

# 1995 Annual Report

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## Commissioner's Message

This 1995 annual report highlights the work of the Office of the Information and Privacy Commissioner (IPC), reviews the operation of Ontario's access and privacy system and identifies emerging challenges to freedom of information and the protection of privacy. It tells the story of how the access and privacy system is responding to the pressures -- felt by all public sector organizations -- to reduce costs, improve service and reap the benefits of information technology.

### PATH TO ANONYMITY

One of this year's most exciting initiatives was the publication of a joint report, entitled *Privacy-Enhancing Technologies: The Path to Anonymity*, by the IPC and the Dutch Data Protection Authority in the Netherlands. This unique project illustrates the benefits of international co-operation and shows that privacy issues transcend national boundaries.

In modern society the transactions of daily life are recorded in minute detail, but the individual has little control over data once it has been provided. Our report with the Dutch demonstrates that if we could minimize personally-identifying data, we could have the best of both worlds -- enjoying the advantages of the information age while restoring privacy to pre-computer-era levels.

The study examined current technologies that make anonymous but authenticated transactions possible -- such as blind signatures, digital pseudonyms and trusted third parties. The analysis concluded that these anonymizing privacy-enhancing technologies are sound, and should be widely adopted.

The joint paper breaks new ground as a recognition by data protection authorities that information technology has the potential to contribute to a golden age of privacy. It is time to stop thinking about technology and privacy as mutually exclusive -- and to start thinking about technology as an instrument for raising privacy protection to new heights.

International response to the report has been swift, enthusiastic and uniformly positive. The report is clearly serving one of its main purposes in acting as a catalyst for change in approaches to protection of privacy.

## **PRIVATE SECTOR DATA PROTECTION**

One key strategy for preserving privacy, then, is to engineer privacy values into technology itself. Another is to regulate what the private sector does with the massive personal databanks now compiled in the course of doing business.

Given the deep public concern about privacy -- which opinion polls have repeatedly documented -- it is doubtful Ontarians will be content to leave privacy in the marketplace entirely to voluntary action. The Canadian Direct Marketing Association understands this, and has called for national privacy legislation covering information practices in the private sector -- the first Canadian business group to do so.

I believe the time is right to establish data protection requirements harmonizing with international standards, such as the Directive on Data Protection recently adopted by the European Union (EU). In fact, the federal Information Highway Advisory Council is urging a move in this direction. The Council has recommended that the federal government enact flexible framework legislation for the private sector.

This legislation would require private sector organizations to comply with the model privacy code developed by the Canadian Standards Association, while allowing the flexibility to determine how to refine their own specific codes.

The federal government has also recommended a legislative framework governing the protection of personal data in the private sector.

It should be noted that the EU directive curtails the transfer of personal information to non-EU countries lacking adequate data protection. EU members have three years from last October to bring their laws and regulations into compliance with the directive. This deadline means that the clock is also ticking for nations that want to continue doing business with Europe. Unless action is taken soon, the flow of information to Ontario could be restricted, potentially harming our economic competitiveness.

National privacy legislation would create a uniform standard of data protection. It would place all firms on a level playing field, bolster consumer confidence in business as a whole, and enhance our prospects in global markets.

## **ACCOLADES FOR ACCESS**

Let me now turn to access to information. In 1995 the number of requests for information reached an all-time high of more than 26 000 for municipal and provincial organizations combined.

Provincial government organizations replied to about half of requests within 30 days, and answered nearly three-quarters of requests within 60 days. Municipal government organizations also delivered fast turnaround, responding to nine in 10 requests within 30 days. These impressive response rates are a tribute to the commitment of government organizations and the dedicated efforts of the co-ordinators who make the system work on a day-to-day basis.

## **ACTIVE DISCLOSURE GAINS GROUND**

But in today's environment -- with the public expecting better service and lower costs -- we cannot continue with business as usual. In my view the best solution for meeting the public's demand for information in a tough fiscal climate is to employ systemic alternatives to the one-off processing of requests and appeals.

For some time I have been advocating two options: routine disclosure -- in which government organizations pre-classify specific records for automatic release in response to a formal or informal access request; and active

dissemination -- in which government organizations go farther to anticipate customer needs and periodically distribute useful general records without waiting to be asked.

Generally, it will be less expensive and less time-consuming to release items of interest to the public, than to search for specific records in response to ad hoc requests. Put simply, routine disclosure and active dissemination make access to information faster, easier and cheaper.

Furthermore, there is a philosophical question here. Ultimately, I do not believe Ontarians will be satisfied with the piecemeal release of information on request. After all, government-held information really belongs to the citizenry; government is merely the custodian. The true purpose of freedom of information legislation is to change the culture of government organizations -- to foster a spirit of openness and a readiness to share information with the public as an ongoing part of doing business.

I find it heartening that these alternative practices are gaining momentum among provincial and municipal organizations. To cite just one of a host of examples, the North York Board of Education has published in-depth profiles of each of its schools in both 1995 and 1996.

These plain-language reports present the school's results in standardized tests, as well as a summary of results across the system for purposes of comparison. Also included is a portrait of the student body and information on the school's programs and plans for improvement. The release of these innovative profiles sets a high standard of accountability to taxpayers and parents for the performance of our schools.

At the IPC we try to practice what we preach. In November 1995 we launched our own web site on the Internet as an information source on virtually everything we do. Our system includes tools ranging from a plain language guide to the provincial and municipal freedom of information and protection of privacy acts, to summaries of policy papers, to indices of orders and investigation reports. The full text of orders, published investigation reports and policy papers is available through downloading. We have received strong positive feedback on the convenience of on-line access to this bank of useful information.

## **CHIEF INFORMATION OFFICER FUNCTION**

As Ontario moves to the forefront in the development and application of information technology, I believe the time has come for the Ontario government to more formally adopt a model commonly found in the private sector, and increasingly in other jurisdictions.

I refer to explicitly recognizing the role and mandate of a chief information officer, which would signal the importance of managing information across the corporation that is the government of Ontario.

Ontario has already demonstrated a commitment to enhancing public access to information through the use of technology. The formal establishment of a chief information officer function would produce many benefits, such as facilitating private sector understanding of the role of government in this important area, providing a focal point for partnerships with the private sector and other jurisdictions, and encouraging continued commitment across government to access and privacy principles.

## **TEAMWORK HAILED**

No review of the year's achievements would be complete without a salute to the people who made them happen -- the staff of the IPC, who each year take the IPC to new levels of accomplishment, the access and privacy group at Management Board Secretariat, and the information and privacy co-ordinators in provincial and municipal organizations. I look forward to working with these committed and talented individuals in the year ahead to attain further strides in customer service and the productive use of taxpayers' resources.

Tom Wright

Information and Privacy Commissioner

## What the IPC Does

The Information and Privacy Commissioner performs duties under two pieces of legislation: the *Freedom of Information and Protection of Privacy Act* (the provincial *Act*) which took effect in 1988 and the *Municipal Freedom of Information and Protection of Privacy Act* (the municipal *Act*) which took effect in 1991. Together, these two *Acts* constitute an overall legislative scheme embracing both freedom of information and protection of privacy.

The provincial *Act* applies to all Ontario government ministries and most provincial agencies, boards and commissions, as well as to colleges of applied arts and technology and district health councils. The municipal *Act* covers local government organizations -- such as municipalities; police, library, health and school boards; and public utilities and transit commissions.

Freedom of information refers to public access to general records about what government does, ranging from administration and operations to legislation and policy. The underlying objective is open government, to hold elected and appointed officials accountable to the people they serve.

Privacy protection refers to the safeguarding of personal information -- that is, data about identifiable individuals -- held by government organizations. The *Acts* establish rules about how government organizations may collect and use personal data. In addition, individuals have the right to examine their own personal information and correct it if necessary.

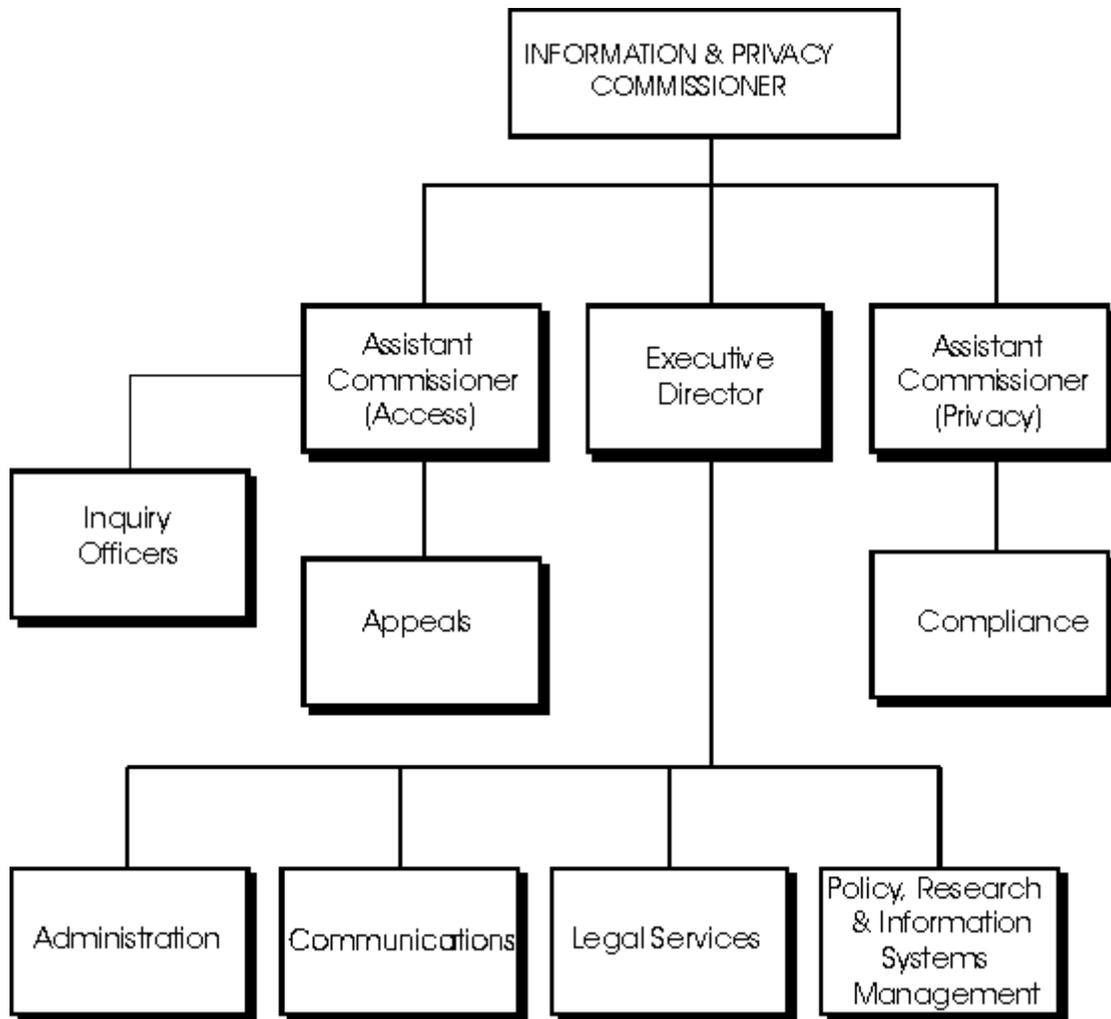
The basic premise underlying the *Acts* is that government is the custodian, not the owner, of the information it possesses. The true owner of general government information is the public collectively. And the true owner of personal information is the individual to whom the information relates.

The *Acts* establish an independent agency -- the Office of the Information and Privacy Commissioner or the IPC -- to review government decisions on access to information as well as government data protection practices. To ensure impartiality, the Commissioner is appointed by and accountable to the Legislative Assembly -- not the government of the day.

In fulfilling its mandate, the IPC plays several major roles:

- resolving appeals filed when government organizations refuse to grant access to information;
- investigating privacy complaints about government-held information;
- ensuring that government organizations comply with the *Acts*;
- conducting research on access and privacy issues and providing advice on proposed government legislation and programs; and
- educating the public about Ontario's access and privacy laws.

