



Background

This report covers the activities of the University's of Information and Protection of Privacy Office (the Office) during the 2007 calendar year.

Overview and Role of the Office

The Office Oversees access to information and protection of privacy at the University, comprising training, guidance, advice, outreach, communications and reporting in support of University standards and legislative expectations. These include access, privacy and reporting obligations under the *Freedom of Information and Protection of Privacy Act* (FIPPA), Ontario health privacy and federal access and privacy legislation.

The Office continually works to build and deepen knowledge in support of the University commitment to FIPPA principles. This process comprises continual refinement of University practice and procedures in harmony with developing standards and expectations for access, privacy and related fields such as security.

A key focus of the Office is alignment of access and privacy practices and legal and public expectations with the University's purpose. The Office champions transparency and strong privacy protection as integral to the University's dedication to fostering an academic community in which the learning and scholarship of every member may flourish, with vigilant protection for individual human rights, and a resolute commitment to the principles of equal opportunity, equality and justice.

The First Year

From its June, 2006 launch until the end of 2006, the Office established its structure and staffing, designed and implemented University access and privacy operations, processes and practices.

Initial work of the Office, detailed in its 2006 Annual Report, leveraged alignment of established, strong University privacy and transparency values with substantially similar legislative expectations.

Access and Privacy Roles at the University

The FIPP Office is staffed by a Coordinator and Director who are assisted by Divisional Freedom of Information Liaisons (FOILs).

Each Division has a FOIL who provides access and privacy guidance and acts as a knowledgeable link, consulting as appropriate with the FIPP Office. FOILS resolve or assist with privacy issues, collect records responsive to requests and provide Divisional context and input for access decisions.

FOILs have developed strong privacy and access expertise for their Division's operations. They have shown themselves to be dedicated and effective in addressing difficult, time-consuming and often complex issues. It is impossible to overstate their value to the University in enabling timely, lucid access decisions, effective privacy protection and quick reporting and resolution of privacy concerns.

PRIVACY

University privacy standards support pedagogical and operational needs with balanced privacy protection and practices that are up to date and consistent with legal requirements and developing expectations.

The FIPP Office supports privacy by promoting sound practices consistent with accepted and emerging standards and legislative expectations, through advice, outreach, training and communications.

The Office invites and addresses University privacy concerns through timely action, thorough consultation and careful consideration of affected personal interests. A key University privacy practice is **immediate** reporting of **every** privacy issue to the FIPP Office to ensure effective remediation of all privacy matters.

ACCESS REQUESTS AND APPEALS

Working closely with Division representatives and legal counsel, the FIPP Office coordinates access requests under FIPPA, and any resulting appeals before the IPC.

During 2007, the University received 20 access requests and issued decisions on 13 of these and 2 which had been carried over from 2006. All requests to date have been processed within legislated timeframes.

Three of these decisions were appealed to the IPC, two by the original requester and one by a third party wishing to prevent release of its information. The University has been invited to and has submitted representations in two of these appeals. All three appeals are ongoing.

Two appeals which had been launched in 2006 were completed in 2007. One was abandoned by the appellant and the other was the subject of a decision of the IPC (Order PO-2614, September 21, 2007) which upheld the University's refusal to disclose records about sexual harassment.

REPORTING

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

Internal Consultation and Reporting

The Office consults and reports widely to achieve clear, consistent understanding of issues, broad-based participation and high standards of quality in University access and privacy approaches and actions.

Statistical Reporting to the IPC

FIPPA institutions report annually to the IPC. The University's 2007 report is appendix "A" to this Report.

On May 29, 2007, the Information and Privacy Commissioner/Ontario (IPC) tabled her 2006 Annual Report, containing the Commissioner's Message, recommendations and access and privacy performance in the Province – including statistics about institutions' request processing timeliness.

The University responded to 20 of its 23 requests within 30 days and the remaining 3 in accordance with permitted legislative extensions, for an "extended compliance" rate of 100%. Given the University's request volume and complexity, this is a very strong performance, which shows excellent collaboration and integration among offices, divisions, and Freedom of Information Liaisons (FOILs). The universities' request rate and compliance text and table from the IPC's Annual Report is appendix "B" to this Report.

PROJECT WORK

TAHSN Research Privacy Principles

The FIPP Office Director participated in the creation of a set of principles, titled “Principles for Development of Policy and Guidelines on Security of Personal Health Information Used for Research Purposes”, and approved on February 04, 2008, to facilitate the development by Toronto Academic Health Science Network member organizations of policies and guidelines relative to security of Personal Health Information in electronic and paper-based format used for research purposes.

University Health Clinics Data Security

The FIPP Office collaborated with staff from Computing and Networking Services, Strategic Computing, Engineering, Medicine, UTM and UTSC, to examine University health clinics’ data handling practices and security. Existing or refreshed clinic practices were well-known and/or communicated to clinic staff which properly address security and onsite maintenance of personal health information.

