



Country or jurisdiction report

CANADA

Website: www.privcom.gc.ca

THE FEDERAL EXPERIENCE

The year 2006 at the Office of the Privacy Commissioner of Canada (OPC) has been an exciting one, filled with challenges and opportunities.

➤ **Parliament's Advisor on Privacy**

The OPC is actively involved in working with Parliamentarians to promote privacy. One of the key roles of the Privacy Commissioner of Canada is to bring to the attention of Parliamentarians issues that have an impact on the privacy rights of Canadians. We do this by tabling annual reports to Parliament, by appearing before Parliamentary Committees to provide legal and policy advice on the privacy implications of proposed legislation and government initiatives, and by researching and analyzing issues that we believe should be brought to Parliament's attention.

In 2006-07, the OPC made 11 appearances before Parliamentary committees (both Senate and House of Commons) on a variety of bills and issues that affect or could affect the privacy rights of Canadians. We were twice invited to appear before the committee conducting the five-year statutory review of the *Personal Information Protection and Electronic Documents Act* (PIPEDA), Canada's private sector privacy legislation. On both occasions, the OPC tabled submissions on the application of PIPEDA and proposed amendments to it. Also in 2006, we tabled with Parliament a set of substantial reform proposals regarding the *Privacy Act*, the legislation that governs privacy protection in the federal public sector. This set of proposals, titled *Government Accountability for Personal Information--Reforming the Privacy Act*, is available on our web site at http://www.privcom.gc.ca/information/pub/pa_reform_060605_e.asp.

➤ **Promoting Ground Breaking Research**

The OPC has successfully promoted privacy through its ground breaking Research Contributions Program. Launched in 2004 to advance independent research in priority areas, the Program has been applauded by the research community as vital to galvanizing

action on a broad spectrum of privacy issues we face in Canada. Over \$1,000,000 in funding has been awarded to more than 30 privacy research projects since the Program's inception. The Office selects projects by way of a rigorous competition process through which the very best proposals, which represent the diverse research capacity across Canada, are chosen.

Research funded under the Program has served to advance public debate on privacy issues in Canada and abroad. For example, several studies have focused on private sector compliance, and research in this area has informed the review of PIPEDA by Parliament, as well as contributed to the development of guidelines and best practices. Other studies have helped raise awareness of workplace privacy issues, attracting significant national media attention. A few specific examples of titles of research done under the Program in years past include:

- Compliance with Canadian Data Protection Laws: Are Retailers Measuring Up?
- Strategies for Drafting Privacy Policies Kids Can Understand
- Social Uses of DNA in the Policy Making Process
- An Analysis of Legal and Technological Privacy implications of Radio Frequency Identification Technologies
- The Use of Video Surveillance Cameras in Public Places in Canada
- Under the Radar? The Employer Perspective on Workplace Privacy

In the coming year, research funded under the Program will focus on the protection of personal information on the Internet; the challenges of secure identification or authentication; and the intersection of the public and private sectors with regard to the use of personal information.

➤ ***Bringing Together Canada's Leading Privacy Experts***

In early 2007, the OPC hosted jointly with the University of Ottawa's Law and Technology Group the "Internet Privacy Symposium." Leading experts on Internet privacy met in Ottawa to discuss new threats to online privacy, emerging trends, and ways to better protect personal information. Topics discussed included patient privacy and electronic health records; helping children understand Internet privacy issues; Internet privacy and the workplace; and identity theft.

The OPC plans to continue to bring Canadian and foreign privacy experts together in the coming years by way of workshops and symposiums. We are also funding the organization of a one-day civil society workshop on the issue of privacy rights in a world under surveillance. This workshop will take place in Montreal on September 25, just before the start of the International Conference.

➤ ***Significant New Responsibilities***

In December 2006, the OPC acquired significant new oversight responsibilities. The Office is now mandated to review compliance by the Financial Transactions and Reports Analysis Centre (FINTRAC) with the *Privacy Act*. FINTRAC is a federal government agency which receives, analyzes, assesses, and discloses financial intelligence on suspected money laundering, terrorist financing, and threats to the security of Canada. The Privacy

Commissioner must review and report to Parliament on FINTRAC's activities every two years. The OPC plans to conduct an audit of the agency in 2007-08.