In accordance with the legislation, the Commissioner has delegated some of his decision-making powers to his staff. The Assistant Commissioner (Access) and six Inquiry Officers have the authority to issue orders resolving appeals. The Assistant Commissioner (Privacy) investigates privacy complaints, reviews government practices, approves applications for indirect collection of personal information and comments on computer matching proposals by the provincial government.



### Information Requests Profiled across Government

Government organizations, both provincial and municipal, file a yearly report with the IPC on their activities under the *Acts*. These reports include data on the requests received for general records, personal information and correction of information, as well as on the organizations' response to these requests. By compiling these reports, the IPC gains a useful picture of compliance with the *Acts*.

Provincial government organizations received a total of 11 645 requests for information in 1995, down slightly from the previous year. Municipal government organizations received a total of 14 671 requests, up sharply from the record 10 238 requests received the previous year. This is also the first year that requests to municipal organizations outnumbered requests to provincial organizations.

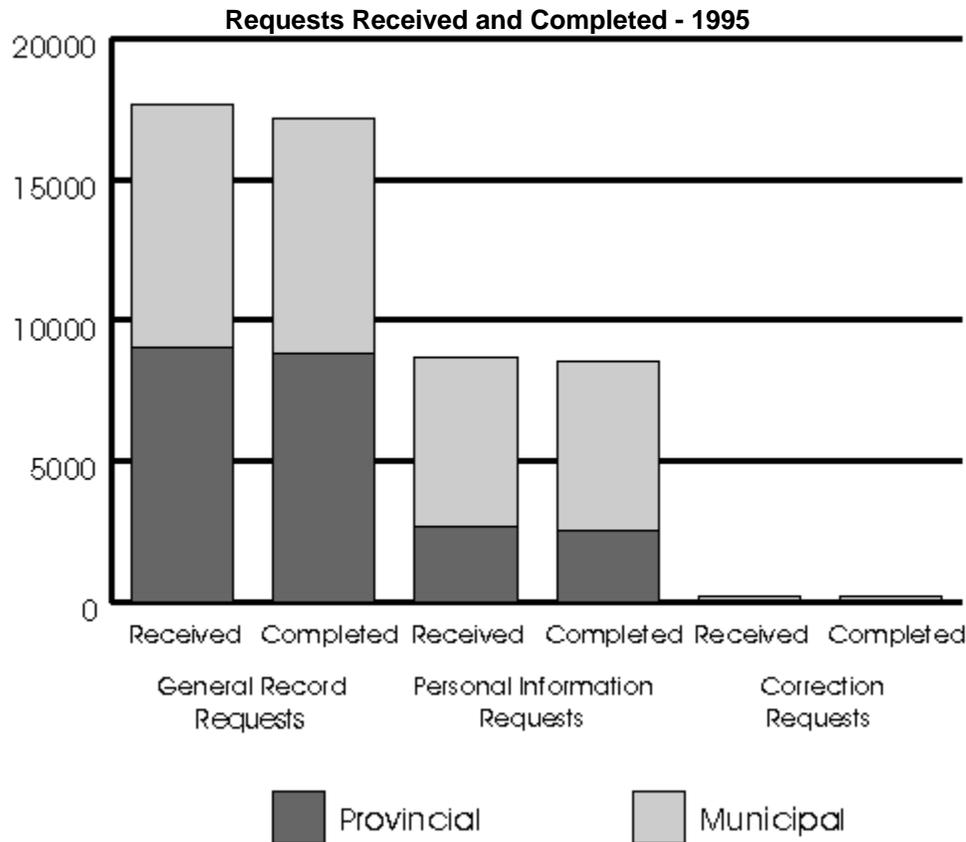
Requests for access to general records outnumbered requests for access to personal information by about two to one. The proportions differed for provincial and municipal organizations with general records requests outnumbering personal information requests more than three to one for provincial organizations and about 1.4 to one for municipal organizations.

Once again the vast majority of requests received by both the provincial and municipal organizations were

completed by year end. Only eight per cent of requests were carried over to 1996.

The Ministry of Finance again reported the highest number of requests under the provincial *Act*, followed by the Ministry of the Solicitor General and Correctional Services, the Ministry of Labour and the Ministry of Environment and Energy. Together these four Ministries accounted for 62 per cent of all provincial requests.

Under the municipal *Act*, police services boards received 48 per cent of total requests. Municipal corporations (including municipal governments) were next with 35 per cent, followed by school boards with seven per cent and public utilities with four per cent.

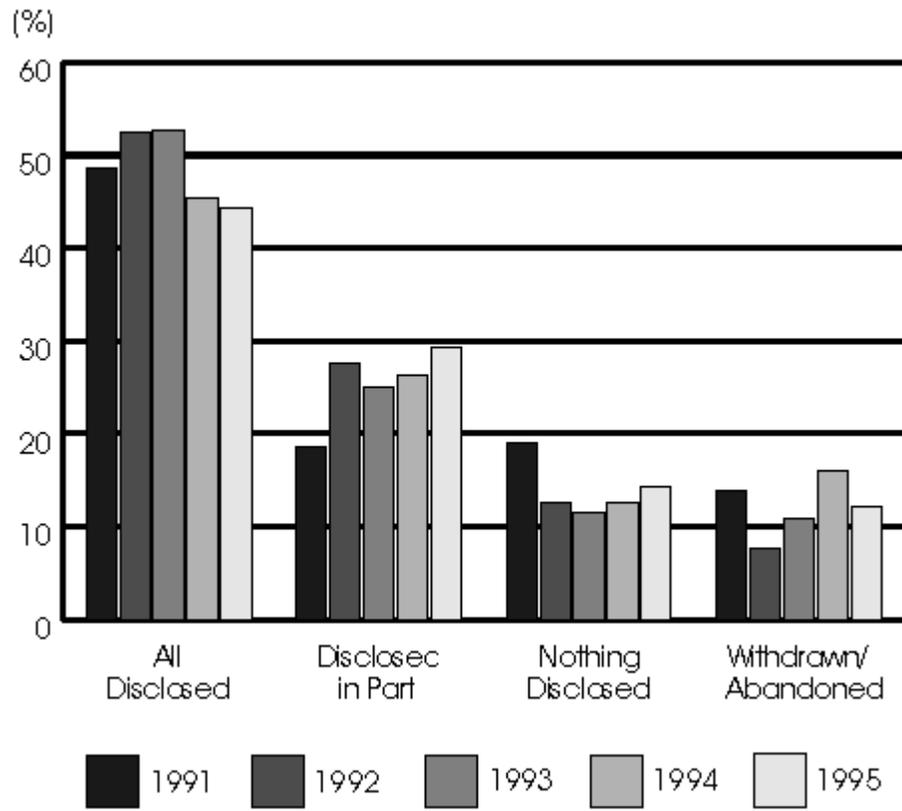


Forty-seven per cent of provincial requests were answered within 30 days in 1995. Seventy-four per cent of 1995 requests were completed within 60 days, while only seven per cent took more than 120 days.

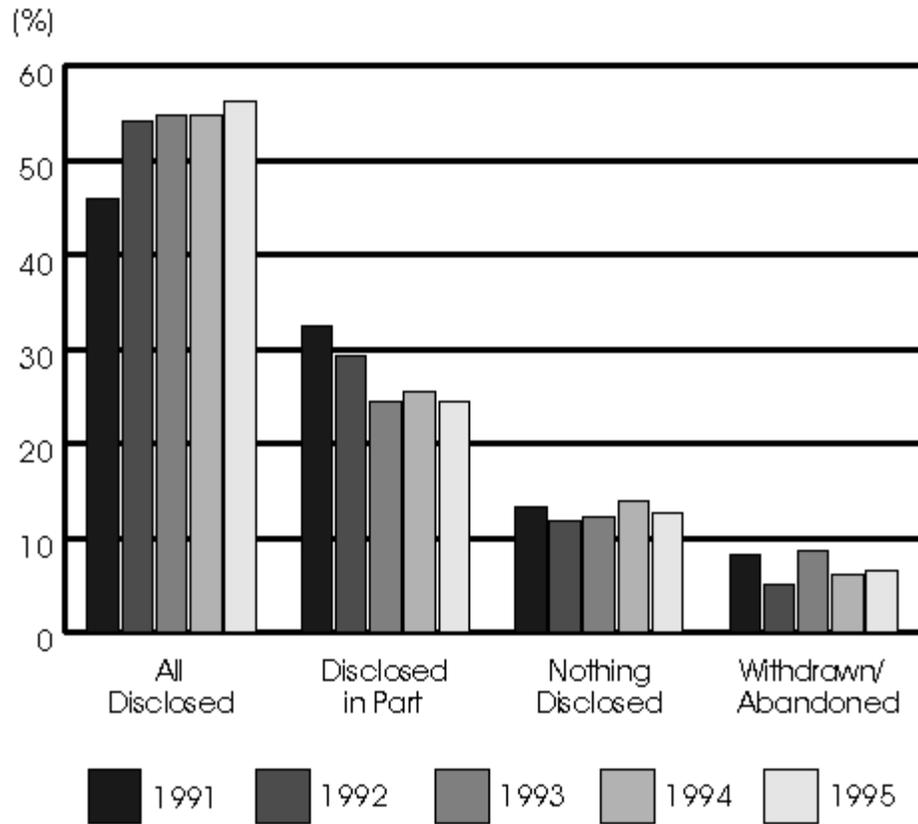
Municipal government organizations responded to a sizable majority of requests - 90 per cent - within 30 days in 1995. This was the fifth consecutive year at virtually the same high level. Ninety-seven per cent of municipal requests in 1995 were answered within 60 days, with less than one per cent taking more than 120 days to complete.

As to outcomes, 44 per cent of provincial requests completed in 1995 led to the release of all information sought. For municipal requests, this climbed to 56 per cent leading to full disclosure. In only one in seven cases was no information released.

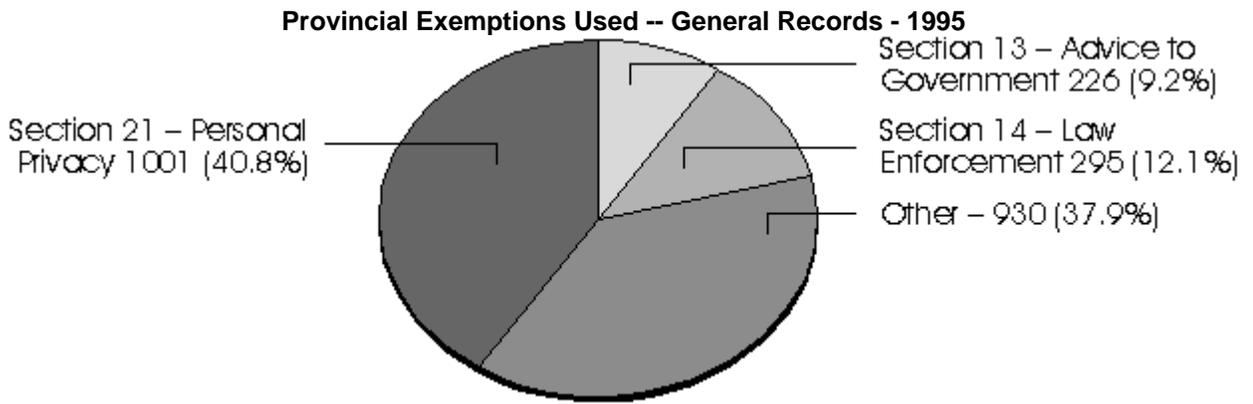
#### Outcome of Provincial Requests -- 1991-1995



