

FOIP FOLIO

February 2005

Identity Theft is a Problem in Saskatchewan too!!

February is Fraud Awareness Month in Canada

RECOGNIZE IT -- REPORT IT -- STOP IT!!



A particularly prevalent fraud is identity theft. If someone uses your Social Insurance Number, your credit card or debit card number or other personal information about you without your consent or knowledge you are a victim of identity theft.

According to RCMP statistics for 2003, 202 victims in Saskatchewan lost more than \$680,000 and we expect the numbers for 2005 will be significantly higher.

Here are some tips to help you minimize your risk:

- ✚ Ask anyone requesting your personal information how they will use that information and who it will be shared with.
- ✚ Ask questions if you don't receive your regular statements from your bank or credit card companies.
- ✚ Guard your mail. If you move, make sure there is a change of address notification to the post office.
- ✚ Use passwords on your credit card, bank and utility accounts. Avoid too obvious numbers such as your birth date or your mother's maiden name.
- ✚ Minimize the identification information and number of cards you carry.
- ✚ Don't share personal information over the phone or Internet with someone who doesn't know unless you initiated the contact.
- ✚ Tear up or shred your receipts, insurance forms and bank statements, credit offers, etc. that you get in the mail. An identity theft will pick through your garbage.
- ✚ Give your SIN only when absolutely necessary. Offer other types of identification instead. Employers should not use the SIN as an employee identification number but should create a new number for that purpose.
- ✚ Don't carry your SIN card. Leave it in a secure place.

Identity Theft is a Problem in Saskatchewan too!! (cont'd)

For more information on identity theft, go to www.phonebusters.com.

If you are working for a government department, a Crown Corporation, a local authority or a health information trustee, you will want to ensure that you are not creating opportunities for identity theft. For example, in our [Investigation Report IR 2005-001](#), we recommended that the Saskatchewan Automobile Injury Appeal Commission mask the identity of claimants before posting its decisions on its website. This report is available on our website: www.oipc.sk.ca under the "Reports" tab.

In Alberta, Commissioner Frank Work has issued recommendations to prevent some of the very serious abuses that have come to his attention. This includes businesses that routinely put point-of-sale receipts with the full credit card number displayed in the garbage.

Commissioner Work has now issued reports after investigating three Alberta businesses that failed to protect personal information in their custody: Linens'N Things, Nor-Don Collection Network Inc. and Digital Communications Group Inc. He made a number of recommendations including one that an organization obtain new computer equipment to obscure credit card numbers printed on receipts and return slips.

To obtain a copy of the three investigation reports, go to www.oipc.ab.ca and search Investigation Reports [#P2005-IR-001](#), [#P2005-IR-002](#) and [#P2005-IR-003](#).

In Saskatchewan, our office has no jurisdiction over private businesses and you would have to direct complaints to the Privacy Commissioner of Canada at www.privcom.gc.ca or phone 1-800-282-1378.

Manitoba's Barry Tuckett Retires

Manitoba Ombudsman Barry Tuckett has retired. We extend our sincere thanks and best wishes to Barry. In addition to his Ombudsman duties, he oversaw the 12 person Access and Privacy Division in the Ombudsman office. Over the first 13 months of our new Saskatchewan Information and Privacy Commission office (OIPC), Barry was very generous to the Saskatchewan OIPC in terms of support. He was one of the first oversight officers to agree to participate in the *Privacy Laws and Health Information: Making it Work* conference held last October. He arranged for a number of experts in his office to speak at the conference. He has provided a lot of advice to us about how we can best contribute to the roll-out of *The Health Information Protection Act* (HIPA).



Manitoba's Barry Tuckett Retires (cont'd)

We encourage you to check out the 2003 Annual Report of the Access and Privacy Division within the Manitoba Ombudsman Office. This is available online at http://www.ombudsman.mb.ca/pdf/130648_OmbudsRep_E.pdf. This report argues for the need to support access and privacy officers (FOIP Coordinators) and lists a number of positive and negative experiences of the outgoing Ombudsman. Many of these are relevant to Saskatchewan. Some of the concerns of Mr. Tuckett include improper exercise of the discretion to deny access, too little communication between FOIP Coordinators and applicants, not practicing severing when releasing documents and taking a "shotgun approach" to claiming exemptions. He notes that "there does not appear to be a culture of openness and transparency with visible commitment from the leaders of the public bodies".