➤ ***Getting the Message Out—Providing Guidance to Canadians***

We have continued in the past year to be proactive by publishing guidance material to help Canadians and organizations understand their privacy rights and obligations. For instance, we have posted on our web site several fact sheets on issues as varied as identity theft, recognizing threats to privacy online, and the risks of metadata. We have developed guidelines for identification and authentication that respect the fair information practices in PIPEDA and ensure compliance with its security provisions. We presented a background paper on privacy standards as part of our contribution to a privacy standards workshop held in Ottawa in early 2007. We are completing work on guidance documents pertaining to the use of radio frequency identification technology and video surveillance in the private sector, and are publishing a discussion paper on ID management issues. More recently, we posted on our web site guidelines on breach notification that will help organizations take the right steps after a privacy breach, including notifying people at risk of harm.

Every effort is made to ensure that new and useful information is posted on our web site on an ongoing basis and in a timely manner. Speaking engagements also help the Office raise awareness of privacy issues among diverse audiences and settings, including professional and industry associations, non-profit and advocacy groups, and universities. In 2006-07, OPC officials delivered 86 speeches and presentations at events and conferences across the country.

Our publications program is a key component of our outreach efforts. This year, we distributed more than 4,000 copies of our publications—ranging from privacy legislation to the PIPEDA guide for businesses and annual reports. In addition, we have worked on a campaign in partnership with the Retail Council of Canada to provide 5,000 of its members with a guide for businesses on how PIPEDA applies to them.

➤ ***Federal-Provincial-Territorial Cooperation***

As part of its efforts to work collaboratively with key privacy stakeholders, the OPC continued to liaise with provincial and territorial privacy commissioners and ombudsmen. A significant development in this regard was a unanimous resolution adopted in mid-2007 by federal, provincial and territorial privacy commissioners and ombudsmen calling on the federal government to suspend its new no-fly list program, *Passenger Protect*, until it can be overhauled to ensure strong Parliamentary oversight as well as measures to ensure correction and redress for Canadians. The OPC is also committed to building a regional presence in Atlantic and Western Canada for outreach and educational activities.

➤ ***Working with our Partners Internationally***

Equally important to our efforts in promoting and protecting privacy is the work we do with our partners internationally. The Privacy Commissioner is chair of a volunteer group of the Organization for Economic Co-operation and Development (OECD) involved in exploring ways of encouraging cooperation between data protection authorities and other enforcement bodies with respect to complaints and cases arising from transborder data flows. A report summarizing the privacy laws of OECD member countries and the powers of enforcement

authorities has been finalized. The volunteer group has agreed on a policy framework and adopted a statement of policy objectives as well as a description of the steps that member countries can take to achieve these objectives. The group has also started work on procedures that will allow enforcement authorities to more easily notify one another about complaints or investigations in their respective jurisdictions, share information and possibly request assistance.

In light of our increasing data flows with a number of Asia-Pacific Economic Cooperation (APEC) countries, Canada has also been working to ensure that core privacy values and principles are reflected in APEC data protection rules. APEC ministers endorsed at the end of 2006 the new APEC Privacy Framework, and in 2007 OPC representatives attended meetings in Australia on the implementation of those rules.

We have been involved in the implementation of the “London Initiative,” which was adopted in 2006 at the International Conference of Data Protection and Privacy Commissioners, held in London, England. The Initiative aims to coordinate the actions of data protection authorities with respect to communication activities and the institutional recognition of authorities at the international level. The Initiative also aims at coordinating the activities of authorities in adapting their practices and methods by thoroughly assessing their efficiency and effectiveness, and by reinforcing their capacities in technical areas. The OPC participated in two workshops aimed at implementing the London Initiative—one in Paris and the other in Brussels—where we shared our best practices and looked at how we could make our enforcement activities more effective.

We continue to host foreign delegations at our Office, which come to visit in order to learn more about the Canadian model of privacy promotion and protection. Finally, Commissioner Stoddart attended the 2007 Beijing Privacy Symposium, during which she made a presentation on Canadian private sector legislation and the mandate of the Office.