ADVICE AND RECOMMENDATIONS

The FIPP Office provides advice, recommendations and responses for access and privacy related queries and issues for individuals, working groups, meetings and others at the University.

PRESENTATIONS AND TRAINING

The FIPP Office delivered some 30 presentations and talks in 2007 to University academic divisions and groups, including introductory sessions, detailed updates, reports and focused conversations on requested topics.

The FIPP Office actively invites requests for presentations or instruction from the University community.

PRACTICES AND COMMUNICATION

Practices

Comprehensive Access and Privacy Practices were posted on the Provost’s Policies, Guidelines and Best Practices website in May, 2007. The practices complement the previously posted Q & A for Instructors.

The practices are designed to enable FOILs and others to address most access and privacy issues. They are structured on FIPPA and provide practical guidance on major FIPPA requirements, ranging from brief practice pointers to in-depth explanations of principles and operational requirements.

Publications and Other Communications

The Practices were launched with a detailed Bulletin article titled “New FIPPA Practices Explained”.

The Office published an article in the August 21, 2007 Bulletin setting out requirements for notice to individuals concerning University activities which involve personal information.

OFFICE LEARNING AND TRAINING

The FIPP Office endeavours to continually improve the University's access and privacy knowledge base, operational skills and abilities through continuing legal education, including University, government and private conferences and workshops, Privacy Working Group, GTA Coordinator meetings, external university courses and other relevant training.

OUTSIDE WORK AND PRESENTATIONS

FIPP Office staff contribute to access and privacy understanding and development beyond the University while refining and improving institutional understanding and capacity by collaborating with other broader public sector bodies, maintaining external contacts and contributing to external events such as workshops and presentations related to access and privacy.

These have included presentations for the Ontario University Registrars' Association, Government of Ontario Access and Privacy Annual workshop, access and privacy training for and IPC Order review with the Ministry of Government and Consumer Services Access and Privacy Office.

SUPPORT FOR THE SECTOR

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

The University's FIPP Coordinator is the current Chair of the COU FIPPA Coordinators' Sub-Committee, whose role is to preside over the Sub-Committee's activities, including Chairing its weekly teleconferences.

The FIPP Office hosted the 2007 COU FIPPA Coordinators' Conference, titled "Access and Privacy in the Academic Environment".

PHILOSOPHY, OUTREACH AND CULTURE CHANGE

The FIPP Office promotes and supports transparency and privacy at the University, consulting and working with relevant portfolios including the President, Vice President and Provost and legal counsel to align Office operations with University activities and purposes in useful, economical and non-disruptive ways.

The Office supports and guides ongoing refinement of the University's strong privacy values and commitment to institutional transparency.

This work comprises alignment of University access and privacy values, expectations and practices with established and emerging standards, thinking and jurisprudence.

FIPP OFFICE FUTURE DIRECTIONS AND ACTIVITIES

In coming months, the FIPP Office will continue and undertake several projects and activities, including;

Practices

The FIPP Office will continue to develop and refine access and privacy practices for University community needs, including a more comprehensive articulation of principles underlying the posted Q & A for Instructors, confidential information security, and identity authentication practices.

Data Security Standards, Including Encryption

Security is a key privacy enabler and IT data security is increasingly prominent and important. The FIPP Office is will work with and assist the Chief Information Officer, Strategic Computing Office, Computing and Networking Services and other offices to assist with and review systems security and privacy practices.

FOIL Portal

A central online resource for communication with FOILs is in development.

Work With Internal Audit

The FIPP Office is working with the University's Internal Audit Department on questions intended to help managers throughout the University's Divisions to identify and evaluate their key program privacy strengths and to identify areas for improvement under their purview.

University Personal Information Inventory and Assessment

An inventory of personal information holdings and risks is planned, to be followed by more detailed privacy risk assessment processes where need is identified.

Outreach and Learning

The Office will continue to offer access and privacy learning at the University, including online training for employees, Bulletin articles, an information pamphlet and traditional learning sessions for offices and groups.

Information Management and Access and Privacy

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

APPENDICES

- A: University of Toronto 2007 Statistical Report to the Information and Privacy Commissioner
- B: Ontario Universities' FIPPA Compliance Table; From the 2006 IPC Annual Report

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

Reporting Year: 2007

Date Report Completed: Jan/31/2008

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: 31-Jan-2008

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.

This report can be completed online at <https://statistics.ipc.on.ca> or it can be faxed to us at (416) 325-9195 or mailed to the Office of the Information and Privacy Commissioner/Ontario, 2 Bloor St. E., Suite 1400, Toronto, ON M4W 1A8.

