

FOIP FOLIO

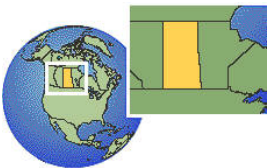
January 2008

WELCOME CAM



The Office of the Information and Privacy Commissioner (OPIC) would like to welcome **Cam Moore**, the newest Portfolio Officer to join our organization. Cam started out life in Wartime, Saskatchewan, a town so small that it almost doesn't exist anymore. Raised and educated in Alberta, Cam literally began his police career walking a 'beat' with the Moose Jaw Police Service in 1981 and has the unique perspective of having policed both 'pre' and 'post' *Charter of Rights and Freedoms*. In his last few years with the Moose Jaw Police Service, Cam was a Supervisor in the Information Management and Court Unit, the Major Crimes and Criminal Investigations Unit, and ended his police career as a Street Supervisor with a Community Policing Team. A strong believer in lifelong learning, Cam graduated "with great distinction" from Athabasca University with a Bachelor of Professional Arts degree with a Criminal Justice major in December of 2005.

NEW FEDERAL PRIVACY INITIATIVE TO BE LAUNCHED ONLY IN SASKATCHEWAN



The Privacy Commissioner of Canada has announced the need for a contractor to undertake a pilot program to enhance understanding of privacy laws and obligations of businesses in Saskatchewan (which are subject to the *Personal Information Protection and Electronic Documents Act*). The deadline for proposals is February 8, 2008, 2 p.m. (EST). The pilot includes development and delivery of public awareness programs to enhance individuals' understanding of privacy laws, rights and redress. The overall ceiling is \$75,000 exclusive of GST. In addition, the contractor will be reimbursed for reasonable travel and expenses in accordance with Treasury Board of Canada guidelines. The term is one-year from date of contract issuance. The contractor will work closely with the OIPC in organizing and delivering selected joint public education presentations or workshops. Required skills and abilities include: extensive experience and creativity in adult learning, public education and making presentations; experience in preparing and delivering educational sessions to diverse audiences as well as excellent communication and interpersonal skills. For more information contact:

John McKinley
112 Kent Street
Place de Ville, Tower B, 3rd floor
Ottawa, ON, K1A 1H3

For purposes of any proposal, the reference number is 142472. The solicitation number is 2007-SC070. The Source ID is FD.DP.ON.219763.C18380.

HELPFUL TIPS REVISED AND EXPANDED



Back in 2004, we discovered that public bodies and trustees were not always clear as to what was required of them when our office undertook a review under FOIP, LA FOIP or HIPA. We therefore introduced a tool entitled *Helpful Tips*. This was designed to assist FOIP and HIPA Coordinators navigate the review process. As an update was long overdue, we decided to revisit our earlier work.

An updated version of *Helpful Tips* is now available on our website, www.oipc.sk.ca, under the *Resources* tab. This version of *Helpful Tips* not only offers additional advice on preparing the record and submissions, but also includes information on other related topics including third party notification and the applicability of fees. If you have any questions with respect to the document or about the review process in general, please contact Diane Aldridge, Director of Compliance at 798-1602.

WWW.OIPC.SK.CA - IS ANYONE USING THIS SITE?



In the calendar year 2007, our website attracted 253,560 hits. That works out to an average of 694 hits per day. Of those hits, approximately 200 of them each day involved viewers spending an average of 12 minutes looking at various items on our website. We are delighted that this electronic resource appears to be of value to citizens and folks in Saskatchewan's 'access and privacy community'. If there are features and items you would like to see added to the website content please contact Kara at 787-8350 or call toll-free in our province at 1-877-748-2298. Our future plans are to include a section index to simplify searching our Reports database, an online training module for purposes of reviews and privacy investigations, and a series of Frequently Asked Questions.

OIPC REVISED BUSINESS PLAN FOR 2007-2009

Since 2005, our office has produced a rolling three year Business Plan. This has included 5 core businesses:

1. Reviews of decisions on access requests;
2. Reviews of breach of privacy complaints;
3. Trustee/government institution/local authority compliance;
4. Clarifying the access and privacy regime in Saskatchewan; and
5. Public education.

We also set out 12 specific goals and a number of key performance measures. We have just published on our website, our latest version - the Business Plan for 2007-2009. This assesses each of our key performance measures over the first nine months of 2007-2008.

OIPC REVISED BUSINESS PLAN FOR 2007-2009 (CONT'D)

The results are as follows:

Exceeded:	1
Achieved:	13
Partially Achieved	5
Not Yet Achieved:	8

The Business Plan includes an explanation for those key performance measures that have not been achieved. We believe that this detailed Business Plan is a key part of our accountability to the people of Saskatchewan. We encourage you to read our Business Plan. It is accessible at www.opic.sk.ca under the *What's New* tab. If you have any questions or comments, please call Kara at 787-8350 or call toll-free in Saskatchewan, 1-877-748-2298.

STILL 22 GOVERNMENT INSTITUTIONS THAT HAVE NOT YET APPOINTED A SINGLE FOIP COORDINATOR



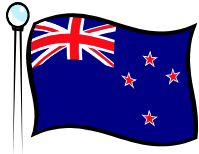
More and more Saskatchewan government institutions have consolidated responsibility for both access and privacy in a single FOIP Coordinator. The experience of our oversight office is that separating the functions typically results in inefficiency, delays and a less effective FOIP compliance regime. We strongly encourage those government institutions that still have fragmented responsibilities for access and privacy to move to a single senior FOIP Coordinator.