➤ ***The SWIFT Investigation***

The OPC has for several years warned of the serious privacy risks associated with the movement of Canadians’ personal information across borders. We became particularly concerned in 2006, when it became publicly known that the Society for Worldwide Interbank Financial Telecommunication (SWIFT) had secretly disclosed personal information to the US Treasury. The OPC launched an investigation in to the matter, in cooperation with the members on the Article 29 Data Protection Working Party, who also launched similar investigations.

Although the OPC concluded that SWIFT is subject to PIPEDA, we found that it did not contravene the Act because it disclosed the information in response to a lawful subpoena. However, the disclosure process could have been more transparent if the government bodies involved had used existing information-sharing mechanisms which have privacy protections built in. We have asked Canadian officials to work with their US counterparts to encourage them to use these mechanisms, rather than the subpoena route, to obtain information in the future.

For more information, go to: www.privcom.gc.ca

CANADA'S PROVINCIAL OFFICES

➤ **Newfoundland and Labrador**

Newfoundland and Labrador's *Access to Information and Protection of Privacy Act (ATIPPA)* was proclaimed into force on January 17, 2005, with the exception of the privacy provisions (Part IV). The privacy provisions of *ATIPPA*, which govern the collection, use and disclosure of personal information by public bodies, are the first such provisions in this Province. To date, however, they are still not proclaimed into force, leaving the Province of Newfoundland and Labrador as the only jurisdiction in Canada without a legislative regime which protects the personal information of individuals within the public sector.

In the spring of 2006, the provincial Department of Justice announced that Part IV would be proclaimed into force in 2007, possibly as early as June or July. The Office of the Information and Privacy Commissioner for Newfoundland and Labrador (OIPC) continues to encourage the provincial government to proclaim these very important provisions as soon as possible. Until such time, the OIPC has no statutory mandate to investigate privacy related complaints and concerns. Notwithstanding our current lack of legislative authority, the OIPC continues to receive numerous complaints and inquiries regarding privacy issues. In some of these cases, this Office has worked successfully with the public body to ensure that personal information is appropriately handled and maintained. The OIPC will continue to work in this manner until the privacy provisions are proclaimed into force and a more formal investigative process is possible.

Of particular note, this Office is currently involved in the drafting of stand-alone legislation to protect personal health information. Known as the *Personal Health Information Act*, this Bill will establish rules for the collection, use and disclosure of personal health information, provide a specific right of access and correction, ensure accountability, safety and security, and will establish the OIPC as the independent review mechanism with respect to the decisions and actions of custodians. The legislation will apply to custodians of personal health information in both the public and private sectors. As such, it has been drafted to be substantially similar to the federal *Personal Information Protection and Electronic Documents Act*. It is anticipated that this Bill will be introduced in the provincial legislature either this fall or next spring.

For more information, go to: www.oipc.gov.nl.ca

➤ **New Brunswick**

The protection of personal information and access to information in the New Brunswick public sector are two distinct legislative functions mandated to the provincial Ombudsman. As no provincial privacy protection legislation applies in the private sector, the federal PIPEDA came into effect in the province in January 2004.

Like PIPEDA, the provincial *Protection of Personal Information Act (POPIA)* is a legislative model which gives statutory authority to 10 privacy principles based upon the Model Privacy Code of the Canadian Standards Association. The enforcement mechanism is by way of complaint to the Ombudsman who has a power of recommendation, but no executory or declaratory authority regarding the law or the disposition of complaints.

The Office's focus this year has been in the area of advocacy and law reform. Following publication of our Annual Report in November 2006, the government announced early in 2007 a modest increase in our budget to allow for the hire of an additional staff person dedicated to privacy and access to information matters. Two Task Forces were also appointed this spring to carry out consultations and report back to government on proposed reforms for access to information and protection of personal information laws and on the need for new laws in the area of protection of personal health information in particular. Our Office has submitted reports to the Task Forces calling for thorough-going reform and codification of all existing and new legislation in an Information and Privacy Rights Code for New Brunswick. We have recommended that the Code set out in various chapters a proclamation of fundamental information and privacy rights, access to information provisions, protection of personal information provisions for the public sector, health information sector and private sector, as well as provisions dealing with the provincial archives.

The recommendations call for the establishment of a new Information and Privacy Commissioner's Office with order-making powers and broad remedial powers in the case of information and privacy rights violations and a substantial public research and education mandate. Additional resources for the Commissioner's Office and for a new central agency responsible for training and implementation of the Code throughout government are also among our key recommendations. The Task Forces are expected to finalize their reports to government early this fall.