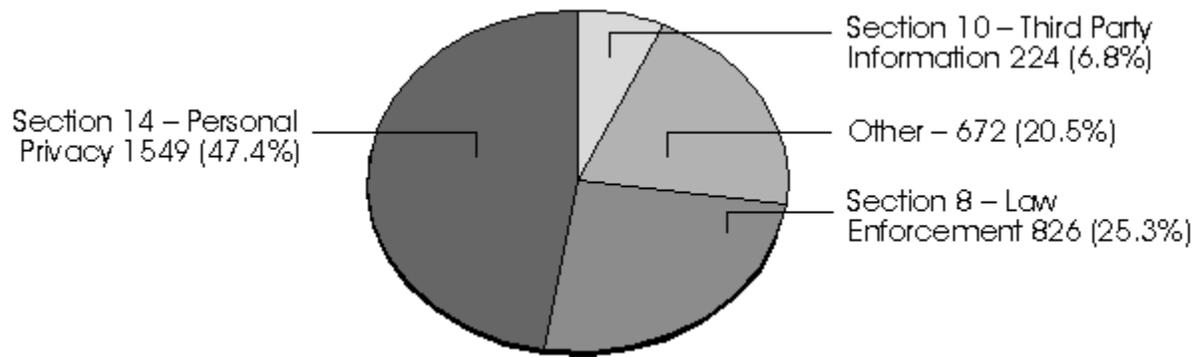
**Outcome of Municipal Requests -- 1991-1995**



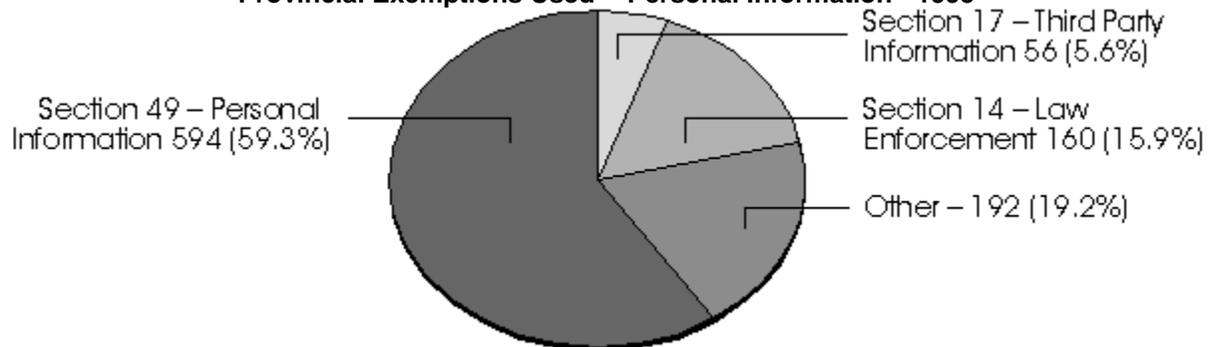
Under the exemption provisions of the Acts, government organizations can, and in some cases must, refuse to disclose requested information. Following the pattern of the past several years, in 1995 both provincial and municipal organizations cited personal privacy and personal information exemptions most frequently.



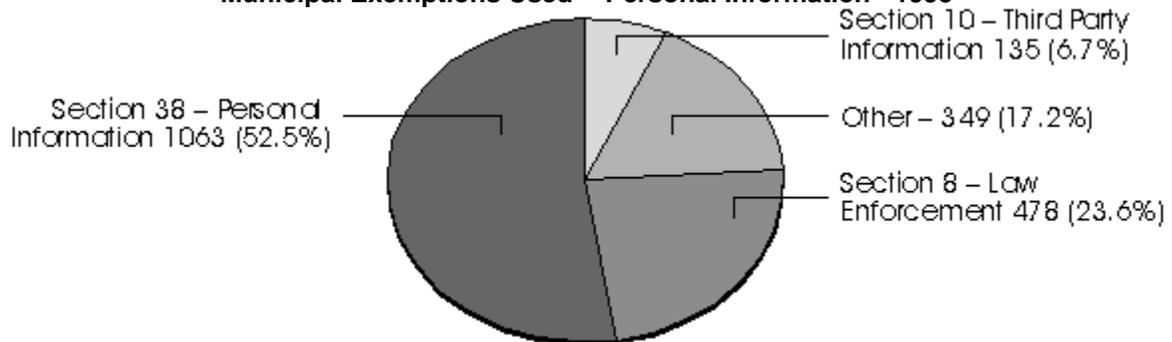
**Municipal Exemptions Used -- General Records - 1995**



**Provincial Exemptions Used -- Personal Information - 1995**



**Municipal Exemptions Used -- Personal Information - 1995**



Under the legislation, individuals have the right to request correction of their personal information held by government. This year provincial organizations received 13 correction requests and refused three of them. Municipal organizations received 146 correction requests - only about a third as many as last year - and refused only 21 of them. When correction is refused, the requester may attach a statement of disagreement to the record, outlining why the information is felt to be incorrect. This year no provincial and only seven municipal statements of disagreement were filed.

The legislation permits government organizations to charge fees for providing access to information under certain conditions. A fee estimate must be provided before filling the request where the expected charge is over \$25. Organizations have discretion to waive payment where it seems fair and equitable to do so after weighing several specific factors. In addition, people cannot be required to pay fees for access to their own personal information.

As in previous years, provincial organizations most often cited reproduction of material as the reason for collecting fees in 1995. Reproduction costs were mentioned in 47 per cent of cases where fees were collected, followed by preparation costs in 42 per cent and shipping costs in eight per cent. Municipal organizations cited

reproduction costs in 39 per cent of cases where fees were collected, other (invoice costs) in 21 per cent and preparation in 19 per cent.

<b>Cases in Which Fees were Estimated</b>				
<b>General Records – 1995</b>				
	<b>Provincial</b>		<b>Municipal</b>	
Collected in Full	84.8%	2731	41.1%	886
Waived in Part	0.3%	11	1.0%	21
Waived in Full	14.9%	479	57.6%	1235
<b>Total Fees Collected (dollars)</b>	<b>\$115,302.22</b>		<b>\$68,704.93</b>	
<b>Total Fees Waived (dollars)</b>	<b>\$5,785.15</b>		<b>\$4,709.99</b>	

### **Providing an Avenue of Appeal**

A key feature of Ontario's access and privacy system is the right to appeal government decisions under the *Acts* to the IPC. Appeals can be lodged concerning denial of access to general records or personal information, refusal to correct personal information, the imposition of fees or other aspects of the processing of an information request.

Before launching a formal inquiry, the IPC first attempts to settle the case through mediation. If a settlement is not reached within a reasonable time period, we conduct an inquiry and issue a binding order to resolve the appeal.

### **Further Productivity Gains**

The efficient processing of appeals remains a top priority at the IPC, to improve customer service and make better use of resources. In 1995 we closed eight per cent more appeals and issued 20 per cent more orders than in 1994.

We also resolved appeals more quickly. During the year we closed 88 per cent of appeals within five months of receipt, up from 82 per cent within five months in 1994 and 66 per cent in 1993. The average time to close an appeal continued to decline -- to 3.3 months this year from 3.6 months last year and 5.4 months in 1993.

During 1995 we applied the procedures tested over the previous two years through our Innovation Pilot Project to all appeals entering the system. Under this new approach we have established more structured time frames for various stages in the appeal process. For example, an inquiry automatically begins if an appeal has not been settled in just over two months. This deadline can lend impetus to mediation efforts, which often continue after the notice of inquiry has been issued.

Experience shows mediated settlements require fewer resources and generally produce more satisfactory results for both appellants and organizations. This year we formed an internal working group to study how mediation works in other Ontario government agencies and in access and privacy commissions in other provinces. We are applying what we learned by developing a new in-house staff training course, providing

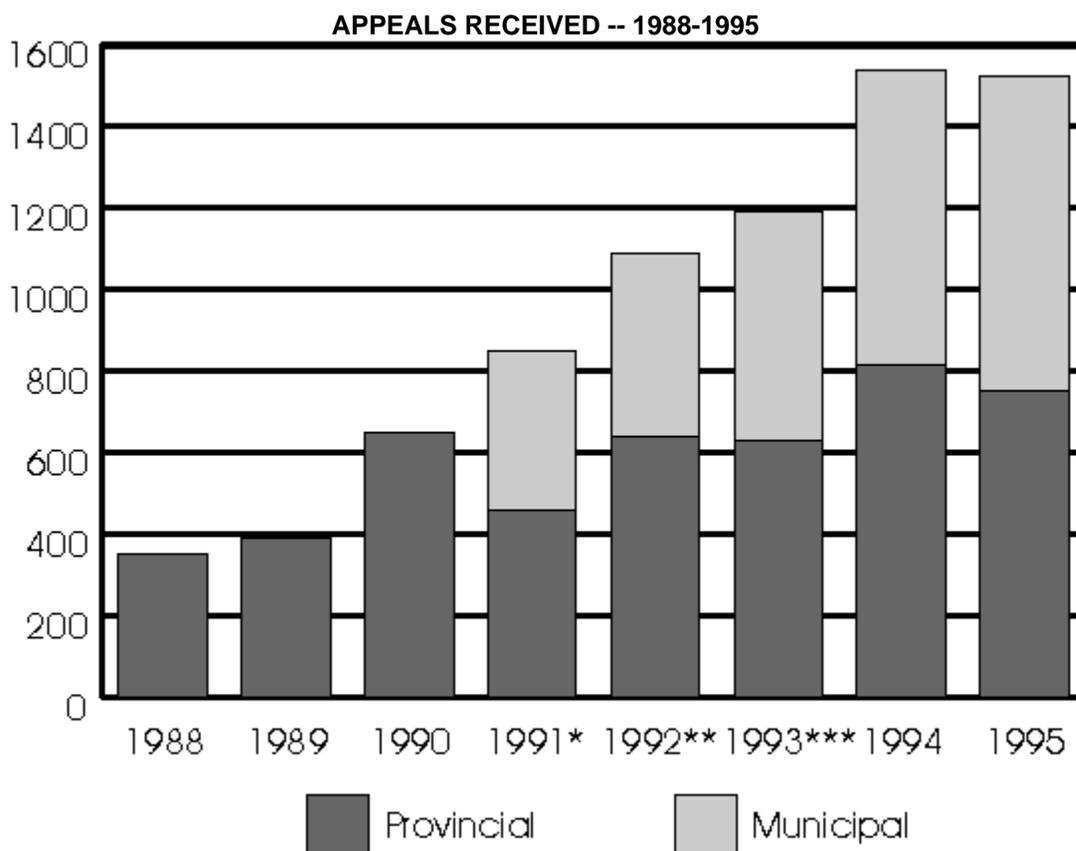
clients with more information on mediation's benefits, and considering more emphasis on face-to-face meetings rather than telephone contacts.

## Appeals: Statistical Trends

A total of 1526 appeals<sup>(1)</sup> were filed with the IPC in 1995 – down one per cent from the previous year. For the first time, appeals under the municipal *Act* exceeded those under the provincial *Act*. Municipal appeals increased seven per cent from the previous year to 774, while provincial appeals decreased eight per cent to 752.

[<sup>(1)</sup>The statistics cited in this annual report refer to active appeals only, unless otherwise indicated. In 1991, the IPC established a policy of limiting the number of appeals, from any one source, worked on at one time. This policy was necessary to deal with bulk use of the appeal process. Active appeals are those that were actively worked on by the IPC during the year. All other appeals are classified as inactive. ]

Eighty-four per cent of provincial appeals this year involved ministries rather than agencies, while 51 per cent of municipal appeals concerned municipal corporations, followed by police services boards and boards of education. These patterns are similar to those recorded in prior years.