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. | 2 | 17 |
| 3.2 Total Number of Requests Completed for the reporting year: | 3 | 16 |

Section 4: Source of Requests

Enter the number of requests you completed from each source.

| | Personal Information | General Records |
|---|-----------------------------|------------------------|
| 4.1 Individual/Public | 3 | 10 |
| 4.2 Business | | 1 |
| 4.3 Academic/Researcher | | |
| 4.4 Association/Group | | 5 |
| 4.5 Media | | |
| 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) | 3 | 16 |

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:

5.1 30 days or less

5.2 30 -- 60 days

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)

| | Personal Information | General Records |
|-----|-----------------------------|------------------------|
| 5.1 | 3 | 15 |
| 5.2 | | 1 |
| 5.3 | | |
| 5.4 | | |
| 5.5 | 3 | 16 |

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

- 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.
- 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)

| | Personal Information | General Records |
|-----|-----------------------------|------------------------|
| 6.1 | 3 | 15 |
| 6.2 | | |
| 6.3 | 3 | 15 |

| | Personal Information | General Records |
|--|-----------------------------|------------------------|
| | 3 | 15 |

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)) | | | | | |
| 6.8 | Number of requests completed in excess of the time limit permitted under the Notice of Extension (s.17(1)) | | | | | |
| 6.9 | Total (Add boxes 6.7 + 6.8 = box 6.9) | | | ▶ | | |

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) | 3 | 16 | ▶ | 3 | 16 |

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 | | 5 |
| 7.2 | Disclosed in part | | 6 |
| 7.3 | Nothing Disclosed | 3 | 1 |
| 7.4 | Request withdrawn or abandoned | | 4 |
| 7.5 | Total Requests (Add Boxes 7.1 to 7.4 = Box 7.5) | 3 | 16 |

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 | | 1 |
| 8.8 Section 18 -- Economic and Other Interest of Ontario | | |
| 8.9 Section 19 -- Solicitor - Client Privilege | | |
| 8.10 Section 20 -- Danger to Safety or Health | | |
| 8.11 Section 21 -- Personal Privacy (Third Party) ** | | 4 |
| 8.12 Section 21(5) -- Refusal to Confirm or Deny | | |
| 8.13 Section 22 -- Information Soon to be Published | | |
| 8.14 Section 27.1 -- Frivolous or Vexatious | | |
| 8.15 Section 49 -- Personal Information (Requester) | | |
| 8.16 Section 65 -- Act does not apply | | 1 |
| 8.17 Section 65(6) -- Labor Relations and Employment Related Records | 2 | 2 |
| 8.18 Section 67 -- Other Acts | | |
| 8.19 Total Exemptions (Add boxes 8.1 to 8.18 = box 8.19) | 2 | 8 |

* 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) | | 4 | 4 |
| 9.2.1 Application fees collected | \$15.00 | \$65.00 | \$80.00 |
| 9.2.2 Additional fees collected | | \$203.30 | \$203.30 |
| 9.2.3 Total Fees (Add boxes 9.2.1 + 9.2.2 = Box 9.2.3) | \$15.00 | \$268.30 | \$283.30 |
| 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 | 2 | 2 |
| 10.2 Reproduction | | 4 | 4 |
| 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) | | 7 | 7 |

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 | 1 |
| 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) | 1 |

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 | 1 |
| 11.8 | Correction(s) withdrawn by requester | |
| 11.9 | Total (Add boxes 11.5 to 11.8 = box 11.9) | 1 |

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:

If your institution received any 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:

Thank You for your Co-operation

Appendix B

Ontario Universities' FIPPA Compliance Table; From the 2006 IPC Annual Report

UNIVERSITIES

EXTENDED COMPLIANCE INCLUDES NOTICE OF EXTENSION AND NOTICE TO THIRD PARTIES

| UNIVERSITY | REQUESTS COMPLETED | 30-DAY COMPLIANCE % | EXTENDED COMPLIANCE* % |
|-----------------|-----------------------|---------------------------|------------------------------|
| Toronto | 23 | 87.0 | 100.0 |
| York | 22 | 54.5 | 68.2 |
| Laurentian | 21 | 85.7 | 95.2 |
| Ryerson | 16 | 12.5 | 25.0 |
| McMaster | 13 | 23.1 | 61.5 |
| Queen's | 8 | 87.5 | 100.0 |
| Western | 8 | 87.5 | 100.0 |
| Carleton | 6 | 100.0 | 100.0 |
| Ottawa | 6 | 100.0 | 100.0 |
| Windsor | 4 | 100.0 | 100.0 |
| Lakehead | 3 | 66.7 | 66.7 |
| Trent | 3 | 100.0 | 100.0 |
| Guelph | 2 | 100.0 | 100.0 |
| Nipissing | 2 | 100.0 | 100.0 |
| Brock | 1 | 100.0 | 100.0 |
| Waterloo | 1 | 100.0 | 100.0 |
| U of OIT | 0 | n/a | n/a |
| Wilfrid Laurier | 0 | n/a | n/a |
| OCAD | 0 | n/a | n/a |