Also in June of this year the Office hosted the Annual Meeting of Canadian Information and Privacy Commissioners. The commissioners discussed a number of issues of common interest including the development of electronic health records and newly proposed professional standards and competencies for information and privacy professionals. Commissioners also issued a joint resolution calling on the federal government to suspend the application of its new no-fly list regulations pending the development of better and stronger privacy safeguards.

The Office continues the practice of publishing reports raising new and significant issues of interpretation into complaints under POPIA and the *Right to Information Act*. To date no reports have been published in 2007 in respect of POPIA and 11 *Right to Information Act* recommendations have appeared.

The Office has taken active part in federal-provincial initiatives to develop the access and privacy network of professionals within Atlantic Canada and continues its work in support of the development of an association of francophone privacy and data commissioners.

For more information, go to: <http://www.qnb.ca/0073/index-e.asp>

➤ **Nova Scotia**

Nova Scotia was the first province in Canada, indeed in the Commonwealth, to enact a *Freedom of Information Act* in 1977. This Act was replaced in 1993 by the *Freedom of Information and Protection of Privacy Act*, which came into force 1994.

On January 11, 2007 the Minister of Justice announced the appointment of the new Freedom of Information and Protection of Privacy Review Officer. Dulcie McCallum, a

former Ombudsman for the Province of British Columbia, was named the first Review Officer in Nova Scotia to be a deputy head and to be appointed for a set term of five years. The Nova Scotia access and privacy office is staffed with a team consisting of an Intake/Administrative Assistant, a Case Review Analyst and a Mediator/ Investigator. The intake operations are very active including inquiries about jurisdictional and non-jurisdictional matters about privacy and access. There were 80 files closed/resolved through: mediation (over fifty percent), partial mediation/review report (6), withdrawn (6), or formal Review Report issued (15 Reports). Already in 2007, three Review Reports have been issued. The Office is extremely active for a small province.

During the 2006 calendar year, the Review Office opened six privacy investigations, all dealing with the issue of the inappropriate disclosure of personal information. Of the six, one was outside the jurisdiction of the Review Office and one public body chose not to participate. Two complaints were substantiated, one not substantiated. One investigation continued into 2007 and was resolved through mediation.

World-wide citizens are experiencing a growing concern around security, identity theft and breach of privacy. This means that citizens, government and business should receive guidance to improve awareness as to what safeguards need to be in place in this technological age. In our 2007-08 Business Plan, the Review Office committed to giving heightened attention to privacy matters raised under both governing statutes (provincial and municipal). This will include investigating privacy complaints, increasing public outreach and education on privacy issues, and refining the Review Office's policies and procedures on privacy. We also track privacy inquiries that are within federal jurisdiction and refer accordingly.

While we continue our commitment to providing an independent review of access to information decisions by all public bodies in the province, we have initiated a strategic approach to privacy matters. Our goal is to provide citizens with adequate protection and privacy for their personal information. Our Plan includes the following core business areas:

- Publicly clarifying privacy rights for all Nova Scotians as falling under the mandate of the Review Office.
- Increasing public consultation and focus on privacy issues.
- Conducting an office reorganization and position reclassifications, giving particular attention to ensuring the proper classification of staff.
- Developing staff training plans including training on privacy issues.
- Advocating for the spirit and intention provided by the statutes including increasing the awareness of citizens and public servants of their rights and obligations under these statutes.
- Developing and implementing a public outreach plan to enhance the profile and accessibility of the Review Office especially in rural Nova Scotia and with groups that represent the diversity of the Nova Scotia public.
- Co-hosting the Annual Atlantic Access and Privacy Workshop in June and the *Right to Know Week* in October.

We are excited at the prospect of working with Canada's Federal Privacy Commissioner who has decided to assign a person to the Maritime region to work to promote greater understanding of privacy issues. By working with the public, municipal, provincial and

federal governments and all public bodies, we hope to work towards a culture of compliance with the access legislation reducing the need for formal Review requests and increase in the numbers of privacy complaints.