Changes to our OIPC 2005 – 2008 Business Plan

The good news in our office is that the people of Saskatchewan are using *The Freedom of Information and Protection of Privacy Act* (FOIP), *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) and *The Health Information Protection Act* (HIPA) more than ever before. Privacy and access to information are rights that are being more widely exercised. Public bodies are doing a lot of new work to ensure they are complying with these 3 important statutes. The challenge, however, is that our tiny office of 3 persons has been overwhelmed with the enthusiastic response and demand for service from the OIPC.



Earlier in February, the Board of Internal Economy (a committee of the Legislative Assembly) decided not to fully fund our plans for expansion of this office in 2005-2006. This was determined at a Board meeting on February 10, 2005 when our 3 year Business Plan and our 2005-2006 estimates were considered. You can access our [Business Plan 2005 -- 2008](#) at our website: www.oipc.sk.ca under the "what's new" tab. The Hansard record of that meeting is not available online but you can obtain a copy through the office of the Speaker of the Legislative Assembly (306 / 787-2282).

The Legislative Assembly has complete authority to determine what public monies will be committed to our mandate but there are a number of consequences that flow from the Board's decision.

Changes to our OIPC 2005 – 2008 Business Plan (cont'd)

Our plan contemplated clearing our substantial backlog of requests for review and breach of privacy complaints before the end of 2005-2006. Currently there are just two of us to do all of the investigation, research, mediation, consultation and writing of a final report for approximately 150 active files. Some complaints and reviews are now taking more than a year to complete. The bottom line is that there will be more delays to close files in 2005-2006. We will have to make some tough choices of where we focus our limited resources.

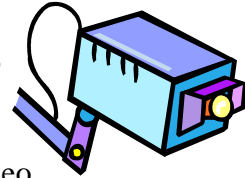
We invite feedback and advice from members of the public, government institutions, local authorities and health information trustees as we make those decisions. We will then produce a revised Business Plan to reflect the funds determined by the Board.

In the meantime, the OIPC will concentrate on our backlog of reviews and investigations. Clearly, we will not be able to sustain the same level of prompt, informal advice to organizations subject to the Act and we will be eliminating most of our public education sessions (we have provided approximately 160 sessions since our full time office was created in November 2003).

We appreciate your patience and understanding as we do the best we can with what we've got.

Video Surveillance -- Does it make us Safer?

In the United Kingdom, a new report evaluating the extensive video surveillance system in that country has just been published. This is significant since the U.K. has something like 2 million video surveillance cameras and it is usually cited in support of expanded video surveillance in Canada. In fact, the authors of this report found that for the most part, the video surveillance cameras did not produce reductions in crime and did not make people feel safer. One of the author's concluded as follows:



“The truth is that [video surveillance system] is a powerful tool that society is only just beginning to understand. It looks simple to use, but it is not. It has many components, and they can impact in different ways. It is more than just a technical solution; it requires human intervention to work to maximum efficiency and the problems it helps deal with are complex. There needs to be greater recognition that reducing and preventing crime is not easy and that ill-conceived solutions are unlikely to work no matter what the investment.”

Video Surveillance -- Does it make us Safer? (Cont'd)

At one point the author's state:

"Assessed on the evidence presented in this report, [the video surveillance system] cannot be deemed a success. It has cost a lot of money and it has not produced the anticipated benefits."

The full 160 page report can be accessed at:

<http://www.homeoffice.gov.uk/rds/pdfs05/hors292.pdf> .

The much shorter press release can be accessed at:

<http://ebulletin.le.ac.uk/news/press-releases/2000-2009/2005/02/nparticle-jtt-p6b-76c>

We remind you that our office has developed a set of Guidelines for Video Surveillance by Saskatchewan Public Bodies. This can be found at at our website: www.oipc.sk.ca if you look under the "Resources" tab.

