



November 22, 2006

Honourable P. Myron Kowalsky
Speaker, Legislative Assembly of Saskatchewan
2405 Legislative Drive
REGINA SK S4S 0B3

Dear Mr. Speaker:

Re: *The Youth Drug Detoxification and Stabilization Amendment Act, 2006*

I note that the Assembly has been deliberating with respect to Bill 6, *The Youth Drug Detoxification and Stabilization Amendment Act, 2006*.

As this office reported to the Assembly in March 2006 with respect to a number of concerns we had identified in *The Youth Drug Detoxification and Stabilization Act*, it is appropriate that we provide a follow-up communication now that the amending bill is before the Assembly.

Bill 6 significantly addresses several major concerns of this office with the existing Act. The Bill substantially enhances the privacy of both youth and their parents.

Those enhancements that we view as particularly positive include the following:

Incorporation of many of the rights and protections that would otherwise be available to affected youth and their parents under *The Health Information Protection Act* (HIPA) including:

- right to request access to information in the custody or control of a trustee;
- duty to assist applicants;
- 30 day period to respond to an access request;
- right to request amendment of a record;
- right to request a review by the Office of the Information and Privacy Commissioner.

We are encouraged that section 21 of the Bill permits regulations that will address administrative, technical, and physical safeguards for the protection of information collected for purposes of this Act. We obviously cannot comment on the sufficiency or adequacy of what may be included in a prospective regulation. We have in the past appreciated the opportunity to discuss draft regulations with Saskatchewan Health and hope that practice will apply to draft regulations that may from time to time be developed for this Bill.

The foregoing comments apply equally to the enabling provision in section 21 for the creation of regulations for standards for the retention and destruction of information collected for purposes of the Bill and governing retention and destruction policies.

We note that there are still some outstanding matters in our March 22, 2006 *Report on The Youth Drug Detoxification and Stabilization Act*. We hope that these will be addressed by legislative amendment in the future. These outstanding matters include:

- Implement the requirement that information about an affected youth and parents/guardians be as accurate and complete as reasonably possible;
- Address personal information that may not qualify as “personal health information” and that would, but for the Act, qualify as “personal information” for purposes of *The Freedom of Information and Protection of Privacy Act* (FOIP) and *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP);
- Explicitly require the use of the least amount of personal health information or personal information necessary for the purpose and the use of de-identified information wherever possible;
- Align powers and mandate of the Information and Privacy Commissioner under the Act with the powers and mandate under HIPA so that the Commissioner can also deal with complaints of improper collection, use or disclosure of personal health information;
- Create an offence and sanctions equivalent to those in HIPA.

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I appreciate the excellent cooperation that this office has received from Saskatchewan Health staff throughout our discussions with respect to consideration of changes to the Act.

Yours truly,

A handwritten signature in blue ink, appearing to read "R. Gary Dickson", is centered within a light blue rectangular box.

R. Gary Dickson, Q.C.

Saskatchewan Information and Privacy Commissioner