For more information, go to: www.gov.ns.ca/foiro/

➤ **Prince Edward Island**

Prince Edward Island's *Freedom of Information and Protection of Privacy Act* was proclaimed in November, 2002, applying to provincial public bodies. It remains the sole legislation administered by the Office of the Information and Privacy Commissioner of Prince Edward Island (OIPC of PEI).

During the past year, a simple form Privacy Impact Assessment was developed by the OIPC of PEI, in cooperation with the provincial office of the Access and Privacy Coordinator. Several public bodies have already applied this PIA to existing programs involving personal information of citizens, with informative results. Long form PIA's are still recommended as necessary for complex programs such as the recently developed Drug Information System.

In 2006, the OIPC of PEI issued an order relating to employee privacy, wherein it was ordered that the personal information unlawfully collected should be destroyed. As a direct result of that order, in 2007 one public body involved has focused extensively upon training relating to protection of employee privacy.

Focus over the next year will include the ongoing development of a comprehensive routine disclosure policy. After four years' experience with access to information, public bodies are moving towards a routine disclosure policy, and procedures which will ensure the protection of third party personal information. Again in cooperation with the office of the Access and Privacy Coordinator, it is expected that such a policy and corresponding procedures will be implemented during the coming year.

Finally, with the Drug Information System about to be implemented, and the Electronic Health Record on the horizon, the OIPC of PEI will be encouraging the legislature to enact health privacy protection legislation, and providing input into same.

For more information, go to: www.gov.pe.ca

➤ **Quebec**

The most significant event in 2006-07 was the enactment of Bill 86 on June 14, 2006 (*An Act to amend the Act respecting Access to documents held by public bodies and the Protection of personal information and other legislative provisions*). Most of the Bill's provisions came into force on June 14, 2006; all its provisions will be fully in effect by September 14, 2007.

The key amendments in Bill 86 mainly affect:

- the jurisdiction of the *Act respecting Access to documents held by public bodies and the Protection of personal information* and the *Act respecting the Protection of personal information in the private sector* (as new organizations and companies are now subject thereto);

- the right to access to documents, including automatic disclosure;
- the protection of personal information, including security measures and the organization of the *Commission d'accès à l'information*. Major changes have been made in the Commission's organization, which is divided into two separate divisions: the adjudication division and the oversight division.

During fiscal year 2006-07, the oversight division of the Commission examined surveillance technologies, including publishing a paper on radiofrequency identification technology (RFID), and completed an investigation on data collection using smart cards. The procedure for processing complaints was reviewed to improve its effectiveness and clear any backlog. The Commission also followed up on the most recent developments in Quebec's online government initiative. Finally, discussion continued on research needs, an area where the Commission is receiving increasing numbers of requests, particularly on the creation of longitudinal and genetic databases and the anonymization of personal information.

With respect to our priorities for 2007-08, the Commission will take action to resolve significant backlogs in the delivery of service to the public, particularly involving work organization, processes and a submission to the Government requesting increased human and financial resources, given the addition of a number of mandates and the increase in requests.

We will continue to implement Bill 86, particularly with respect to the organization's activities, and plan its application to professional bodies. The Commission will also celebrate its 25th anniversary by publishing a brochure and holding the first Data Protection Commissioners' Francophonie Conference in September 2007. Like all other data protection authorities, the Commission carefully monitors privacy measures in technology.

For more information, go to: www.cai.gouv.qc.ca

➤ **Ontario**

The following matters were of particular interest to the Office of the Information and Privacy Commissioner of Ontario (IPC) over the past year:

Biometric Encryption—In March 2007, Commissioner Ann Cavoukian, Ph.D., and Alex Stoianov, Ph.D., released a joint research paper titled, *Biometric Encryption: A Positive Sum Technology that Achieves Strong Authentication, Security AND Privacy*. This paper sets out the privacy, security and trust problems of current biometric information systems, and explains how biometric encryption can address those concerns.

Health Orders—Since the last Conference of Data Protection and Privacy Commissioners, Commissioner Cavoukian has issued 3 Health Orders. Health Order No.3 was issued in response to a health clinic abandoning the personal health records of patients after closing down their premises. Health Order No. 4 was the result of a hospital having inadequate policies, procedures and safeguards after a laptop was stolen containing extremely sensitive personal health information. Health Order No. 5 was issued in June 2007, when it was discovered that video images from a washroom at a methadone clinic, that was utilizing wireless video technology, were intercepted by a wireless rear view backup camera in a car outside of the clinic.

