



TO: Executive Committee

SPONSORS: Louis Charpentier, Secretary of the Governing Council
Rafael Eskenazi, Director, Freedom of Information and Protection
of Privacy Office

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DATE: May 10, 2007 for May 17, 2007

AGENDA ITEM: 10

ITEM IDENTIFICATION:

Annual Report of the Freedom of Information and Protection of Privacy Office

JURISDICTIONAL INFORMATION:

The Executive Committee had lead responsibility for the *Policy on Access to Information and Protection of Privacy* under which the University operated until last June. In keeping with the Executive Committee's oversight responsibility for access and privacy, this annual report is intended to inform the Committee of ongoing activities of the newly established Freedom of Information and Protection of Privacy Office. That office was established concomitant with the coverage of publicly funded Ontario Universities under the *Freedom of Information and Protection of Privacy Act* (FIPPA), on June 10, 2006. This Annual Report covers activities of the office from that date to December 31, 2006.

PREVIOUS ACTION TAKEN:

n/a

FINANCIAL AND/OR PLANNING IMPLICATIONS:

n/a

RECOMMENDATION:

The report is for the Committee's information. No action is required.



Background

Context and Regulatory Framework

This Report covers activities of the Freedom of Information and Protection of Privacy (FIPP) Office from the date of coverage of Ontario's publicly funded universities under the *Freedom of Information and Protection of Privacy Act* (FIPPA) on June 10, 2006 until December 31, 2006. This reporting period was selected to accord with the University's statistical reporting responsibility to the Information and Privacy Commissioner/Ontario (IPC), for each calendar year. The University's 2006 report to the IPC is appended.

FIPPA is access and privacy legislation. It allows access to records requested from designated institutions so long as those records are not excluded from FIPPA jurisdiction or fall under a listed exemption.

FIPPA privacy protections, more accurately characterized as data protection rules, regulate collection, use, disclosure, retention and destruction of personal information by covered institutions. Essentially, personal information can only be collected, used or disclosed as necessary for lawfully authorized activities.

The FIPP Office also oversees other University access and privacy issues, such as those arising under Ontario's health privacy legislation and federal access, privacy and private sector privacy legislation.

Establishment of the FIPP Office

In the months leading to establishment of the FIPP Office, FIPPA processes and requirements at the University were defined, including the creation of a detailed operational manual for request processing and in the selection and initial training of Divisional Freedom of Information Liaisons (FOILs).

Preparatory to June 10, 2006, a Freedom of Information and Protection of Privacy Director was hired.

A Freedom of Information and Protection of Privacy Coordinator was hired later.

The Office developed and implemented access and privacy systems for the University's needs, including filing, briefing and reporting functions. The Office also developed an automated system used by Ontario Universities to manage request caseloads and generate reports, including the IPC annual statistical report.

Access and Privacy Roles at the University

The FIPP Office is staffed by a Coordinator and director who are assisted by Divisional FOILs.

The Director's oversight, support and promotion of access and privacy include identification of emerging standards and new directions, practices advice, outreach, training and communications.

The Coordinator processes access requests, answers access and privacy enquiries, assists with development of policies and practices and other tasks necessary to support University access and privacy functions.

FOILs act as a local first point of contact for access and privacy matters and as knowledgeable links between the FIPP Office and their Division. They consult the FIPP Office on complex or high profile issues and over time, have developed access and privacy expertise for common issues in their Division.

FOILs locate requested records at their Division and provide local context and input for access decisions.

Throughout 2006, FOILs discharged their duties thoroughly and conscientiously. They have been instrumental to the University's timely and complete processing of access requests in the year.

PRIVACY

The FIPP Office supports compliance with legal privacy requirements and sound practices consistent with accepted and emerging standards and values.

The Office invites and addresses any privacy concerns from faculty, staff or other individuals. A key practice is **immediate** reporting of **all** possible privacy issues to the FIPP Office to ensure that all privacy matters are remedied and, if appropriate, reported to the IPC in a timely manner.

ACCESS REQUESTS AND APPEALS

The FIPP Office coordinates access requests under FIPPA and works with University legal counsel in representing the University in appeals before the IPC.

From June 10, 2006 until the end of the year, the University received 25 access requests and issued decisions on 22 of these. All requests to date have been processed within legislated timeframes.

Three of these decisions were appealed to the IPC. Two appeals were withdrawn and one is ongoing.

REPORTING

The Office engages in reporting internally within the University and externally to the IPC.

Internal Consultation and Reporting

From shortly after its establishment, the Office has engaged in consultation and reporting to elucidate University processes and record holdings and to identify appropriate officials for access and privacy tasks. These activities support access and privacy functions, detailed internal consultation and feedback.