\* an additional 741 inactive appeals were received during 1991

\*\* an additional 129 inactive appeals were received during 1992

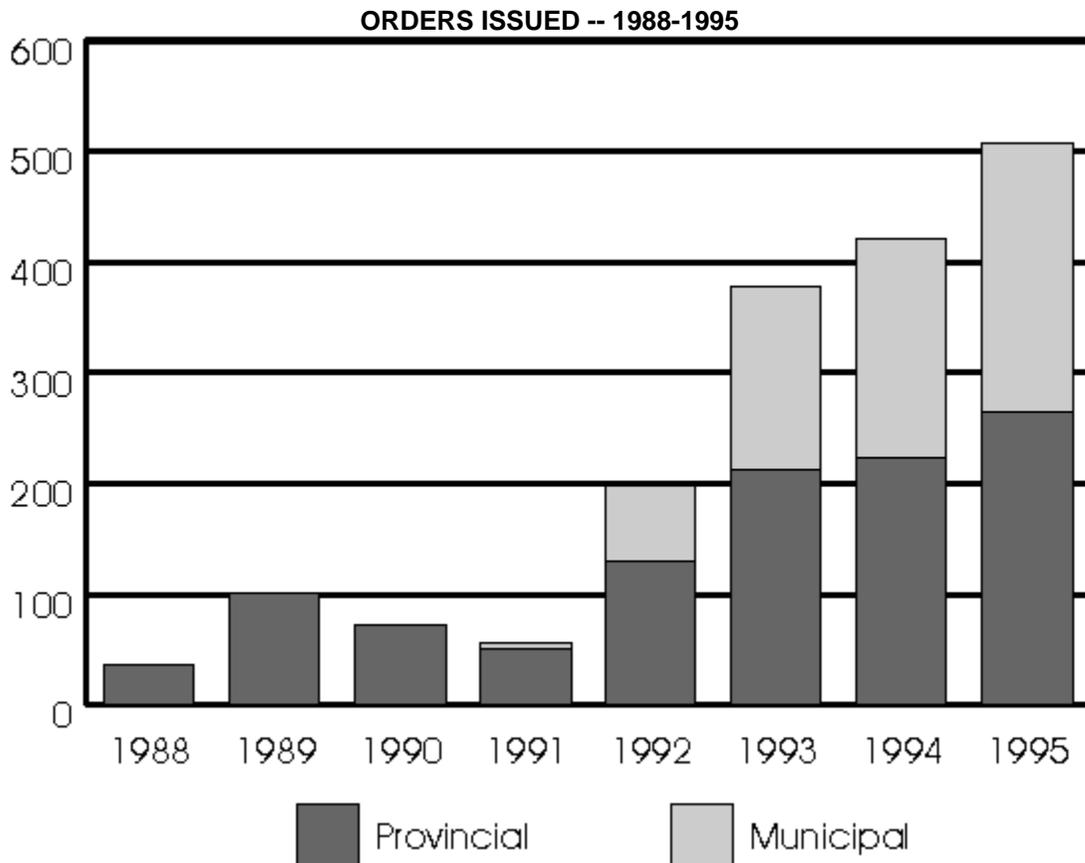
\*\*\* an additional 28 inactive appeals were received during 1993

During 1995 the IPC closed 1595 appeals. As in the previous year, the total was almost evenly split between the two *Acts*, with provincial organizations accounting for 51 per cent of cases resolved and municipal organizations 49 per cent. Provincial and municipal appeals closed were up by nine and eight per cent,

respectively.

We resolved 36 per cent of all appeals closed this year by issuing an order, compared with 32 per cent last year. The trends under the two *Acts* were similar: 36 per cent of provincial and 35 per cent of municipal cases were closed by order this year.

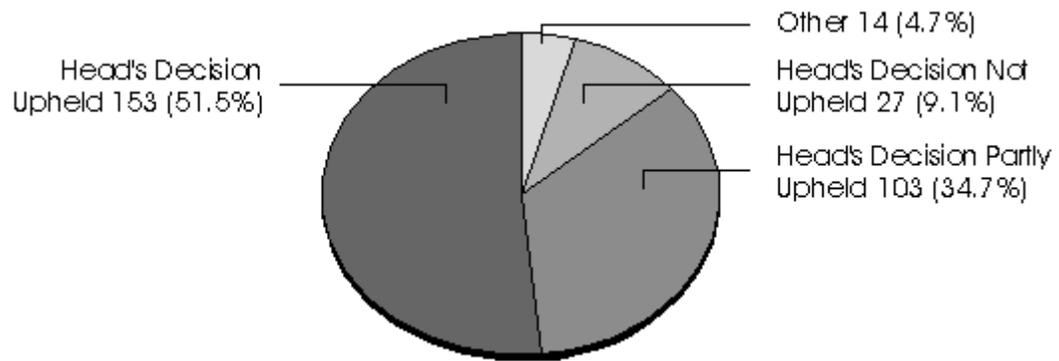
In all, the IPC issued a total of 507 orders in 1995. The provincial-municipal breakdown was similar to 1994's -- with 52 per cent of orders concerning provincial government organizations and the remaining 48 per cent, municipal. (The number of orders is less than the number of appeals closed by order, since an order may deal with more than one appeal.)



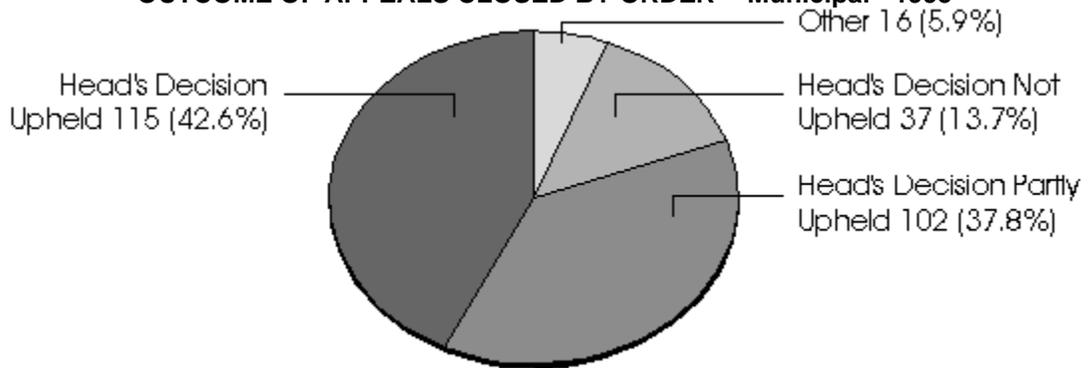
Among appeals closed by order, the decision of the government organization was fully upheld in 47 per cent of cases this year, virtually unchanged from 46 per cent last year. The organization's decision was partly upheld in 36 per cent of appeals, up from 31 per cent, and not upheld in 11 per cent of cases, down from 20 per cent.

A mediated settlement was achieved in 62 per cent of appeals resolved this year, an increase from 59 per cent last year. In all, nearly a thousand cases were successfully mediated in 1995.

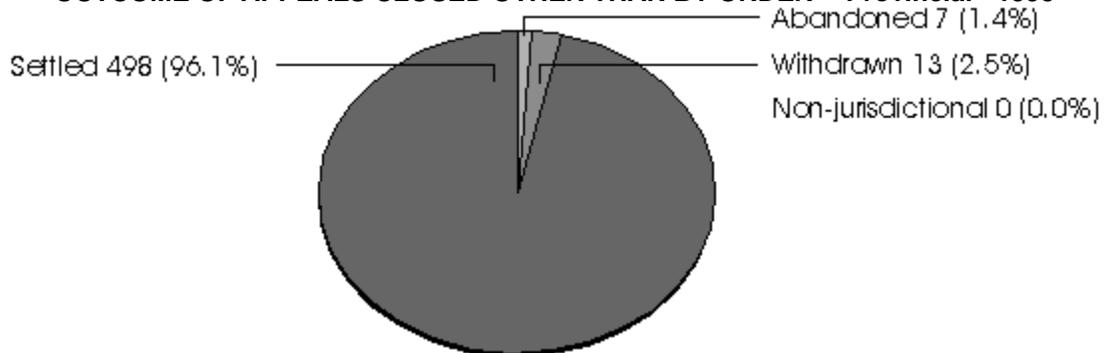
**OUTCOME OF APPEALS CLOSED BY ORDER -- Provincial - 1995**



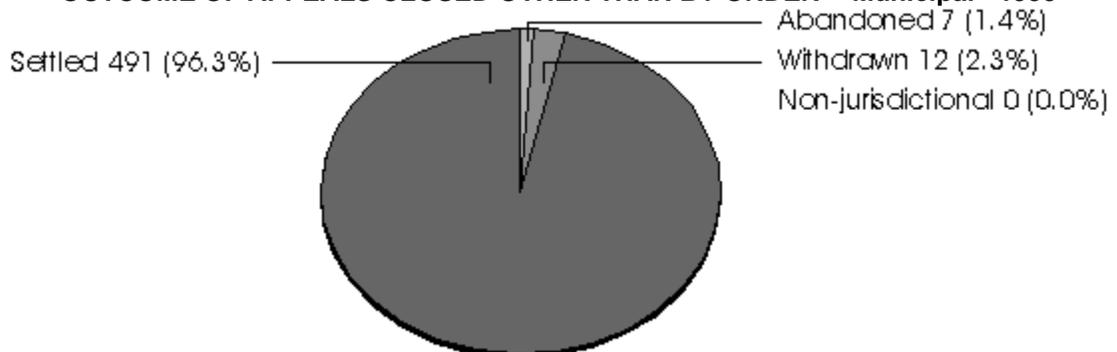
**OUTCOME OF APPEALS CLOSED BY ORDER -- Municipal - 1995**



**OUTCOME OF APPEALS CLOSED OTHER THAN BY ORDER -- Provincial - 1995**



**OUTCOME OF APPEALS CLOSED OTHER THAN BY ORDER -- Municipal - 1995**



## Highlights of Orders

Below are brief summaries of some of the key orders issued by the IPC in 1995.

### ABUSE OF PROCESS CONTROLLED

In December 1994 the boards and chiefs of four police forces applied for a court injunction against the IPC and two individuals who had filed a large number of information requests over a period of about two years. The requesters had sought access to information ranging from washroom cleaning schedules in police stations, to a detailed listing of arrests over a five or 10 year period, to UFO sightings. Such unrelated requests were often duplicated among different police forces.

The court application claimed that the requests were frivolous, vexatious and an abuse of the right of access provided in the municipal *Act*. The case was put on hold to allow the IPC to conduct an inquiry into the subject of frivolous or vexatious requests.

Five appeals involving one of the requesters were included in the inquiry. We invited interested parties to intervene and in late August we held a public hearing. Following a full review of the matter, the Commissioner released an order resolving the case on October 18.

In his decision the Commissioner declared the requester to be engaged in a course of conduct that constituted an abuse of the processes of government institutions and the Commissioner's office. The order imposed conditions on the processing of any requests and appeals from him currently and for a specified period into the future. The Commissioner concluded that the *Act* as then written did not relieve an institution from the obligation to respond to frivolous or vexatious requests.

In the order the Commissioner stressed that a distinction exists between a statutory right and the means available to realize it. He held that while the requester in principle may have an unlimited right of access to government information, subject only to the exemptions set out in the *Act*, he does not have unlimited access to the processes available to secure that right. The excessive number of requests and appeals, coupled with their varied nature and broad scope as well as other factors, led to the finding of abuse of process.

The conditions imposed in the order were designed to maintain the requester's right of access to information while preventing further abuse. The conditions include:

- no government institution, covered by either the provincial or municipal *Act*, was required to process any of his requests or appeals for the next 60 days -- until December 17, 1995;
- the number of requests and/or appeals he can have at any one time over the following 12 months -- until December 17, 1996 -- is limited to five;
- no individual government organization will be required to process any more than one of his requests and/or appeals at a time, to a maximum of four requests and/or appeals during the year;
- after the 12 months, any person or organization affected by the order can apply to have it varied; otherwise its terms and conditions will continue from year to year.

(Order M-618+(2))

[(2)This order was under judicial review at the time of writing.]

### PUBLIC INTEREST OVERRIDE APPLIED

The Ministry of the Attorney General received a request from a newspaper reporter for all records concerning the establishment of a local area network in the Ministry's Computer and Telecommunications Branch. More

specifically, the requester sought information pertaining to a named individual, including his job classification and work duties, the company through which he was hired, his access to Ministry computer records, the circumstances of his hiring and termination and other matters.

When the Ministry refused to confirm or deny the existence of the records sought, the reporter appealed and claimed there was a compelling public interest in disclosure. He alleged that the hiring of the named individual amounted to a breach of security and placed the integrity of a sensitive area of the Ministry at risk.

