



July 25, 2011

LETTER TO THE EDITOR

Saskatoon Star Phoenix
204 Fifth Avenue North
Saskatoon, Saskatchewan
S4K 2P1

Re: Premature to name MD (July 23, 2011)

The suggestion in your editorial that my office should not identify a trustee after a thorough and procedurally fair investigation ignores our mandate, our consistent practice for the last seven years and the right of the public to know.

The Office of the Information and Privacy Commissioner has a statutory mandate that is entirely separate from that of Executive Government. That mandate dictates that when I prepare my report I should include both my findings and my recommendations. That includes disclosing such information as I determine is necessary to support my findings and recommendations. My job is to determine whether a trustee has met the requirements of the law. It is in the interests of accountability to patients, not retribution, that we consistently name the health trustee that we determine has violated the law. This is also consistent with the practice of similar oversight offices in other Canadian jurisdictions. This is explained to all trustees that we investigate and is evident from many past decisions available on our website, www.oipc.sk.ca.

Our process is entirely separate from any offence investigation that may be undertaken by the Minister of Justice at some later date. There may or may not be a prosecution. In the meantime, my view is that the thousands of patients affected by the breaches discussed in my investigation report would be poorly served by a failure to identify the trustee who was responsible. Consistent with privacy best practices, the trustee must not only be accountable but should provide notification of the breach in a timely way to those patients affected.

Not to name the trustee would offend the statutory principle of accountability to the patient and as well would be unfair to the public.

Gary Dickson
Saskatchewan Information and Privacy Commissioner