Privacy-Embedded 7 Laws of Identity—In October 2006, the IPC began advancing a set of design principles for interoperable identity management systems to help fight online fraud, empower users, and minimize surveillance by putting Internet users in maximal control of their own identities and their identifying data online. The Commissioner's ground-breaking white paper, *7 Laws of Identity: The Case for Privacy-Embedded Laws of Identity in the Digital Age*, outlines the pressing need to minimize the risk that one's online identities and activities will be linked together. On the topic of identity management, we are currently working on two publications. A joint-guidance paper in cooperation with Liberty Alliance is forthcoming that is designed to assist organizations in assessing privacy risks within a federated identity context. There is also our work with IBM which will produce a discussion document putting forward the idea that the Internet is currently unsustainable and there is very real need for a user-centric identity management system.

Creation of a Global Privacy Standard—In 2006, the IPC led a year-long initiative by the International Community of Data Protection Commissioners to harmonize the multitude of existing sets of fair information practices (FIPs) currently in use around the world. The result, the Global Privacy Standard (GPS), a single, harmonized set of privacy principles, is the first set of FIPs that explicitly specifies the requirement to minimize all identifiable data used in the design and operation of information systems. The final version of the Global Privacy Standard was formally tabled and accepted on November 3, 2006 at the 28th International Data Protection Commissioners Conference, in the United Kingdom. The use of the GPS is now growing widely, with word of its development spreading internationally.

RFID use in Health Care—The IPC is currently working in cooperation with Hewlett-Packard on a joint-publication intended to be used as a guideline for the use of Radio Frequency Identifiers (RFID) in health care. The paper will serve as a valuable and enduring framework for understanding the key privacy risks associated with certain RFID applications in health care, and, perhaps most importantly, provide critical steps and other measures necessary to mitigate the privacy risks and concerns. The expected release date of the paper is late September 2007.

For more information, go to: www.ipc.on.ca

➤ **Manitoba**

Throughout the last year, Manitoba Ombudsman has undertaken a number of initiatives to raise the profile of privacy and data protection within Manitoba. In addition to the daily investigative activities of the office in monitoring and ensuring compliance by organizations with *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA), the office has monitored and where appropriate provided comments to public sector bodies regarding the privacy implications of proposed programs. These have included the use of facial recognition software, video surveillance schemes, and the implementation of a new driver licence photo card and its implication for future identity documents.

The office is also monitoring the progress and implementation of various information technology solutions, including those for patient records that will facilitate the goal of an inter-operable electronic health record within Manitoba, and its integration into the Pan-Canadian framework. Manitoba Ombudsman keeps informed of the activities undertaken by

Manitoba eHealth, and has commented on issues that relate to information privacy. The office has emphasized the requirement that the responsibility for personal health information during its life cycle and flow within and between different entities is clearly delineated and understood.

In addition to the oversight responsibilities under access and privacy legislation, Manitoba Ombudsman also has oversight responsibilities under *The Ombudsman Act*. *Joining the Herd—A Handbook on Participating in Manitoba's Government*, is a program developed to educate grades 6, 9 and 11 students on how the Ombudsman can play a part in the exercise of democratic rights by ensuring government accountability. This program reflects the mandate of the office, the right of citizens to participate in and ask questions of government, and the obligations of government to protect the rights of citizens in the decisions it makes for and about them.

In April 2007 we participated with the Information Privacy Commissioners' offices in Saskatchewan and Alberta to host the first Prairie Health Privacy conference. The conference covered a wide range of topics related to privacy issues in the health context and was well attended by people working in the area in each of the three provinces.

For more information, go to: www.ombudsman.mb.ca

➤ **Saskatchewan**

There have been a number of very positive recent privacy developments in Saskatchewan. A good deal of work has been done by Saskatchewan Health and Regional Health Authorities to bolster capacity to deal with privacy compliance. There has been considerable revision of policies and procedures for personal health information. In addition, the Access and Privacy Branch in Saskatchewan Justice has accelerated the training of staff in government institutions and has developed and implemented on-line training courses. This spring we worked with health trustees, government institutions and local authorities to host a series of three consecutive conferences highlight access and privacy issues, developments and best practices.