The IPC ruled that disclosure of the mere existence of the records would not result in an unjustified invasion of personal privacy, and went on to confirm their existence. In reviewing the contents of the records, we found that some contained personal information whose release would constitute an unjustified invasion of privacy. We then turned to the public interest override in section 23 of the provincial *Act* (section 16 of the municipal *Act*), and considered whether there was a compelling public interest in the disclosure of any of these records that clearly outweighed the purpose of the privacy exemption.

In our view the public interest in disclosure should be measured in terms of the *Act's* central purpose of shedding light on the operations of government. In this case, serious questions had been raised about the possibility of a security risk and the appropriateness of the Ministry's actions. In our view portions of a critical issue sheet -- a briefing note prepared by the Ministry -- would contribute the public's understanding of the activities of government.

We therefore ordered disclosure of the relevant portions of the critical issue sheet, despite the impact on privacy. This was the first occasion the IPC has applied the override in section 23. (Order P-984)

## **DIMINISHED PRIVACY RIGHTS OF PUBLIC FIGURES**

The Ministry of Citizenship, Culture and Recreation received a request for access to records regarding its involvement in efforts to stop the performance of the musical *Show Boat*. The Ministry located the responsive records and denied access to most of them, in whole or part.

The Ministry justified its decision on the grounds that some of the records contained advice or recommendations to government, while disclosure of others would constitute an unjustified invasion of personal privacy. The notice of inquiry was sent to 41 individuals mentioned in the records, six of whom made representations.

The IPC determined that certain records did in fact contain advice or recommendations. Other records contained personal information -- specifically, on individuals' race, ethnic origin or religion -- whose disclosure would constitute an unjustified invasion of personal privacy.

However, other information about individuals could not be characterized as personal, as the references to these individuals denoted their professional rather than personal status. The names of some individuals appeared in the context of their job responsibilities, while others were mentioned in their capacities as politicians, publicly elected officials, community leaders or members of the media.

In the IPC's view people in such positions necessarily decide to forego an element of their personal privacy when they take a stand on issues or attend events covered by the media. Under such circumstances it is not reasonable to expect the identities of these individuals to be kept confidential. (Order P- 978)

## **ACCESS TO LAWYER'S RECORDS**

An employee of The Thunder Bay Hydro Commission (Hydro) asked Hydro for access to all records relating to an investigation of herself and a former employee. The requester also sought communications between Hydro and the investigating lawyer, all statements made by those interviewed by the lawyer, and a copy of her

personnel file. Hydro allowed the requester access to her personnel file and Hydro Commission meeting minutes, but denied access to other requested records. The requester appealed.

During mediation, Hydro agreed to provide access to other requested records, but not the lawyer's investigation records, claiming that it did not have custody or control of these records and, hence, the records were not subject to the municipal *Act*.

The IPC addressed two issues. First, we found that Hydro did not have actual custody of the records held by the lawyer. The remaining question was whether any responsive records in the custody of the lawyer were under the control of Hydro.

Upon consideration of the appropriate factors, the IPC upheld Hydro's position that the records were the property of the lawyer and Hydro did not have control over them, therefore the records could not be subject to an access request under the *Act*.

In a postscript to the order, we identified the importance of retaining the right of access to information in situations where a government organization has decided to contract out services it used to deliver directly. At a minimum, any agreement with an outside contractor should stipulate that the government organization retains control over records for purposes of the *Act*. (Order M- 506)

## **ACCESS TO EXPENSE ACCOUNTS**

A taxpayer organization asked the Board of Education for the City of York to provide a breakdown of expenses by eight trustees over a period of about two and a half years, and a copy of the Board's cheque register for three and a half years. The requester appealed the Board's fee estimates, which were subsequently reduced to \$756 and \$349, respectively.

The IPC upheld the revised fees, as the amounts had been calculated in accordance with the provisions of the municipal *Act*. In a postscript to the order, however, the Commissioner commented on the growing public interest in expenditure-related records. He acknowledged that while the *Acts* contemplate a user-pay principle for access to general records, this principle must be applied flexibly, taking into account the nature of information sought and the frequency of particular types of requests.

In the Commissioner's view, it is time for all government organizations to make expenditure-related information routinely available to the public -- including expenses incurred by senior officials for which they will be reimbursed by the organization. In fact, this "routinely available" approach is equally relevant to all non-exempt general records held by government, the Commissioner wrote. Put simply, routine disclosure makes public access to information faster, easier and cheaper. (Order M-583)

## **Mediation Gets Results**

A solid majority of all appeals are resolved voluntarily, through mediation. Here are a few examples of the constructive role played by IPC appeals officers in assisting the parties to find common ground.

## **CONCERNS ADDRESSED**

The appellant, who was having problems with the landlord of a local trailer park, requested a copy of a Ministry of Housing report relating to the landlord. A request was also made for background documents to the report. The Ministry denied both requests.

An appeal was filed and, through the efforts of the appeals officer, during mediation the Ministry representative proposed a meeting with the appellant. The meeting was designed to try and resolve the substantive concerns

underlying the access requests. The meeting was positive and the Ministry was able to address the appellant's concerns regarding the landlord. As a result, the case was settled.

## **REQUESTS CONSOLIDATED**

When four individuals sought similar law enforcement records, a regional police force requested time extensions to locate the responsive items. The individuals appealed these decisions. During mediation the IPC appeals officer discovered that the four requesters were acquainted, and convinced them to combine their requests and have one of the four act as their common representative. The police found the consolidated request easier to process and agreed to issue a decision letter more quickly. As a result the requesters agreed to close their appeals.

## **CONFIDENTIAL SOURCES PROTECTED**

An individual who was unsuccessful in obtaining a job with a police force asked for a copy of a background check performed by the police. The force denied access, arguing that even if the names of the people who supplied background information were removed, the remainder of the records could still reveal their identities.

With the permission of the police, the appeals officer selected certain descriptive phrases in the background notes and provided them to the requester. These phrases included "not outgoing", "performs poorly" and "no confidence". The requester was satisfied with the degree of disclosure and withdrew the appeal.

## **Judicial Review Cases**

Like decisions of other administrative tribunals, orders by the Information and Privacy Commissioner may be reviewed by the courts on jurisdictional grounds. During 1995, 11 new applications for judicial review were filed and 19 cases were resolved. Of the 19, 10 were withdrawn, six were dismissed and three were allowed. Twenty-one applications remained before the courts at year end.

<b>Outstanding Judicial Reviews – 1995</b>	
<b>Launched by</b>	
IPC*	1
Affected parties	5
Institutions	15
<b>Total</b>	<b>21</b>

\*This judicial review has been pending since 1993.

## **LATE EXEMPTION POLICY UPHELD**

In one court case decided this year, a brewing company sought records from the Ministry of Consumer and Commercial Relations on service charges and user fees levied by Brewers Retail Inc. The requester also sought related documents on the settlement of the beer trade dispute between the United States and Canada.

The Ministry granted access to some records but denied it to others -- claiming exemptions for Cabinet records, advice to government, intergovernmental relations, third party information, valuable government information and

solicitor-client privilege. The requester appealed.

The IPC sent the Ministry a confirmation of appeal in June 1994 setting out the IPC's policy on raising additional exemptions in the course of an appeal. Under this policy, an organization has 35 days from the date of the confirmation to raise additional discretionary exemptions. The policy was established in an *IPC Practices* bulletin issued in January 1993.

In representations in December 1994 the Ministry raised several more exemptions for the first time. The Ministry gave reasons for some of the new claims, but offered no explanation for the six-month delay in bringing them to the IPC's attention. The IPC rejected the Ministry's submissions that the 35-day time limit should not apply in this appeal, and refused to consider the additional exemptions. (Order P-883) The Ministry then applied for judicial review, challenging this decision as a denial of natural justice and raising still more exemptions for the first time.

The Divisional Court dismissed the Ministry's application<sup>(3)</sup>. On the exemptions claimed for the first time in the judicial review proceeding, the Court held that "there is a necessary implication that the head chose to exercise discretion against claiming an exemption when it was not claimed earlier in the proceedings."

[<sup>(3)</sup> *Ministry of Consumer and Commercial Relations v. Anita Fineberg, Inquiry Officer et al.* (21 December 1995), Toronto Doc. 220/95 (Ont. Div. Ct.), leave to appeal filed January 4, 1996.]

On the issue of the 35-day time limit, the Court held that the government had received ample notice of this policy. As well, the Ministry had the opportunity to make submissions on why late exemptions should be considered, but did not do so in a satisfactory manner. The Court confirmed that the purpose of the 35-day policy was to provide a "window of opportunity" to institutions to raise new discretionary exemptions without compromising the integrity of the IPC's process.

The Ministry has sought leave to appeal this judgment to the Ontario Court of Appeal.

## **DOCUMENT PRODUCTION POWERS CONFIRMED**

In another case this year, the Ministry of Health received a request from the victim of a stabbing for access to information about her assailant's detention and release from a psychiatric hospital. The assailant had been held in the hospital after being found not guilty by reason of insanity on two counts of attempted murder. The Ministry denied the request, on the grounds that the records at issue were psychiatric records which fell outside the scope of the *Act*.

The IPC found that while certain defined types of psychiatric records are not covered by the *Act*, the question of whether particular records satisfy the definition is properly the subject of an appeal. Accordingly, the IPC must have authority to compel the Ministry to produce records for inspection, so the IPC can determine this issue independent of the government's initial decision.

On judicial review, the Divisional Court agreed with the IPC. Neither the exclusion of certain defined records from the scope of the *Act*, nor the confidentiality provisions of the *Mental Health Act*, precluded the IPC from inspecting the records in order to determine the threshold question of its jurisdiction to conduct an inquiry.

On appeal by the Ministry, the Court of Appeal also upheld the IPC's power to order the government to produce records for inspection. <sup>(4)</sup> The Court confirmed that the IPC's production powers "must be construed as being applicable to all inquiries conducted pursuant to the *Act*."

[<sup>(4)</sup> *Ontario (Minister of Health) v. Holly Big Canoe*, [1995] O.J. No. 2477 (C.A.), affirming (29 June 1994), Toronto Doc. 111/94 (Div. Ct.)]

## Safeguarding Personal Information

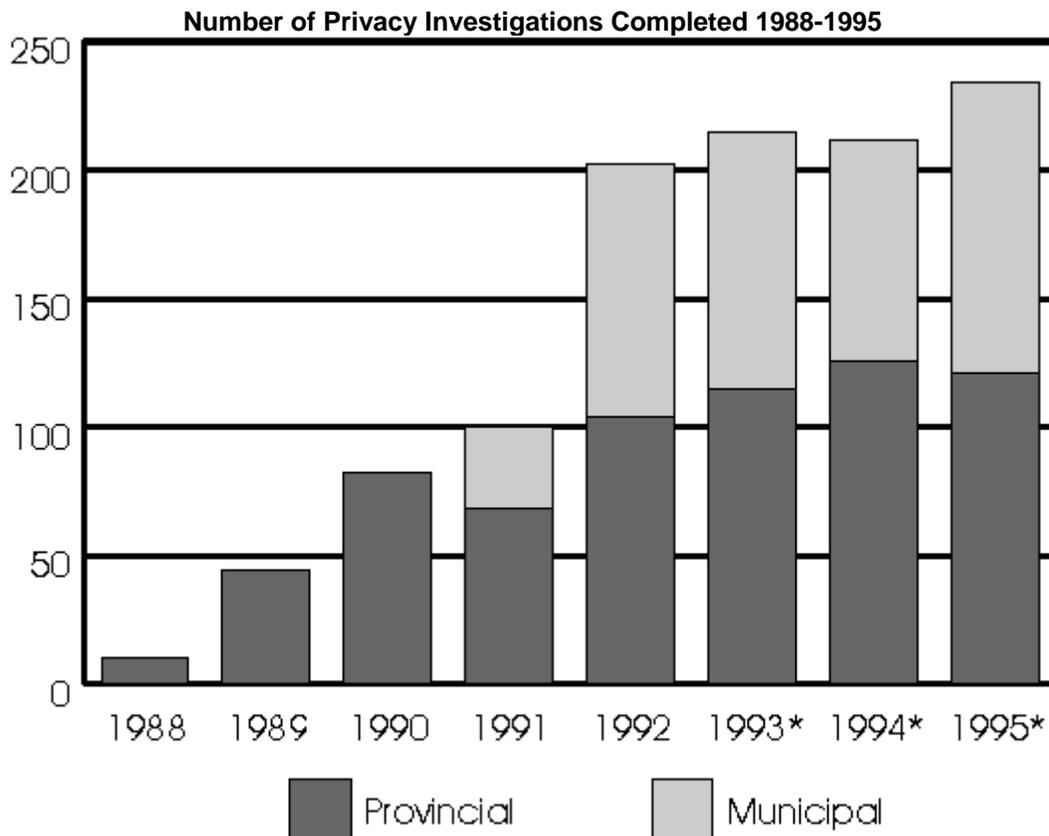
To protect individual privacy, the *Acts* establish rules for the collection, retention, use, disclosure, security and disposal of personal information held by government organizations. People who believe a government organization has failed to comply may complain to the IPC. We investigate the complaint, try to mediate a solution and, if necessary, make formal recommendations to the organization to revise its practices.