Internal communications, request processes and privacy practices are designed to prevent sharing of personally identifiable information like requester identities unless necessary to process the matter at hand.

Statistical Reporting to the IPC

FIPPA institutions report annually to the IPC. The University's 2006 report is appendix A to this Report.

The IPC issues an Annual Report, generally in June, commenting on access and privacy in Ontario. IPC Annual Reports focus on access and privacy performance, highlighting institutions which perform well or poorly. Recent IPC Annual reports also contain a Commissioner's Message, views and recommendations on key issues identified as particularly timely or relevant in the reporting year and for the future.

ADVICE AND RECOMMENDATIONS

The FIPP Office provides advice on the telephone or in response to e-mails and attends meetings and working groups to address access, privacy and related issues.

PRESENTATIONS AND TRAINING

The FIPP Office delivered about 20 presentations in 2006 to faculties and groups at the University, ranging from introductory sessions to focused conversations on topics such as research, HR records and IT issues.

The FIPP Office provided privacy assistance and training to Dean's offices throughout the University.

PRACTICES AND COMMUNICATION

The FIPP Office developed a series of practices, were posted as "Q & As for Instructors under FIPPA" on the Vice President and Provost's website. A discussion of the practices and the principles they embody were featured in a series of articles titled "FIPPA Demystified" in the January 9, 2007 Bulletin.

OFFICE LEARNING AND TRAINING

FIPP Office staff take every opportunity to improve and update knowledge and understanding of access and privacy through continuing legal education, Ministry of Government Services' Privacy Working Group, coordinator meetings, access and privacy workshops and other relevant presentations and lectures.

OUTSIDE WORK AND PRESENTATIONS

FIPP Office staff contribute to relevant professional events outside the University, including conference and workshop presentations, and Ministry of Government Services FIPPA order review meetings.

SUPPORT FOR THE SECTOR

The FIPP Office takes a leading role in Council of Ontario Universities Freedom of Information Task Force Coordinator groups, including participation in weekly teleconferences.

PHILOSOPHY, OUTREACH AND CULTURE CHANGE

The FIPP Office promotes transparency and privacy at the University, always seeking solutions, practices and standards that support University's work and functions with the least possible cost and effort.

Before FIPPA coverage, the University had been a transparent environment with high standards of privacy protection. The University's adoption of FIPPA has been very smooth. The FIPP Office will work to build on the University's strong access and privacy record by increasing awareness and improving practices.

The University is a large community, rich in historical practices, pedagogical variety, and diverse relationships which may not have been considered when FIPPA was passed. The FIPP Office recognizes the need for carefully crafted solutions for each situation and the need to work in collaboration and consultation with relevant offices including the Vice President and Provost.

FIPP OFFICE PLANNED PROJECTS AND ACTIVITIES

In coming months, the FIPP Office is expected to engage in a number of projects and activities, including;

Practices

The FIPP Office will continue to tailor access and privacy practices for University community needs.

Privacy Standards

Effective privacy standards at the University must support different pedagogical and operational needs and provide predictable, consistent privacy protection consistent with applicable legal requirements.

The FIPP Office intends to continue developing appropriate, consistent privacy standards and practices.

Participation in the creation and implementation of data security standards, including encryption

Security is a key privacy enabler. As personal information is increasingly stored electronically, IT data security is increasingly important. The FIPP Office will work with the Strategic Computing Office, Central Network Services and other relevant offices to review systems security and privacy practices, including encryption solutions for data to be taken offsite from University health clinics.

Information Management and Access and Privacy

Freedom of information and protection of privacy rely heavily on information management practices, including filing, records schedules and information classification, for locating and understanding the context of records and for controlling and protecting confidential and personal information.

Information management also helps to identify operationally necessary records and to better establish responsibility for record filing and so reduce the unnecessary creation and redundant filing of records.

The Office will continue to leverage information management as a critical support for access and privacy.

APPENDIX

University of Toronto 2006 Statistical Report to the Information and Privacy Commissioner

The Year-End Statistical Report
For the
Information and Privacy Commissioner/Ontario

STATISTICAL REPORT
FOR THE 2006 REPORTING YEAR

Please return by February 1, 2007 to:

Office of the Information and Privacy Commissioner/Ontario
2 Bloor Street East
Suite 1400
Toronto, Ontario, M4W 1A8

Or Fax to: (416) 325 9195

All institutions must return a report to the Office of the Information and Privacy Commissioner/Ontario. If no requests for access to information or requests for correction of personal information were received, your institution must still complete and return Sections 1 and 2.

