

FOIP FOLIO

September 2005

Privacy People

A warm Saskatchewan welcome to **Maura Davies**, the new President and CEO of the Saskatoon Health Region. Her experience in developing access and privacy policy for Halifax health care facilities should be very helpful in managing her Saskatoon Health Region responsibilities.

Duane Mombourquette, 'Mr. HIPA' at Saskatchewan Health, has relocated to Saskatchewan Justice. Duane will head up the new Access and Privacy Branch within Saskatchewan Justice. This office should be an excellent resource for departments, boards and agencies, and local authorities in their compliance efforts with *The Freedom of Information and Protection of Privacy Act* and *The Local Authority Freedom of Information and Protection of Privacy Act*. His contact information is as follows:



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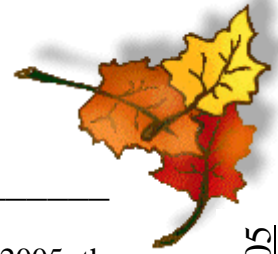
Hats off to **Irene Denis**, Vice President and **Sonja Pellerin**, Director for Prairie North Regional Health Authority! These two resourceful women put together a very effective confidentiality week in their region in early September. This worked well because of their light-hearted approach and their creativity. For example, the menu in the Battlefords Union Hospital on September 8, 2005, looked like this:

Theme Week: Patient Confidentiality
"It's everybody's job, not everybody's business"
Health Information Protection Act (HIPA)
Menu for Thursday, September 8, 2005

Dinner:

"Silent" Nacho Soup or
"Discreet" Cream of Chicken Soup
"Not another Peep" Hot Turkey Sandwich/Gravy
"Mum" Mashed Potatoes
"Classified" California Vegetables
"Tight Lipped" Tossed Salads
"Privacy" Fresh Fruit Bowl
"Hush-Hush" Lemon Meringue Pie





Privacy People – continued...

The week included a series of information sessions for staff. On September 8, 2005, the Commissioner had meetings with the CEO, senior administrators, undertook site visits of the Battlefords Union Hospital and Saskatchewan Hospital, and provided an information session for staff on *Health Information Protection Act* (HIPA) problem areas. That session was televised and broadcast to staff at Meadow Lake and Lloydminster facilities.

Don't Leave Home Without It!

When disaster strikes and an airplane crashes, investigators often rely on the airplane's flight data recorder and cockpit voice recorder, also known as "black boxes," to shed light on what went wrong. Now a slightly different version of the black box is reassuring worried parents. A Vancouver company called LockDown Systems¹ will install a small device slightly bigger than a cell phone somewhere in the family vehicle to keep tabs on where and at what speed the vehicle is traveling. This device's global positioning system transmits this information to the Internet. Parents can now monitor the driving habits of their teenage drivers, even if he/she lives in another province. But, who may be monitoring the parents' driving habits?



Different types of tracking/monitoring devices are available, but one of the most common devices is the event data recorder (EDR)². The number of cars equipped with EDRs has increased³ in recent years, but many consumers⁴ and dealers are out of the loop having no idea of what lurks beneath the dash or behind the airbag poised to tattle on the driver if he/she has contributed to an accident. Criminal cases and lawsuits have already made use of the data collected by EDRs⁵.



Whether it is to save lives or prevent injuries, some may still view these devices as yet another form of surreptitious surveillance. That is why some jurisdictions like California, North Dakota, and Arkansas have already passed laws regulating the use of data from auto black boxes.

¹ Available Online: www.canada.com/vancouver/story.html?id=164bc7fd-1630-47d7-9c7d-d5cf1f83647e

² "EDRs are small, roughly 3-by-3-inch boxes that are connected to a car's airbag system. Often compared to the "black boxes" located in airplane cockpits, EDRs monitor automobile acceleration, brake application, throttle use, seatbelt status and airbag deployment in the milliseconds before, during and after a car accident." Available online:

<http://www.collegian.com/vnews/display.v/ART/2005/04/26/426dec2550ef3>

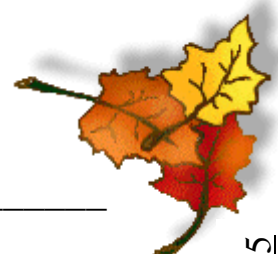
³ "More than 40 million cars, minivans, pickups and sport utility vehicles now have data recorders that can be downloaded." Available online: latimes.com/features/printedition/magazine/la-tm-blackbox29jul17.1.5672131.story?coll=la-headlines-magazine

⁴ Available online:

http://www.businessweek.com/technology/content/may2005/tc20050524_1192_tc024.htm.

⁵ Canadian decision of Regina vs. Gauthier (2003), Eric Gauthier's own car became a witness for the prosecution.





Check Out OIPC Website Updates



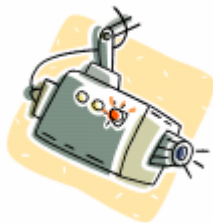
Thanks to our resourceful Candace Malowany, you will now find on our website, www.oipc.sk.ca, (1) a listing of contents of past FOIP FOLIO issues and (2) identification of public bodies and key words in the list of Reports on our site. The aim is to make this site more useful to applicants/complainants and public bodies. Please give us your suggestions as to other things we can do to ensure our website is helpful to you.

Saskatchewan OIPC Reports Now On CanLII

Saskatchewan Information and Privacy Commissioner reports will also shortly be available electronically through Canada’s major free legal database. The Canadian Legal Information Institute (CanLII) is a not-for-profit organization with the goal to make primary sources of Canadian law accessible for free on the Internet. The website is www.canlii.org.