A few IPC investigations are prompted by appeals. That is, we may decide to examine an organization's procedures if problems become apparent during an appeal proceeding.

The IPC also works to ensure adherence to the legislation by conducting compliance reviews, which examine the information management practices of targeted government organizations. We sometimes comment on specific problems or circumstances that come to our attention outside the context of an investigation or review. In addition, we comment on the privacy aspects of computer matching proposals by provincial government organizations.

## More Investigations Completed

The IPC completed 234 investigations in 1995, up 10 per cent from 1994. This figure reflects a 31 per cent increase in the number of municipal investigations, coupled with a four per cent decrease on the provincial side. Overall, we found a breach of the legislation in 21.4 per cent of all cases investigated, down from 28.3 per cent last year.



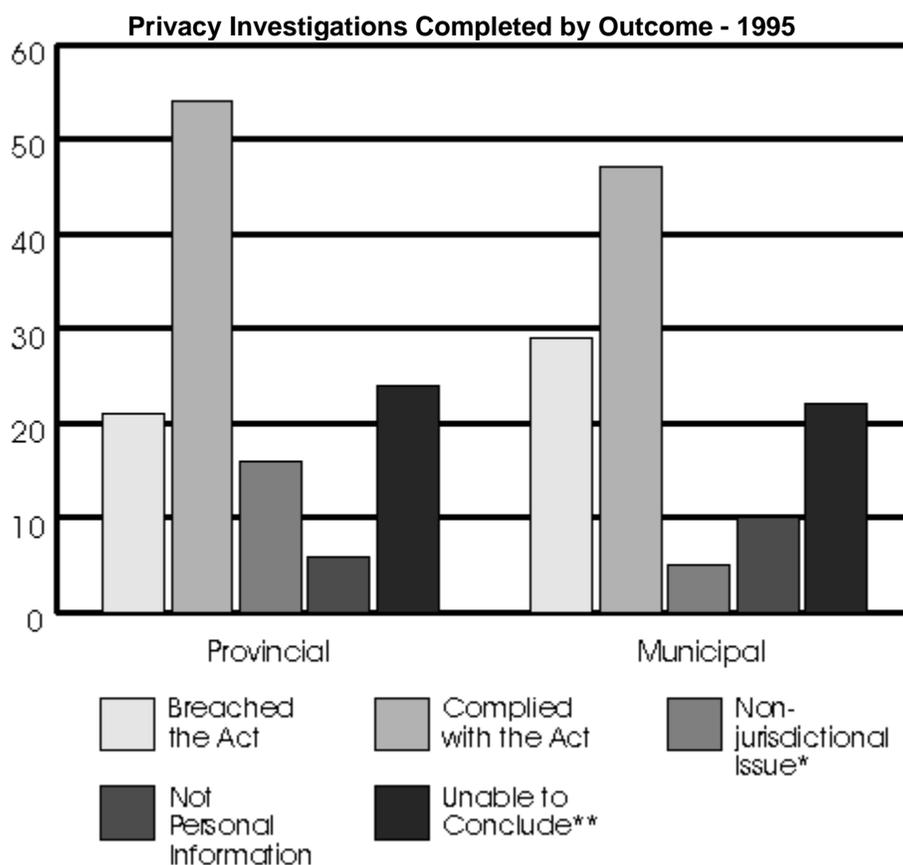
\* includes 9 provincial investigations in 1993, 11 in 1994 and 11 in 1995 that were discovered to involve non-jurisdictional organizations or issues during the course of the investigation

## Summary of Privacy Investigations – 1995

	1994 Privacy Complaints		1994 Total	1995 Privacy Complaints		1995 Total
Carried Forward	32	15	47	29	21	50
Initiated	123 *	92	215	119 *	114	233
Completed	126 *	86	212	121 *	113	234
In Process	29	21	50	27	22	49

Municipal numbers appear in bold

\* includes 11 provincial investigations in 1994 and 11 in 1995 that were discovered to involve non-jurisdictional organizations or issues during the course of the investigation



\* includes 11 provincial investigations that were discovered to involve non-jurisdictional organizations or issues during the course of the investigation

\*\* includes 29 investigations where the complainant abandoned or withdrew their complaint during the course of the investigation

The IPC attempts to resolve investigations through mediation and voluntary settlement, without a formal report. This approach saves resources and improves customer service.

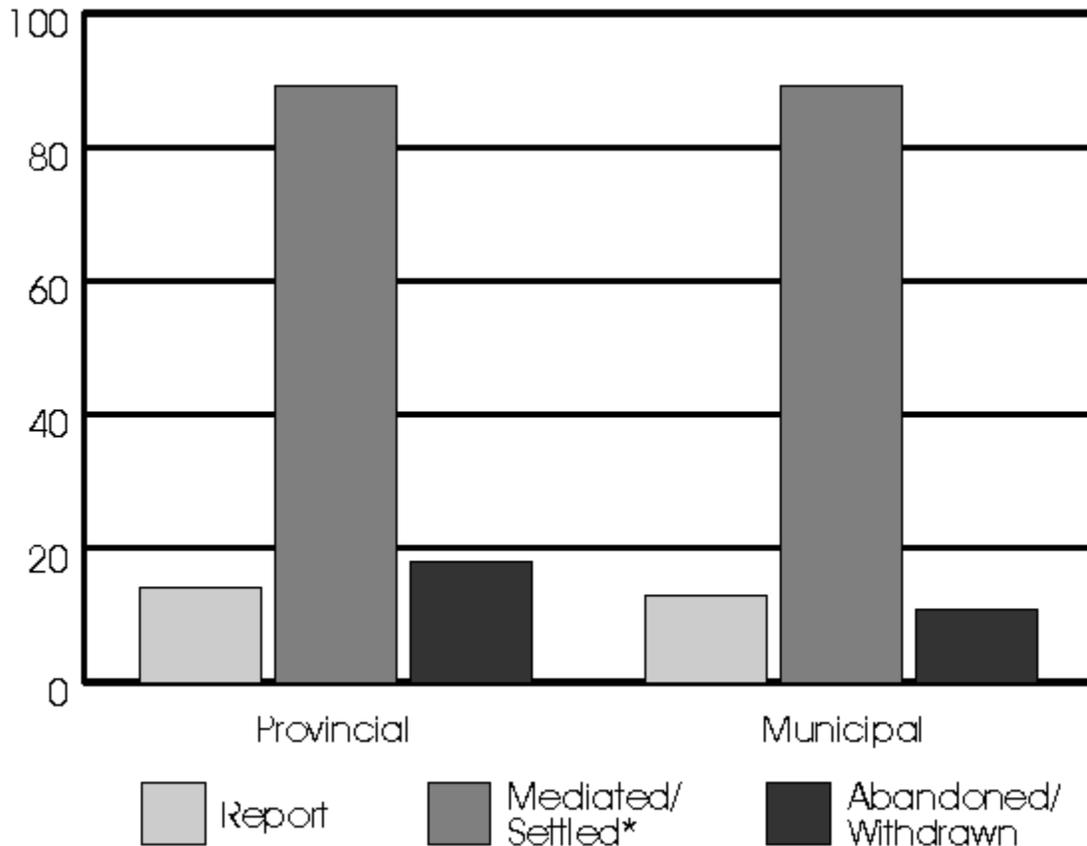
In 1995 we issued 27 formal investigation reports compared with 45 in 1994. Only about one case in 10 was

closed by a formal report this year, compared with one in five last year.

More than three-quarters of complaints resolved in 1995 were settled informally or through mediation. In about one case in seven, the government organization involved accepted an IPC request to take action to settle a complaint voluntarily. In a further one-seventh of cases, we made suggestions on practices and procedures to an organization during mediation. And in nearly half of all cases, we found that the government organization was either in compliance with the *Acts* or had already taken corrective action.

The average time to complete an investigation started in 1995 was 1.8 months -- comparable to the improved level of 1.9 months recorded over the previous two years. At year end, only four per cent of complaints in the system were more than four months old -- down from 10 per cent at the end of 1994.

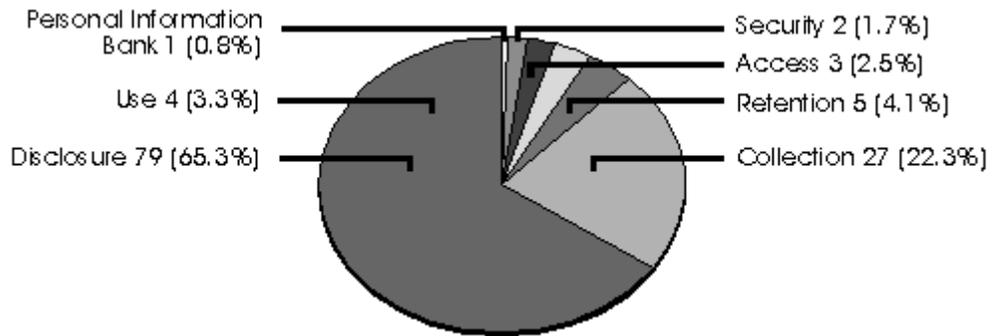
**Privacy Investigations Completed by Type of Resolution - 1995**



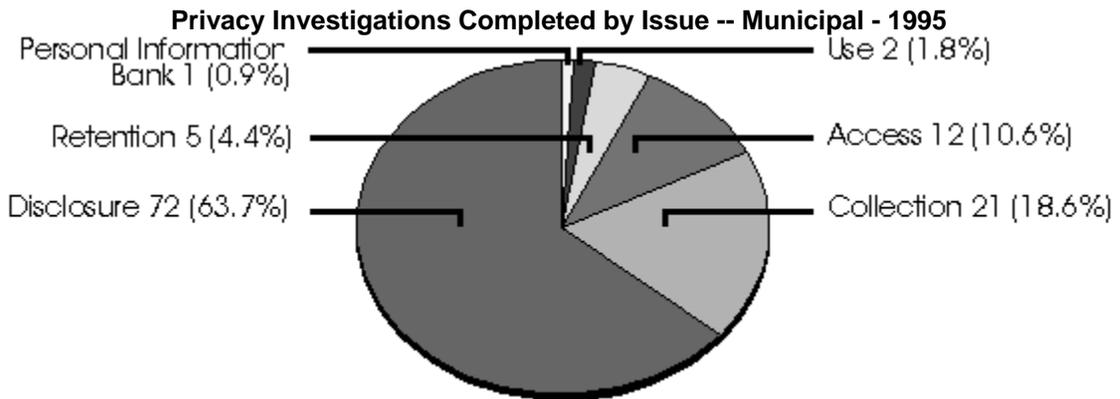
\* includes 11 provincial investigations that were discovered to involve non-jurisdictional organizations or issues during the course of the investigation

The disclosure of personal information was at issue in more than six in 10 investigations completed in 1995, in line with previous years. The collection of personal information was the next most frequent issue, accounting for one in five investigations this year.

