



FOIP FOLIO

January 2006



Happy New Year
from the staff at the Saskatchewan
Office of the Information and Privacy
Commissioner (OIPC).

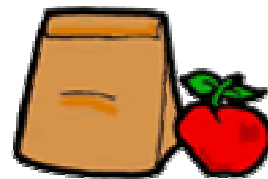
We look forward to working with each one of
you in the upcoming year!

PRIVACY PEOPLE

We offer a warm Saskatchewan welcome to the new Privacy Officer at Saskatchewan Health. **Ann Guinchard** joined the Policy and Planning Branch last October in the position of Director, Health Information Policy and Analysis/Privacy Officer. Ann comes with an extensive background in federal/provincial/territorial health information and privacy protection activities. Most recently she worked in the Privacy Secretariat at the Canadian Institute for Health Information (CIHI). Ann has a lot of experience with information access requests, health information privacy protection, including the development and drafting of Privacy Impact Assessments, and policies related to privacy, security, and management of confidential documents. We look forward to working with Ann as we all wrestle with HIPA compliance.

OIPC BROWN BAG LUNCHEON WORKSHOPS

A new program offered by the OIPC may be of interest to FOIP and HIPA Coordinators. We will be offering a series of workshops in our office at 503 - 1801 Hamilton Street, Regina. You can bring your brown bag lunch and participate in what we hope will be an interesting discussion of key issues. The discussion will be led by the Commissioner or a Portfolio Officer. It will be necessary to pre-register since our boardroom can only accommodate 12. If it turns out that we have more interest we will consider a larger facility to accommodate more. To register, call Candace Malowany at 787-8350 or 1-877-748-2298. There will be a handout for each workshop. Each session starts at 12:10 p.m. and will conclude by 12:50 p.m. to accommodate tight schedules.



The topics for the first three Brown Bag Workshops will be:

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|------------------------------|---|
| Wednesday, February 8, 2006 | How to survive and even have fun as the FOIP/HIPA Coordinator |
| Wednesday, February 22, 2006 | How and where to look for records – the Duty to Search – What does ‘duty to assist’ mean? |
| Wednesday, March 8, 2006 | How much is too much? Simplifying Fees and Fee estimates |



CONTRACTORS GUIDE TO ACCESS AND PRIVACY

We have encountered a number of businesses in Saskatchewan that are unaware of the impact of 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) on their activities when they provide fee for service work for provincial departments, Crown Corporations, boards, agencies, commissions, municipalities, regional health authorities, school divisions, universities and colleges. This would also apply to any business that provides information management services for health information 'trustees'. To help clarify the obligations of those businesses, our office has published the Contractors' Guide To Access and Privacy in Saskatchewan. This is available online at www.oipc.sk.ca under the Resources tab.



CANADIAN ACCESS/PRIVACY SCENE WILL MISS TWO STARS!



Darce Fardy, Nova Scotia Review Officer, completes a very distinguished term at the end of the month. Darce brought excellent experience as a journalist and a wonderful sense of irreverence to his job as the access and privacy watchdog in Nova Scotia. The Saskatchewan OIPC has used some of the materials Darce created to explain and to inform people about their information rights.

In Manitoba, Peter Bower, Director of the Access and Privacy Unit within the Office of the Manitoba Ombudsman, has announced that he will retire this year. Peter has been a wonderful resource to our OIPC particularly when we started to develop our public education materials. The Saskatchewan OIPC has benefited from the advice and counsel generously offered by both men. We wish them the very best in their new adventures.

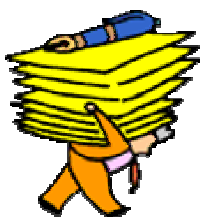
HIPA FACILITATES SHARING OF HEALTH INFORMATION FOR THE TREATMENT OF A PATIENT

Recent news reports focused on an apparent mix-up with a patient's personal health information involving the Regina Qu'Appelle Health Region and Five Hills Health Region. It is alleged that the psychiatric ward of a Regina Hospital did not provide a Moose Jaw physician with the prescription information he required to treat an emergency patient. This is a timely reminder of the authority in HIPA to disclose personal health information without consent when "the trustee believes, on reasonable grounds, that the disclosure will avoid or minimize a danger to the health or safety of any person". [Section 27(4)(b)] No one in the health care sector will want their CEO to be put in the uncomfortable position of explaining why information wasn't shared when the result may be to compromise the care of a patient. The message also is one of the priority that health trustees must give to training staff to a comfortable understanding of what HIPA allows and what it prohibits.





PUBLIC BODIES SHOULD STREAMLINE ACCESS AND PRIVACY MANAGEMENT



We continue to encounter large public bodies that are not yet organized to handle access and privacy responsibilities as efficiently as possible. We continue to urge all public bodies to ensure that one senior person in each of those bodies is given overall responsibility for managing the access and privacy files. An excellent description of the job of FOIP/HIPA Coordinator can be found in the January 2004 issue of the FOIP FOLIO. This entails coordinating both access requests and breach of privacy complaints and overall compliance with FOIP and/or HIPA or LA FOIP. It makes for a lot of inefficiency and confusion when responsibility is divided among a number of different people. This is also discussed in our Annual Report for 2004-2005 on page 22.