PRIVACY CONSIDERED BY COURT OF QUEEN'S BENCH



In a recent decision, the Saskatchewan Court of Queen's Bench considered the claim of a pilot that his privacy rights were unlawfully interfered with when the Saskatoon Regional Health Authority released copies of his confidential medical records to the Canadian Transportation Accident Investigation and Safety Board Investigators following the crash of a commercial plane. The claim was dismissed. The release of medical information by the Health Authority was not only authorized by law, it was required by law. There was no evidence of any publication of the information beyond what was necessary for the Safety Board to carry out its statutory obligations. The Safety Board's final and public report on its findings makes no reference to the pilot's medical records. The citation is *Jese v. Saskatchewan District Health Board*, 2007 SKQB 357 - Court of Queen's Bench, Wimmer, October 4, 2007 (QB07338).

REACTION TO A NEW USE OF NEW ZEALAND CERVICAL CANCER SCREENING DATA OFFERS IMPORTANT LESSONS TO SASKATCHEWAN



According to a recent article in the *New Zealand Herald*, the number of women opting out of the National Cervical Screening Programme more than doubled in the year after access to women's medical records for monitoring was freed up. This followed the decision by the New Zealand government to allow government-appointed evaluators to see health care records including women's hospital and laboratory records. Prior to the law change that enabled the monitoring, only 463 opted off the program in the preceding 12 months. After the law was changed to allow the evaluators access to general practitioner records, the numbers opting-out increased to 1224. This is of interest in Saskatchewan since our Report H-2005-002 (Prevention Program for Cervical Cancer) was influenced by the New Zealand program experience prior to the March 2005 law change and the relatively small number of women then opting-out of the program.

FEDERAL PRIVACY COMMISSIONER'S CONTRIBUTIONS PROGRAM



The federal office has over the last four years provided over \$1,000,000 in funding to more than 30 privacy research initiatives in Canada. The four priority areas that the Office of the Privacy Commissioner of Canada looks to fund research in will be (1) national security, (2) identity integrity and protection, (3) information technology and (4) genetic privacy. The maximum amount that can be awarded for each research or public education project is \$50,000. For more information visit the PCC website at www.privcom.gc.ca.

CANADIAN MEDICAL ASSOCIATION TO REVISE PRIVACY CODE



The Canadian Medical Association has announced that it will revise its Health Information Privacy Code adopted in 1998. Apparently, this is intended to consider new provisions dealing with electronic health records and secondary use of personal health information for health research. This is likely to have a significant impact in Saskatchewan since our *Health Information Protection Act* (HIPA) incorporates by reference consideration of health profession ethical codes [HIPA sections 27(3)(b) and 43(2)(f)]. Our office frequently diverts HIPA complaints from patients to the College of Physicians and Surgeons since those complaints will be assessed and investigated by reference to what has been a robust set of standards to respect the privacy of individuals and the confidentiality of their personal health information.

CANADIAN ASSOCIATION OF PROFESSIONAL ACCESS AND PRIVACY ADMINISTRATORS



If you are not already a member of CAPAPA you are missing out on a very informative newsletter, *The Winston Report*. To become a member of CAPAPA or to learn more about the newsletter contact Ave Bella Gould, Communications Director at Communications@capapa.org.

INTERESTING PRIVACY DEVELOPMENTS TO THE WEST



According to an *Edmonton Journal* story of December 21, 2007, **Frank Work**, Alberta Information and Privacy Commissioner, has ordered Edmonton Police to tell an individual how many times they ran his name through CPIC - the national police database.

Alberta’s Commissioner has also determined that customers of Ticketmaster must have the option of keeping their e-mail addresses private. Prior to his investigation, Ticketmaster was disclosing personal information on customers to promoters, operators of venues and others for their marketing purposes. The investigation was under Alberta’s *Personal Information Protection Act*. The report P2007-IR-007 is available at www.oipc.ab.ca.

NEWFOUNDLAND AND LABRADOR PROCLAIMS PRIVACY PROVISIONS



On January 17, 2008 the Williams Government brought the privacy provisions in the *Access to Information and Protection of Privacy Act* (ATIPPA) into force. In making this announcement, the Justice Minister announced that “[t]he privacy provisions of the ATIPPA Act place a degree of control and responsibility into the hands of individual citizens. In today’s society it is important for each of us to have access to, and knowledge about, our personal information and how it is being managed.”

FEDERAL PRIVACY COMMISSIONER RELEASES DISCUSSION PAPER

This month, **Jennifer Stoddart**, federal Privacy Commissioner, released an excellent paper- *Identity, Privacy and the Need of Others to Know Who You Are: A Discussion Paper on Identity Issues*. This considers identity, authentication, identify management, unlinkable identifiers and “bearer tokens”. This is available at www.privcom.gc.ca.

FUTURE EVENTS

January 29-30, 2008 – *Health Information Privacy and Security Conference* – Toronto, Ontario (visit www.insightinfo.com for details)

February 7-8, 2008 – *Digital Dilemmas, Digital Dreams: Privacy Security and Society in New World Networks* – Victoria, British Columbia
(visit www.rebootconference.com/privacy2008 for details)

February 14, 2008 – *Canadian Information Protection and Destruction Seminar: Risk Management and Compliance Fundamentals* – Toronto, Ontario
(visit <http://www.naidcanada.org/conference/seminar2008/#locations> for details)

March 2008 – *Fraud Prevention Month*

March 31, 2008 – *Privacy, Security and Technology: Affirming Our Rights* – Ottawa, Ontario (visit <http://www.rileyis.com/seminars/> for details)

May 4-7, 2008 – *e-Health 2008: Extending the Reach* – Vancouver, British Columbia (visit www.e-healthconference.com for details)

TO CONTACT US:

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