**Privacy Investigations Completed by Issue\* -- Provincial - 1995**



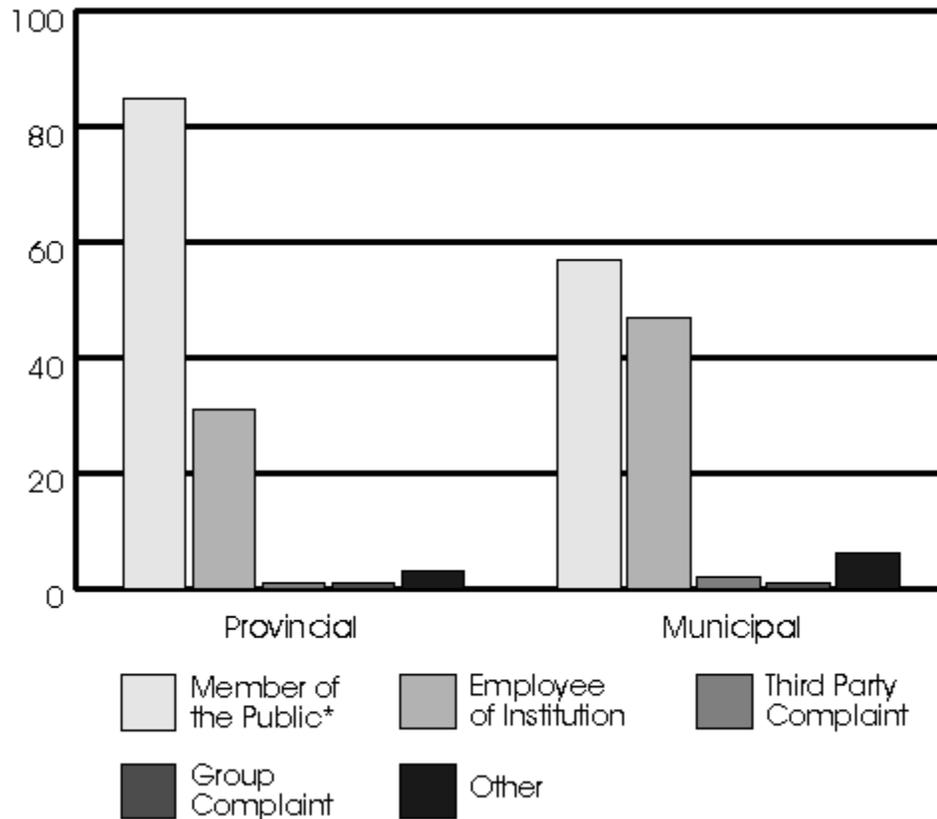
\* includes 11 investigations that were discovered to involve non-jurisdictional organizations or issues during the course of the investigation



The principal user of the complaints system is the general public. Members of the public filed six in 10 complaints closed by the IPC in 1995, similar to the 1994 level.

This year, 42 per cent of municipal complaints were submitted by an employee of the government organization involved -- an increase from 23 per cent the year before. About one-quarter of provincial complaints were filed by employees in each of the two years.

**Type of Complainants Involved in Privacy Investigations - 1995**



\* includes 11 provincial investigations that were discovered to involve non-jurisdictional organizations or issues during the course of the investigation

## ORAL COMPLAINTS CONTINUE UPSWING

In addition to dealing with written complaints, the IPC responds to privacy concerns or complaints lodged over the telephone. In 1995 we resolved 533 oral complaints -- an increase of 85 per cent from 1994 and more than triple the level recorded in 1993.

## Highlights of Investigations

The following are short sketches of some of the key investigation reports released by the IPC this year.

### OVERPAYMENT REQUEST INCORRECTLY ADDRESSED

The complainant received a letter requesting her to repay an overpayment under the *Family Benefits Act* (FBA), but she was not the person for whom the letter was intended. While the complainant's last name was the same, her first name was slightly different. The municipality where the request originated had asked the Ministry of Transportation to search its databases for addresses listed for individuals with the complainant's last name. The municipality had then incorrectly matched the complainant's address with the FBA recipient's name. Even after pointing out the error, the complainant received two more letters intended for the benefit recipient.

Section 30(2) of the municipal *Act* requires an institution to take reasonable steps to ensure that personal information is not used unless it is accurate and up to date. We found that the municipality did not comply with this section before attempting to recover the overpayment. We were also concerned that the benefit recipient's personal information had been improperly disclosed when the complainant received the letters containing the

benefit recipient's full name, case number and the amount of the overpayment.

In response to the complaint, the municipality took extensive proactive measures to prevent future errors, including a revision of its procedures for handling search information, a retroactive audit of information received from the Ministry of Transportation, and further employee training. We recommended that the municipality share these measures with other municipalities to assist them in implementing similar steps to ensure that personal information in their custody is accurate and up to date. (Investigation I95-031M)

## **PSYCHIATRIC RISK ASSESSMENT UNWARRANTED**

A former community college nursing student filed a complaint with the IPC when he discovered that the college had asked a psychiatric institute for a "risk assessment" of his potential for violence.

During his time as a student, the complainant had been overheard making threatening comments relating to his studies. He apologized for his behaviour but later wrote to an instructor complaining that he was being harassed and discriminated against. He subsequently left the college and initiated a series of legal proceedings against the college.

More than two years later, upon reviewing his file at a psychiatric institute where he was a patient, the complainant found a letter from the college requesting the risk assessment, with a copy of his letter to the instructor attached.

We found that the college's collection of personal information about the complainant was not in compliance with section 38(2) of the provincial *Act*. Contrary to the college's view, the *Occupational Health and Safety Act* could not be interpreted as explicitly authorizing the collection of the risk assessment, nor was the collection used for law enforcement purposes. While we agreed that dealing with existing and pending litigation was a lawfully authorized activity, it was our view that the risk assessment was not necessary to the proper administration of this activity.

In addition, we found that the college's disclosure to the psychiatric institute of the complainant's letter to the instructor was a breach of section 42 of the *Act*. The college cited section 42(c), "consistent purpose", for its disclosure. However, it was our view that since the college had collected the complainant's letter in order to deal with the issues he had raised, the complainant could not reasonably have expected that his letter would later be sent to the institute with the college's request for a risk assessment. (Investigation I95-030P)

## **TAX ARREARS DISCLOSED**

An individual complained that a township had disclosed details of his outstanding property taxes, arrears, penalties and tile drainage loan payments due, at a special council meeting. Under section 27 of the municipal *Act*, the privacy protection rules do not apply to personal information that is maintained for the purpose of creating a record available to the general public.

In this case, it was our view that since the information in question could be obtained by any member of the public under the *Municipal Act* and since the township maintained this information to create a public record, section 27 was applicable. Therefore, the privacy protection provisions of section 32 of the *Act* did not apply. (Investigation I94-059M)

## **MEDICAL CERTIFICATE NECESSARY**

Referring to her history of disruptive behaviour at work and her inability to work with her colleagues, a municipality required an employee to obtain a medical certificate from her doctor attesting to her psychological and emotional competence. The employee refused to comply and in a complaint to the IPC, she questioned the

municipality's authority to collect the personal information in the certificate.

The municipality submitted that the request for the certificate was necessary to the proper administration of a lawfully authorized activity, namely, to carry out its role in managing its staff. The municipality also cited a clause in the collective agreement relevant to the complaint which stated that where an employee has a poor performance or attendance record and it appears there may be a medical problem, the employee may be required to submit to a medical examination.

It was our view that in certain limited circumstances such as found in this case, the collection of a medical certificate would be necessary to the management of staff, and would thus be in compliance with the municipal *Act*. (Investigation I95-033M)

## **Indirect Collection Authorized**

Under the *Acts*, personal information is only to be collected directly from the individual to whom it relates, with limited exceptions. The Commissioner has the power to authorize indirect collection in appropriate circumstances.

This year the IPC approved eight requests for indirect collection and received two others which were withdrawn. Of those approved, four pertained to Workplace Harassment Prevention Programs, two involved creation of wandering patient registries with the police, and two dealt with internal investigations.

## **Anonymous Transactions Now Feasible**

The IPC and the Dutch Data Protection Authority, the Registratiekamer, collaborated this year on what we believe is the first joint international study by two organizations with the mandate of protecting privacy in their own jurisdictions. The project was based on our shared conviction that minimizing personally identifying data would substantially increase privacy, without impeding the collection and storage of needed information.

The report, *Privacy-Enhancing Technologies: The Path to Anonymity*, explored privacy technologies that permit transactions to be conducted anonymously -- such as public key encryption, blind signatures, digital pseudonyms and trusted third parties. These techniques all depend on some form of "identity protector", which can generate pseudo-identities and/or convert between pseudo and actual identities. The objective is to separate a person's true identity from the details of his or her transactions and communications.

Our analysis concluded that these privacy-enhancing technologies are very sound, and the benefits of applying them far-reaching. The project also included a market survey. It found that while few Ontario suppliers currently offered such products, most would consider developing them if the demand existed. Strong efforts should therefore be made to raise public awareness of the advantages of privacy-enhancing technologies.

## **Protecting Privacy on Highway 407**

Highway 407 under construction north of Toronto will be one of the world's first fully electronic, non-stop toll roads. Tolls will be collected using either a small electronic transponder attached to the vehicle, or a licence plate recognition system involving digital photographs. In either case, the vehicle owner will be charged for the tolls levied, potentially leaving a data trail.

The IPC has been working co-operatively with the Ministry of Transportation and the Ontario Transportation Capital Corporation -- a Crown agency responsible for the highway's development -- to create a payment option that would allow drivers to travel anonymously. For example, a transponder tag could be charged up like a cash card before entering the highway, with electronic deductions made for the distance travelled. This would require

no identifiable data to be left behind.

Another issue concerns the Ministry of Transportation's vehicle database, which contains vast holdings of personal information. The names and addresses of vehicle owners will be extracted from this database for toll collection under the licence plate recognition system. We are working to ensure that adequate security and privacy controls are in place, so that this information is used only for billing purposes.

## **Data Sharing Fraught with Privacy Risks**

Government organizations sometimes share personal information, for example, to identify individuals who are improperly receiving services from more than one organization. The IPC believes data containing personal information should be shared only as a last resort, after considering all practical alternatives.

Data sharing by its nature raises privacy concerns, since it involves collecting personal information indirectly, rather than directly from the individuals to whom it relates. In addition, the data may well be used for a purpose not intended at the time it was originally collected.

## **MODEL AGREEMENT**

Where data sharing does take place, the IPC stresses it should be supported by a written agreement to clarify the rights and obligations of all parties, thereby ensuring compliance with the *Acts*. An IPC survey in 1994 found that while many government organizations routinely share personal information or are contemplating doing so, in most cases the data sharing arrangements have not been formalized.

To assist government organizations, the IPC this year developed a Model Data Sharing Agreement. This document outlines the minimum issues to be considered when an organization contemplates data sharing, and suggests wording to use for the text of the agreement.

## **LINK TO FEDERAL DATABASE**

A municipality asked the IPC to comment on a proposed electronic access pilot project with the federal government and on a draft memorandum of understanding between the two. The project allows selected municipal staff to view personal information accessible via a federal database.

We found that the memorandum of understanding by and large addressed the privacy provisions of the municipal *Act*. However, it did not spell out the frequency of the data exchange or the medium to be used. We also suggested a number of operational changes in the pilot project to ensure that only authorized individuals could view the exchanged personal information.

## **Examining Government Privacy Practices**

To ensure compliance with the *Acts*, the IPC reviews the data protection systems of selected government organizations. We also comment on specific practices and activities of government organizations that raise privacy issues.

## **EMPLOYEE INFORMATION SECURE**

The IPC reviewed procedures for access to employee-related personal information at the Municipality of Metropolitan Toronto. The organization passed with flying colours. We found that only authorized individuals had access to employee information, and the municipality had defined, documented and implemented reasonable measures to prevent unauthorized access. We observed that staff were well aware of the access and privacy provisions of the municipal *Act*, understood the importance of protecting employee information and

attributed their knowledge to training provided by the Corporate Access and Privacy Office.