Section 1: Identification

1.1 Name of Institution : University of Toronto

Ministry Name:

Formal Contact Person/Title: Rafael Eskenazi, Director

E-mail Address: rafael.eskenazi@utoronto.ca

Phone No: (416) 946-5835

Fax No: (416) 978-6657

Mailing Address: Freedom of Information and Protection of Privacy Office,
McMurrich Bldg., Room 201, 12 Queen's Park Cres. W.,
University of Toronto, Toronto, Ontario M5S 1A8

Content Contact Person/Title: Ilone M. Harrison, Coordinator

Email Address: ilone.harrison@utoronto.ca Phone No: (416) 946-7303

Date Report Completed: 30-Jan-2007

1.2 Your institution is

A Ministry

An Agency

Is the Minister the head of your institution

Section 2: Inconsistent Use of Personal Information

2.1 Whenever your institution uses or discloses personal information in a way that differs from the way the information is normally used or disclosed (an inconsistent use), you must attach a record or notice of the inconsistent use to the affected information. How many such records did your institutions attach, if any?

0

If your institution received:

- No requests for access or correction ==> please complete and return only this page. Thank you.
- Requests for access to information ==> go to Section 3.1
- Requests for correction of personal information only ==> please complete Section 11 at the back of the report.

If you would like, you can fax it to us at (416) 325 9195

Section 3: Number of Requests Received and Completed

Enter the number of requests that fall into each category.

		Personal Information	General Records
3.1	New requests received during reporting year.	3	21
3.2	Total Number of Requests Completed for the reporting year:	2	21

Section 4: Source of Requests

Enter the number of requests you completed from each source.

		Personal Information	General Records
4.1	Individual/Public	2	8
4.2	Business		
4.3	Academic/Researcher		1
4.4	Association/Group		2
4.5	Media		10
4.6	Government (all Levels)		
4.7	Other		
4.8	Unknown		
4.9	Total Requests (add boxes 4.1 to 4.8 = box 4.9)	2	21

Box 4.9 must be equal to 3.2

Section 5: Time to Completion

How long did your institution take to complete all requests for information? Enter the number of requests into the appropriate category:

How many requests were completed in:		Personal Information	General Records
5.1	30 days or less	2	18
5.2	30 -- 60 days		3
5.3	60 --90 days		
5.4	90 days or over		
5.5	Total Requests (Add boxes 5.1 to 5.4 = box 5.5)	2	21

Box 5.5 must be equal to 3.2

Section 6: Compliance with the Act

In the following character, please indicate the number of requests completed, within the statutory time limit and in excess of the statutory time limit, under each of the four different situations:

- A. No Notices issued.
- B. Both a Notice of Extension (s.27 (1)) and Notice of Affected Person (s.28 (1)) Issued.
- C. Only a Notice of Extension (s.27 (1)) issued.
- D. Only a Notice to Affected Person (s.28(1)) issued

Please note that the four different situations are mutually exclusive and the number of requests completed in each situations should add up to the total number of requests completed in Section 3.2 (Add boxes 6.3 + 6.6 + 6.9 + 6.12 = box 6.13) and (box 6.13 **must equal** box 3.2)

A. No Notices Issued

		Personal Information	General Records
6.1	Number of requests completed within the statutory time limit (30 days) where neither a Notice of Extension (s.27 (1)) nor a Notice of Affected Person (s.28 (1)) were issued.	2	18
6.2	Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.27 (1)) nor a Notice of Affected Persons (s.28 (1)) was issued.		
6.3	Total (Add boxes 6.1 + 6.2 = box 6.3)	2	18

Personal Information	General Records
2	18

B. Both a Notice of Extension (s.27 (1)) and Notice of Affected Person (s.28 (1)) Issued.

	Personal Information	General Records		Personal Information	General Records
6.4	Number of requests completed within the time limit permitted under both the Notice of Extension (s.27 (1)) and Notice of Affected Person (s.28 (1)).				
6.5	Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)) nor a notice of Affected Persons (s.28(1)).				
6.6	Total (Add boxes 6.4 + 6.5 = box 6.6)		▶		

C. Only a Notice of Extension (s.27 (1)) issued.

	Personal Information	General Records		Personal Information	General Records
6.7	Number of requests completed within the time limit permitted under the Notice of Extension (s.27(1))	2			
6.8	Number of requests completed in excess of the time limit permitted under the Notice of Extension (s.27(1))				
6.9	Total (Add boxes 6.7 + 6.8 = box 6.9)	2	▶		2

D. Only a Notice to Affected Person (s.28(1)) issued

	Personal Information	General Records		Personal Information	General Records
6.10	Number of requests completed within the time limit permitted under the Notice of Affected Person (s.28(1))	1			
6.11	Number of requests completed in excess of the time limit permitted under the Notice to Affected Person (s.28(1))				
6.12	Total (Add boxes 6.10 + 6.11 = box 6.12)	1	▶		1

E. Total Completed Requests (Sections A to D)

	Personal Information	General Records		Personal Information	General Records
6.13	Overall Total (Add boxes (6.3 + 6.6 + 6.9 + 6.12 = box 6.13) and (box 6.13 must equal to box 3.2)	21	▶	2	21

Section 6a: Contributing Factors

Please outline and factors which may have contributed to your institution not meeting the statutory time limit. If you anticipate circumstances will improve your ability to comply with the Act in the future, please provide details in the space below.