Privacy Enhancing Technology



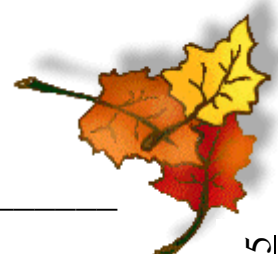
Privacy Enhancing Technologies (PET) represents the role that technology can play in enhancing privacy protection. An excellent example of a PET is the surveillance software now available. When installed, this software enables a closed circuit television (CCTV) to scramble the individuals’ identity on the screen so they are not identifiable. A secret encryption key can be used by police to unscramble and allow identification of a criminal. This is far better from our perspective than having a closed circuit television

system recording everyone who appears in the line of sight of the camera when the vast majority of them are doing nothing illegal. Our office has recently had the opportunity to view this PET. We encourage any public sector organization contemplating CCTV to carefully assess (1) whether it would meet the *Guidelines for Video Surveillance by Saskatchewan Public Bodies* and (2) if it would meet those *Guidelines*, investigate the use of this kind of software to make the surveillance less invasive.

Speaking Of Facility Visits...

The Commissioner and a Portfolio Officer from the Regina office will be traveling to the communities of Wilkie, Kindersley and Outlook in early October. This has been organized by the Heartland Health Region and coincides with a region-wide privacy program. In the week of October 13th, we will be meeting with trustees in the Keewatin Yatthé Regional Health Authority including the communities of Beauval, Ile a la Crosse and Buffalo Narrows. If you wish to organize a facility visit in your health region contact Candace Malowany at (306) 798-2260.





Saskatchewan OIPC Accredited Internationally



Our office has now been formally accredited as a “sub-nation member” for purposes of the International Conference of Privacy and Data Commissioners. Saskatchewan joins the provinces of Ontario, British Columbia, Alberta, Manitoba and Quebec that have been similarly accredited. This facilitates access to extensive international materials and privacy experiences that are helpful resources in dealing with access to information and privacy issues in Saskatchewan.

Access and Privacy Resources

Our office has been accumulating materials dealing with access to information and privacy. This includes national and international access and/or privacy newsletters, texts and other publications. We have no facility for lending these materials out but arrangements can certainly be made if anyone wishes to review those materials in our office at 503-1801 Hamilton Street, Regina. Please call Candace Malowany to make an appointment.



Privacy Commissioner Concerned With No-Fly List



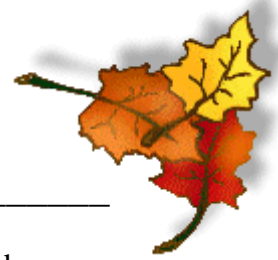
In August, Federal Privacy Commissioner Jennifer Stoddart responded to the government announcement that it would proceed with a no-fly list. Ms. Stoddart stated: *“The no-fly list announced last Friday represents a serious incursion into the rights of travelers in Canada, rights of privacy and the rights of freedom of movement”*.

The Commissioner called on Transport Canada, nearly a year ago, to explain what they were planning with the potential development of a no-fly list. In July 2005, she wrote to Transport Canada reiterating concerns and enclosed a list of questions. She further stated that national security and the protection of privacy need not be seen as trade-offs: *“One value does not necessarily need to be sacrificed in the interest of the other. Both can be achieved with well-designed law, prudent policy and effective checks and balances”*.

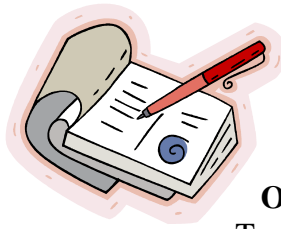
Did You Know?

International Right to Know Day is September 28. This is celebrated by non-governmental organizations in many of the 57 nations that have a freedom of information law. It is a very good time to reflect on how vital it is that government be transparent and accountable to its citizens. For more information check out www.foiadvocates.net.





Future Events



Oct. 12-14, 2005 -- *Privacy Security Trust 2005*, St. Andrews, New Brunswick; (www.ung.ca/pstnet/pst2005/index.html for details)

Oct. 17-18, 2005 -- *Electronic Health and Medical Records*, Toronto, Ontario; (www.insightinfo.com for details)

Oct. 17-18, 2005 -- *Managing Information Assets in the Public Sector*, Alberta Government Services, Edmonton; (www.im.gov.ab.ca/index.cfm?page=conference/index.html for details)

Nov. 3-4, 2005 -- *Privacy and Security: Disclosure*, Centre for Innovation Law and Policy, University of Toronto, Toronto, Ontario; (www.cacr.math.uwaterloo.ca/conferences/2005/psw/announcement for details)

Nov. 5-6, 2005 -- *Contours of Privacy: Social, Psychological and Normative Perspectives*, Carleton University, Ottawa, Ontario; (www.carleton.ca/cove//contours for details)

Nov. 10, 2005 -- *Workplace Privacy – What it Really Means to You*, Calgary; (www.cenera.ca/default.asp?tier_1=81&teir_2=93&content=45 for details)

Nov. 17-18, 2005 -- *Canadian Institute's 11th Annual Regulatory Compliance for Financial Institutions*, Toronto, Ontario; (http://www.canadianinstitute.com/Finance_Banking/RegulatoryCompliance.htm for Conference details)

Nov. 30, 2005 -- *Electronic Health Information and Privacy Conference*, (www.ocri.ca/ehip/ for details)

Dec. 6-7, 2005 -- *Privacy and Security in Government Customer Service*, Toronto; (www.federatedpress.com/pdf/FPress_PrivacySecurity_1205.pdf for details)

To Contact us:

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