## **FAMILY BENEFITS FORM REVISED**

We examined a Family Benefits form used by the Ministry of Community and Social Services under the *Family Benefits Act*. To confirm the marital status of an applicant for the allowance, the Ministry had sent a copy of the form to her husband. The form contained the applicant's current address and telephone number.

The IPC found the disclosure to be contrary to the provincial *Act*. The Ministry is in the process of revising the form.

## **MACDONALD BLOCK UNDER VIDEO SURVEILLANCE**

Following an assault in a public washroom in the Macdonald Block at Queen's Park, the Ministry of the Solicitor General and Correctional Services in early 1995 installed a network of video surveillance cameras in the complex. The IPC reviewed the operation of the system to ensure that its use complied with the provincial *Act*.

We found that the collection of personal information on videotape was necessary for the lawfully authorized activity of protecting the public, personnel and assets. However, no notice of collection was being given and we recommended that the Ministry post such notice at all entrances to the areas under surveillance.

We also called on the Ministry to develop written policies and procedures regarding security, control and access to the video equipment and tapes, and to communicate them to all security personnel. These procedures should include criteria for defining an incident that would warrant use of the tapes. In addition, the tapes should be secured in a lockable cabinet to prevent unauthorized access.

## **SCHOOL PREMISES MONITORED**

The IPC examined a school board's use of video surveillance equipment to monitor the premises of a particular school. As a result of our inquiries, the board is developing detailed policies and procedures; a draft version will be sent to the IPC for comment. The board has held meetings with parents, students, staff and police regarding use of the system.

## **IPC PASSES OWN TEST**

This year the IPC conducted a review of our own internal information security procedures. We concentrated on areas where electronic methods are used to process, transmit and store personal information, ranging from the fax machine to e-mail to remote dialling into our computer system.

We found that our practices and procedures meet the privacy requirements of the *Acts*. Individuals have access only to personal information they need in the performance of their duties, and personal information is adequately protected from inadvertent disclosure or destruction. The exercise served as a test run for a review process we plan to conduct in other organizations.

## **Analyzing Issues and Offering Advice**

The IPC conducts research, raises issues for public debate and comments on the access and privacy implications of government activities and legislation. We keep abreast of trends in information management and data protection as a basis for recommending changes in Ontario's policies and practices. In addition, we develop practical suggestions for government organizations on how to meet their responsibilities under the *Acts*

-- advice which is often relevant to the private sector as well.

## **On the Legislative Front**

The new provincial government, which took office in June 1995, introduced amendments to Ontario's freedom of information and protection of privacy laws during the fall session of the Legislature. The changes were part of two larger bills -- Bill 7, the *Labour Reform Act* and Bill 26, the *Savings and Restructuring Act* (also known as the Omnibus Bill). The IPC provided comments on the proposed access and privacy provisions to the legislative committees.

The IPC was very pleased with the Minister of Health's commitment to develop specific legislation to protect the privacy of health care information. The IPC has long advocated such a comprehensive health privacy law to ensure that Ontario residents are second to none when it comes to the confidentiality of their health information.

## **Providing Comment on Government Programs**

The IPC had the opportunity to provide comment on several government programs during 1995. In the early part of the year the IPC worked with the Ministry of the Solicitor General and Correctional Services to strengthen various privacy features of the photo radar program. These included narrowing the size of the picture used to only include relevant information, limiting photo-enhancing techniques to only the plate portion of the photo and establishing procedures to restrict access to the database of photo radar images. The IPC also worked with the Ministry of Health by providing comments on the system to collect digitized photos and signatures for the new health card.

The IPC reviewed and commented on revisions to a Management Board Secretariat directive and accompanying set of guidelines dealing with managing intellectual property rights for government materials. The IPC's aim was to ensure that access to government-produced information would be maintained.

## **Access Ramps to the Information Highway**

In March 1995 the IPC sent a submission to the federal Information Highway Advisory Council in response to its discussion paper entitled, *Access, Affordability and Universal Service on the Canadian Information Highway*. Our submission emphasized that access to the highway should be based on universality and equity -- with governments accepting the responsibility to see that this happens.

The principal social issue is the opportunity to make connections with the emerging network of networks. If personal connections -- such as home computers -- are not feasible, it will fall to government to ensure common points of connection through schools, libraries and other community facilities.

In addition to access to technology, users must have access to the content flowing on the highway. Broad public education will be essential to make people aware of the services offered and provide the skills to use them.

While many services on the highway will be commercial in nature, others will be judged to have public value -- in the sense of enabling people to understand society better or communicate with government more effectively. These services must be widely accessible.

As is the case with television, governments should encourage a strong non-profit, community-based and public sector presence on the information highway. The highway offers unparalleled opportunities for government organizations to disseminate information and consult with the public -- opportunities that should be seized.

How these issues are resolved will profoundly influence Canada's future. Effective co-operation between various levels of government and the private sector will be essential to create the conditions that give everyone

the chance to connect to and benefit from the information highway.

## Eyes on the Road

The information highway is creating privacy risks for conventional highways. Video cameras now monitor traffic flow. Vehicles can be tracked by satellite. And a technology called automated vehicle identification makes it possible to plot the exact position of a particular vehicle at a particular time.

These intelligent transportation systems (ITS) can be used to create travel profiles -- recording everything from how well individuals drive to when they go to work and where they spend their leisure time. The IPC has produced a report entitled *Eyes on the Road: Intelligent Transportation Systems and Your Privacy*, which reviews the privacy risks and suggests ways to avoid them.

The paper stresses that organizations considering ITS should ask themselves if it is truly necessary to identify individuals or their vehicles. Where collection of personal data is essential, privacy safeguards should be built into the technology and its application.

## Voice Mail Prone to Eavesdropping

It is estimated that three out of four business calls are not completed on the first try, which makes voice mail an attractive technology. However, voice mail has privacy pitfalls that require attention -- ranging from recipients who forward messages without the original sender's consent, to employers who enter employee mailboxes.

The IPC has published a report on *Privacy Protection Principles for Voice Mail Systems* to assist public and private organizations to safeguard the privacy of voice mail users and those whose personal information is sent through voice mail. Among the principles are the following:

- the privacy of voice mail users should be respected and protected;
- all employees should receive proper education and training regarding how voice mail works and what its privacy implications are;
- each organization should create and communicate an explicit policy on voice mail privacy -- addressing such issues as approved uses of the system, third party access and enforcement;
- voice mail should not be used to collect, use, retain or disclose personal information without adequate privacy safeguards;
- organizations should develop appropriate security procedures and pursue technological solutions for protecting voice mail privacy.

## National Privacy Standard Nears Reality

Since 1992 the Canadian Standards Association (CSA) has been facilitating the development of a voluntary privacy code for the private sector. The CSA has organized a consensus process involving data users, data subjects, government officials and other interested groups. The IPC has been an active participant through non-voting membership on the committee.

This year, the CSA released a revised draft of the *Model Code for the Protection of Personal Information* for a final round of public comment. The draft code includes 10 interrelated data protection principles, with commentary on each. Organizations adopting the standard will adhere to all 10 principles and have the option of incorporating them into their own codes.

The final version of the model code will go forward for approval as a national standard by the Standards Council of Canada. Release of the standard is expected in early 1996. The IPC is continuing to participate in the work of the CSA committee on an implementation plan for the code.

## **Raising Awareness of Access and Privacy**

The IPC maintains an active communications program to increase public awareness of access and privacy issues, promote understanding of rights and responsibilities under the *Acts*, and inform both consumers and government organizations of the IPC's procedures.

## **IPC Goes On-line**

The IPC launched a World Wide Web site on the Internet in November 1995 as a research, communication and information tool. Our system includes:

- all orders and published investigation reports, with the capability to download the full text to the user's own computer; an index of selected orders and investigation reports by subject matter; and an index of all orders and reports by section of the *Acts*,
- summaries of our policy papers with full text available through downloading, plus full text of key issues of our publication *Practices* and the text of our current newsletter, *Perspectives* ;
- the text of both *Acts*, as well as a plain language guide; and
- information on our role and frequently asked questions on access and privacy.

Our Web site address is <http://web1.ipc.on.ca>.

## **Working with Government Co-ordinators**

Co-ordinators in municipal and provincial organizations play a central role in the day-to-day operation of Ontario's access and privacy system. To assist co-ordinators, the IPC this year took part in 17 training sessions around the province, in co-operation with Management Board Secretariat (MBS).

We also co-sponsored the co-ordinators' annual fall workshop in partnership with MBS and the Association of Municipal Clerks and Treasurers of Ontario. The November event -- "Working Towards Solutions" -- drew more than 200 participants to two days of case studies, round tables and policy discussions.

## **Outreach Campaign Continues**

The IPC's public outreach campaign this year included 38 speeches by the Commissioner, Assistant Commissioners or staff members, arranged through the IPC Speakers' Bureau. Among the various audiences reached were student groups at the University of Waterloo, York University, the University of Toronto and Humber College, elected officials in Haldimand-Norfolk, the Sudbury Community Legal Clinic, an Industry Canada event, a Canadian Institute conference, the Ontario Hospital Association and, internationally, the Pan Pacific Conference in Victoria, BC and the Connecticut Foundation for Open Government.

We conducted province-wide media campaigns -- with news releases and other print materials -- to support the release of two major IPC reports: *Eyes on the Road: Intelligent Transportation Systems and Your Privacy* and *Privacy Protection Principles for Voice Mail Systems*. We also published three editions of our newsletter, *Perspectives*, to keep government organizations, business groups and the national and international privacy community informed of our activities and emerging Ontario issues.

We released 10 new items in our *Practices* series of concise practical guides for government organizations, users of the appeals and complaints systems or the general public. The *Practices* issue on "Privacy and Confidentiality When Working Outside the Office", for example, explains how government employees can

protect the privacy of personal information when working at home or in other non-traditional settings. It was prepared by a working group including municipal and provincial co-ordinators, MBS staff and the IPC.

Demand remained strong for our brochures on the IPC and pocket guides to the *Acts*. In all, we provided more than 21 600 information pieces in reply to requests, and responded to more than 4000 telephone calls from people seeking information on access and privacy.

## Financial Statement

Statement of Expenditure for the year ended March 31, 1996

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### Salaries and wages

- 1995-96 - \$5,322,992
- 1994-95 - \$5,455,615

### Employee Benefits

- 1995-96 - \$894,276
- 1994-95 - \$628,500

### Transportation & Communication

- 1995-96 - \$81,644
- 1994-95 - \$111,507

### Services

- 1995-96 - \$778,665
- 1994-95 - \$934,158

### Supplies and equipment

- 1995-96 - \$346,464
- 1994-95 - \$316,630

### Total Expenditures

- **1995-96 - \$7,424,041**
  - **1994-95 - \$7,446,410**
- 

The figures for the period ending March 31, 1996 are unaudited. For a copy of the Provincial Auditor's report please contact the IPC Communications department at 416- 326-3927 or 1-800-387-0073; TTY (teletypewriter) 416-325-7539.

## Appendix A

As required by the *Public Sector Salary Disclosure Act, 1996* the following chart shows which IPC employees received more than \$100,000 in salary and benefits during 1995.

**Name:** Wright, Tom

**Position:** Commissioner

**Salary Paid:** \$118,242.68

**Taxable Benefits:** \$340.96

**Name:** Anderson, Ken

**Position:** Director of Legal Services (on secondment as Director of Appeals from January to October 1995)

**Salary Paid:** \$118,193.02

**Taxable Benefits:** \$340.84

**Name:** Cavoukian, Ann

**Position:** Assistant Commissioner (Privacy)

**Salary Paid:** \$104,493.88

**Taxable Benefits:** \$301.30

**Name:** Challis, William

**Position:** Legal Counsel

**Salary Paid:** \$104,360.88

**Taxable Benefits:** \$301.06

**Name:** Glasberg, Irwin

**Position:** Director of Appeals (on secondment as Assistant Commissioner (Access) from January to October 1995)

**Salary Paid:** \$117,922.62

**Taxable Benefits:** \$341.08