International 'Right to Know' Scan

Since we tend to focus so much on what is going on in Saskatchewan, it may be useful to consider in this issue of the FOLIO what is going on elsewhere. You might be interested to know, for example, that Canada is but one of 57 different nations in the world with a freedom of information law. These nations are as diverse as Armenia, Bulgaria and Peru. 25 of those nations joined 'the club' in just the last five years! Recent nations with a FOI law include the United Kingdom (2000) and Mexico (2002).



The original access law was developed almost 200 years ago in Sweden. The USA followed in 1966.

Citizens in these 57 nations are using their FOI law more often. In 2001, the U.S. federal government received more than 2 million access requests. In the first week of Japan's law in the spring of 2001, citizens filed more than 4,000 requests.

We occasionally hear a little grumbling from public sector employees about the 30 day response time under FOIP and LA FOIP. Did you know that response time is the same response period prescribed in almost all Canadian public sector access and privacy laws? The same 30 day period is the case in India, Ireland and South Africa. What's more, this is a longer period than in a number of other nations. For example, in Portugal it is 10 working days and, in Hungary, 15 calendar days. The Open Society Justice Initiative determined that the average statutory timeframe for providing information was 17 working days. In Norway and Sweden the records must be available on the spot or within 24 hours! Good resources for international FOI developments are www.privacyinternational.org/issues/foia and www.justiceinitiative.org.

Mexico raises the bar for 'Right to Know'

The recent Mexican FOI initiative is particularly interesting. You can now make an access request online by using their System for Information Petitions (SISI). The federal government responds by sending the requested records online. Although requests can be made in writing, the early experience in Mexico is that 93% of the initial 63,000 plus requests were submitted electronically. Not only is this a vastly more efficient way of responding to access requests but serves to protect the anonymity of the applicant. There has been a huge push in Mexico to digitize its vast records.



The oversight body, the Federal Institute for Access to Public Information (IFAI) operates like a Canadian Information and Privacy Commissioner. Unlike our office but like Ontario, British Columbia and Alberta, IFAI has the power to issue binding orders. IFAI maintains a very informative website but only if your Spanish extends beyond saying "Hola": www.ifai.org.mx. IFAI has also produced, in English as well as in Spanish, some excellent brochures and printed materials that explain how the legislation works. Our office has copies if you would like to see them.

A federal institution in Mexico must notify the requester within 20 workdays whether they will be granted access and the information sought must be provided within an additional 10 workdays.

The other thing that is remarkable about the Mexican commitment to freedom of information is the very evident leadership shown by President Vincente Fox. President Fox has signalled that the introduction of FOI in Mexico is perhaps his most important accomplishment.

Ontario Requests PHIPHA be certified as "Substantially Similar"

The Ontario government has requested that its new *Personal Health Information Protection Act* be declared as "substantially similar" to the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA). If the federal cabinet makes such a decision, then Ontario's law will be the only one of its kind in Canada that will displace PIPEDA. This means that health custodians in Ontario will not have to concern themselves at all with PIPEDA and that all oversight will be done by the Ontario Commissioner and not the Privacy Commissioner of Canada.

Freedom of Information in a Global Economy

Now that many nations have created tools such as FOI to promote transparency and accountability, we are realizing that many of the decisions are being made outside of those nations and at the level of the International Monetary Fund, the World Bank and other international banks. If you are interested in this kind of challenge, you might want to check out www.freedominfo.org. This website will allow you to see a transparency resource known as *A Comparative Analysis and Introduction to the IFI Transparency Resource*. This is a fancy kind of template to assist in comparing the extent to which international bankers achieve transparency to citizens.



Events

March 4 - 5, 2005 – *The Concealed, Anonymity-- Identity and the Prospect of Privacy*, University of Ottawa's Faculty of Law, Ottawa, Ontario
(<http://www.ANONequity.org/ConcealedI> for conference details)

April 5, 2005 at 7:30 P.M., *Privacy, Anonymity and Identity in a Networked World*, University of Regina, featuring Ian Kerr who is leading a major international research project to investigate all aspects of anonymity, identity and authentication in a world of global electronic networking. Sponsored by the Sheldon Chumir Foundation for Ethics in Leadership.

June 15 -- 17, 2005, *Access and Privacy Conference 2005*, University of Alberta at Mayfield Inn, Edmonton, Alberta. (www.accessandprivacy.com for conference details)

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