption is critical to conduct meaningful analysis and assess outcomes in the market.

A number of initiatives are underway examining the possibility of expanding the use of smart meter data and providing access to it in both identifiable and de-identified forms. The IPC is acting as a technical advisor on these initiatives.



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Smart Meters – Mitigation Strategies

Information sharing initiatives of this nature must be based on:

- Clearly defined legal authority
- Appropriate de-identification of the personal information
- Data monitoring to ensure that potential re-identification risks are addressed
- Data minimization at all stages
- Appropriate security measure to protect personal information
- Robust access controls to ensure only authorized individuals can use the data
- Comprehensive data sharing agreements between accessing and disclosing parties



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