In late 2006, the Saskatchewan Government introduced Bill 20, *The Gunshot and Stab Wound Mandatory Reporting Act*. As the title suggests, this bill would require hospitals to notify police when an individual presents himself or herself with either a gunshot or stab wound.

Office of the Information and Privacy Commissioner (OIPC) of Saskatchewan, in furtherance of its "advice and commentary" mandate, wrote to the Legislative Assembly on November 20, 2006 outlining a number of concerns with this legislative initiative. Those concerns include:

- Compromising the treatment and care focus of health care providers;
- Creating a deterrent to those requiring health care services;
- Undermining confidence in electronic health records; and
- Exposing personal information of citizens to police authorities where it is effectively outside of our oversight jurisdiction.

The Office also made a presentation to the Standing Committee on Intergovernmental Affairs and Infrastructure to further discuss our concerns with Bill 20 and to recommend to the Standing Committee ten proposed amendments. After the Standing Committee reported to the Assembly, we again wrote to the Assembly on March 6, 2007, to discuss our concerns with Bill 20.

For more information, go to: www.oipc.sk.ca.

➤ **Alberta**

In the past year, there have been a number of developments in Alberta dealing with health information, private sector compliance of privacy legislation and the gathering of information by municipalities.

Early in 2007 an individual appeared in court in Calgary charged with accessing health information without proper authority or consent, contrary to the *Health Information Act*. The charge was laid following an investigation by the Office of the Information and Privacy Commissioner. The individual pleaded guilty to the charge and was fined \$10,000. This is a clear indication that the courts are taking protection of health information seriously and sent a message to those who work in the health care field that accessing an individuals health information without authorization or consent, will not be tolerated.

A major challenge facing our Office relating to health information is the trend toward electronic health records. Under the *Health Information Act*, a privacy impact assessment must be submitted to this Office prior to enabling any form of electronic health record. We have received around 1200 privacy impact assessments. While we would like to see more of these submitted, we believe that those we have result in better, more privacy sensitive and secure electronic health records. Staff in this Office continues to work with the health care sector to ensure that proper privacy impact assessments are in place and to monitor compliance.

Alberta is one of three provinces in Canada that has private sector privacy legislation (*Personal Information Protection Act*). One of the major challenges facing the Office is educating the private sector about its responsibilities in protecting personal information, in particular in the retail sector. Like many provinces, we are concerned about credit card fraud and identity theft, and through our investigation process, we attempt to educate the private sector on proper storage and disposal of the personal information they hold. An investigation report earlier this year respecting a lost laptop containing a lot of personal information led to the finding that, under section 34 of the Act, the reasonable security standard for portable devices containing personal information is encryption.

The *Personal Information Protection Act* is currently under legislative review and much of the discussion has focused on the issue of mandatory disclosure of a privacy breach.

In the past year, we have investigated several cases of data breaches and the disturbing trend of dumpster diving, whereby thieves search dumpsters behind businesses in hopes of finding credit card slips. Our investigations focus on proper methods of protecting and disposing of information.

With respect to the *Freedom of Information and Protection of Privacy Act*, which governs public bodies, we are becoming concerned with a growing trend in municipalities to legislate specialized data bases for customers of pawn shops, escort agencies, hydroponics, etc. The collection and potential use of this information is a source of some concern.

➤ **British Columbia**

The first statutory review of the *Personal Information Protection Act* (PIPA), which regulates private sector privacy has been struck and will make recommendations on PIPA in the coming year.

BC has had an active year publishing resources to support private sector organizations in complying with PIPA and to help members of the public assert their privacy rights.

The rise in reported privacy breaches continues and the risk of real harm ensuing—particularly identity theft—prompted us to partner with our Ontario colleagues to produce a number of tools. These are designed to help organizations reduce the risk of data spills of all kinds and assist them in responding effectively when they do.

We also co-produced with the provincial medical association a key steps document for physicians.

Finally, the provincial government is developing a secure information access network that will enable the sharing of personal information across government programs and agencies. Because it is imperative that privacy be designed in and protected we are working on data sharing principles that we will use to assess government's policy choices.

For more information, go to: www.oipc.bc.ca.