PRIVACY IMPACT ASSESSMENTS



A Privacy Impact Assessment (PIA) is a diagnostic tool designed to help organizations assess their compliance with the privacy requirements of Saskatchewan legislation. On our website under the *Resources* tab, you will see that we are now offering three new PIA questionnaires specific to each of the provincial laws that our office oversees. Accompanying each statute-specific PIA on our website is a customized worksheet containing checkboxes and a notes section for documenting responses to questions posed in the questionnaire.

Conducting a Privacy Impact Assessment requires more than just assigning one individual responsibility for completing the questionnaire. The PIA process involves mapping personal information flows (internally and externally). It also takes you through a set of questions to assist in identifying the privacy risks. It is usually valuable to involve your Privacy Officer or FOIP Coordinator in the preparation of the PIA and not just those individuals actually designing the new system, policy, procedure or program.

For a sampling of excellent PIA materials from other Canadian and International jurisdictions, follow this link: http://www.ipc.on.ca/docs/phipa_pia-e.pdf to Appendix B on Page 35 of the document.



YOUR RIGHT OF PRIVACY

Also now available on our website is the pamphlet, *Your Right of Privacy* under the *Resources* tab. The pamphlet provides more information on an individual's privacy rights and our office's process for investigating breach of privacy complaints.

If you work for a government institution, local authority, or health trustee and have learned of a possible privacy breach, we would recommend that you notify your immediate supervisor and/or Privacy Officer/FOIP Coordinator or follow the internal reporting requirements prescribed by your organization's privacy policy and procedures.

Once in the hands of the appropriate personnel, we recommend that the public body take the following action:

- Conduct an internal investigation:
 - Identify the scope of the breach;
 - Take immediately corrective action and contain damage;
 - Review existing policies, procedures, safeguards, etc. to see if adequate; and
 - Report findings and take necessary and appropriate action to prevent future breaches.
- Notify:
 - Internal personnel with 'need to know' or as necessary to conduct investigation;
 - The Information and Privacy Commissioner:
 - advise us of the breach and keep us apprised of progress of investigation and eventual findings/actions taken; and
 - Affected individual(s), if appropriate.
- Attempt to internally resolve any resultant concerns of affected individuals.

If your attempts to address the complainant's concerns to his/her satisfaction are unsuccessful, then the complainant may request that the Information and Privacy Commissioner investigate the matter. If this occurs, we will notify the Privacy Officer and/or the head of the public body. We will try to work with the complainant and the public body to resolve the matter informally, but if necessary will proceed with issuing a Report containing our findings and recommendations.

FUTURE EVENTS

February 3, 2006 -- Canadian Bar Association (Saskatchewan) Midwinter Meeting, "Virtue Testing - Employee Privacy Issues", Moose Jaw, Saskatchewan

February 8, 2006 -- OIPC Brown Bag Luncheon Workshop (12:10 p.m. – 12:50 p.m.), "How to survive and even have fun as the FOIP/HIPA Coordinator", 503-1801 Hamilton Street, Regina (call (306) 787-8350 for details or to register)

FUTURE EVENTS (continued)

- February 9-10, 2006** -- Privacy and Security Conference 2006, Victoria, B.C.,
(<http://www.rebootconference.com/privacy2006/register.htm> for details)
- February 22, 2006** -- OIPC Brown Bag Luncheon Workshop (12:10 p.m. – 12:50 p.m.),
“How and where to look for records – the Duty to Search – What does ‘duty to assist’ mean?”, 503-1801 Hamilton Street, Regina (call (306) 787-8350 for details or to register)
- March 8, 2006** -- OIPC Brown Bag Luncheon Workshop (12:10 p.m. – 12:50 p.m.), “How much is too much? Simplifying Fees and Fee estimates”, 503-1801 Hamilton Street, Regina (call (306) 787-8350 for details or to register)
- March 20-21, 2006** -- Information Management in the Public Sector, Ottawa, ON,
(call 1-800-363-0722 for details)
- March 22-23, 2006** -- Electronic Documents and Records Management, Ottawa, ON,
(call 1-800-363-0722 for details)
- April 3-4, 2006** -- Privacy and Security in Government Information, Ottawa, ON,
(call 1-800-363-0722 for details)
- April 26-27, 2006** -- Personal Information Protection Act Conference 2006, Calgary, AB
(visit <http://verney.ca/pipa2006/> for details)
- May 4-6, 2006** -- Access and Privacy, Winnipeg, MB (call Karen at (204) 945-5831 for more information)
- May 6, 2006** -- The Media and the Law Seminar 2006: Dirty Secrets, Edmonton, AB, (visit <http://www.lawsocietyalberta.com/files/MediaLawSeminar2006Flyer.pdf> for details)

To Contact us:

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