



Information and Privacy  
Commissioner of Ontario

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

**VIA ELECTRONIC MAIL**

October 7, 2020

Michael Maddock  
Assistant Deputy Minister, Digital  
Ontario Digital Service  
595 Bay Street, 10<sup>th</sup> Floor, Suite 1002  
Toronto, ON M7A 2C7

Dear Mr. Maddock:

**Re: Installing COVID Alert app on OPS-issued mobile devices**

We understand that the Government of Ontario intends to install the COVID Alert app on eligible Ontario Public Service (OPS)-issued mobile devices. The Government has indicated that the purpose of this installation is to make it easier for employees to use the app by removing one step in the downloading process, and to raise awareness and promote the use of the app. The Office of the Information and Privacy Commissioner of Ontario supports efforts to promote use of the app, but we would guard against making it mandatory. Furthermore, in the interest of transparency, we recommend that the Government of Ontario clearly explain to OPS employees why the app is being installed, that whether the app is activated remains entirely at the discretion of each individual employee, and that OPS employees may request that the app be uninstalled from their device altogether.

On July 30, 2020, we sent a [letter](#) to the Government of Ontario in which we commended the robust measures that the COVID Alert initiative had already built into the design of the app based on earlier consultations, and provided our final recommendations to further enhance its privacy and security protections prior to being rolled out in Ontario. We recommended that the Government of Ontario ensure strong messages are clearly and explicitly delivered to businesses and employers to encourage them to respect the voluntary nature of the app by not compelling individuals to use the app or disclose information about their use of the app. The Government of Ontario agreed to implement all of our recommendations. The support we expressed for the app was, and continues to be, premised on its voluntary nature.

While we acknowledge that high uptake is key to enhancing the app's effectiveness and we appreciate the efforts being made to increase its adoption in the face of rising COVID-19 cases, we urge that the use of the app remain voluntary. Mandating the use of the app would go against the [joint position](#) taken by our office and the Office of the Privacy Commissioner of Canada. It would also contravene the [Joint Statement by Federal, Provincial and Territorial Privacy Commissioners on Supporting public health, building public trust: Privacy principles for contact tracing and similar apps](#) (May 7, 2020). Rather than increase adoption, making the app mandatory risks undermining the public trust which is so indispensable to its success.



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We appreciate the steps that the Government of Ontario has taken to encourage use of the app, and hope that the Government will continue this encouragement through public education and health promotion without compromising the voluntary spirit in which the app was developed.

In the interest of transparency, we will be posting this letter on our website.

We have also posted on our website our [letter](#) to Mayor Tory (dated October 2, 2020) regarding the City of Toronto's similar plan to install the app on City-managed mobile devices. In that letter, as with this one, we emphasized the critical importance of preserving the voluntary nature of the app.

Sincerely,

A handwritten signature in black ink, appearing to read "Kosseim". The signature is written in a cursive style with a large initial "K" and a long horizontal stroke at the end.

Patricia Kosseim  
Commissioner