Section 7: Disposition of Requests

What course of action was taken with each of the requests completed? Please enter the number of requests into the appropriate category.

		Personal Information	General Records
7.1	All information disclosed		7
7.2	Disclosed in part	2	4
7.3	Nothing Disclosed		5
7.4	Request withdrawn or abandoned		5
7.5	Total Requests (Add Boxes 7.1 to 7.4 = Box 7.5)	2	21

Box 7.5 must be greater than or equal to Box 3.2

Section 8: Exemptions and Exclusions Applied

For the Total Requests with Exemptions/Exclusions/Frivolous or Vexations Requests, how many times did your institution apply each of the following? (More than one exemption may apply to each request.)

	Personal Information	General Records
8.1 Section 12 -- Cabinet Records		
8.2 Section 13 -- Advice to Government		
8.3 Section 14 -- Law Enforcement *		
8.4 Section 14(3) -- refusal to Confirm or Deny		
8.5 Section 15 -- Relations with Other Governments		
8.6 Section 16 -- Defense		
8.7 Section 17 -- Third Party Information		
8.8 Section 18 -- Economic and Other Interest of Ontario		
8.9 Section 19 -- Solicitor - Client Privilege		1
8.10 Section 20 -- Danger to Safety or Health		
8.11 Section 21 -- Personal Privacy (Third Party) **		3
8.12 Section 21(5) -- Refusal to Confirm or Deny		
8.13 Section 22 -- Information Soon to be Published		3
8.14 Section 27.1 -- Frivolous or Vexatious		
8.15 Section 49 -- Personal Information (Requester)		
8.16 Section 65 -- Act does not apply		
8.17 Section 65(6) -- Labour Relations and Employment Related Records		4
8.18 Section 67 -- Other Acts		
8.19 Total Exemptions (Add boxes 8.1 to 8.18 = box 8.19)		11

* not including Section 14 (3)

** not including Section 21 (5)

Section 9: Fees

Enter the number of requests for which your institution collected fees other than application fees that apply to each category.

	Personal Information	General Records	Total
9.1 Number of requests where other than application fees were collected (box 9.1 must be less or equal to box 10.7)	1		1
9.2.1 Application fees collected	\$10.00	\$105.00	\$115.00
9.2.2 Additional fees collected	\$45.00	\$0.00	\$45.00
9.2.3 Total Fees (Add boxes 9.2.1 + 9.2.2 = Box 9.2.3)	\$55.00	\$105.00	\$160.00
9.3 Total Dollar Amount of Fees Waived	\$0.00	\$0.00	\$0.00

Section 10: Reason for Additional Fee Collection

Enter the number of requests for which your institution collected fees other than application fees that apply to each category.

	Personal Information	General Records	Total
10.1 Search Time	NA		
10.2 Reproduction			
10.3 Preparation	NA		
10.4 Shipping	NA		
10.5 Computer Costs	1		1
10.6 Invoice Cost (and others as permitted by regulations	NA		
10.7 Total Add boxes 10.1 to 10.6 = Box 10.7)	1		1

Box 10.7 must be greater than or equal to Box 9.1

Section 11: Corrections and Statements of Disagreement

Did your institution receive and requests to correct personal information?

		Personal Information
11.1	Number of correction request received	
11.2	Corrections carried forward from previous year	
11.3	Corrections carried over to next year	
11.4	Total Corrections Completed ((Box 11.1 + box 11.2) - box 11.3 = box 11.4)	0

Box 11.4 must equal box 11.9

What course of action did your institution take regarding the requests to correct **personal information** that were received?

		Personal Information
11.5	Correction(s) made in whole	
11.6	Correction(s) made in part	
11.7	Correction(s) refused	
11.8	Correction(s) withdrawn by requester	
11.9	Total (Add boxes 11.5 to 11.8 = box 11.9)	0

Box 11.9 must equal box 11.4

In cases where corrections were denied, in part or in full, were any statements of disagreement attached to the affected personal information.

11.10	Number of statements of disagreement attached:	0
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If your institution received and requests to correct personal information, the Act requires that you send any person(s) or body who had access to the information in the previous year notification of either the correction or the statement of disagreement.
Enter the number of notifications sent, if applicable.

11.11	Number of notifications sent:	0
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Thank You for your Co-operation