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"... the overarching purpose of access to information legislation, then, is to facilitate democracy. It does so in two related ways. It helps ensure first, that citizens have the information required to participate meaningfully in the democratic process, and secondly, that politicians and bureaucrats remain accountable to the citizenry."

Justice Laforest,
Supreme Court of Canada, *Dagg v. Canada*

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This fifth edition of our newsletter marks our first edition that has been distributed almost solely in electronic form; sent by e-mail, as well as posted on our site. This edition offers a summary of a recent OIPC Report, an article about an increasingly prominent issue - Video Surveillance, a look at some OIPC statistics and figures for the 2011-2012 fiscal year, information on Privacy Awareness Week 2012, as well as the regular features (Council Corner, Access and Privacy News, and an updated Resource List).



Commissioner's Report Summary

Report A-2012-005 The Town of Portugal Cove-St . Philip's

In this case, the Applicant requested that the Town provide him with the name of a person who had made an access request of the Town. Personal information is protected under section 30 of the *Access to Information and protection of Privacy Act*. Personal information includes the name of an identified individual. In this case, the Commissioner held that the Town was correct to deny access to the name of a person who had made an earlier access request.



The Town had attempted to obtain the individual's consent to release their name, but that consent was not forthcoming. Therefore, the Commissioner had no

recommendations to make to the Town. Filing an access request does not make the requester's name a matter of public knowledge. In order to facilitate the operation of the *Act*, public bodies must protect the names of requesters with the same zeal with which all personal information is protected from release under the *Act*.

Video Surveillance: Somebody's Watching Me

In 1984, R&B artist Rockwell sang:

I always feel like
Somebody's watching me
And I have no privacy
I always feel like
Somebody's watchin' me
Tell me is it just a dream



Flash forward three decades and while the Orwellian nightmare of Big Brother watching everything we do has not quite come true, it is now closer to fact than fiction. Whether you are enjoying a night on George Street in St. John's, shopping at your favorite store, making a withdrawal at an ATM, attending high school, or waiting on a flight at the airport, chances are that you are under video surveillance.

CCTV or closed circuit television is not new. The first CCTV system was installed in Germany in 1942. In 1949 a commercial CCTV system was in use in the United States. Public streetscape video surveillance was introduced in Drummondville Quebec in 1981. The prevalence of CCTV cameras skyrocketed in the 2000s following the Columbine school shooting in 1999 and the September 11, 2001 terrorist attacks in the United States. It is estimated that the United Kingdom currently has 4.2 million CCTV systems operational at present.

Proponents of CCTV will point to the alleged benefits of crime reduction, personal protection and safety features. While the debate is still open on whether CCTV actually reduces or just displaces crime, the OIPC is focused on the issue of privacy as it pertains to CCTV systems. Citizens have a right to privacy, even in public places. Even though your movements and activities in a public place can be viewed by others, this does not mean that public bodies or law enforcement has the right to record or view your image unless it is for a specific law enforcement purpose or is otherwise necessary. Even then, it must be a last resort.

The *Access to Information and Protection of Privacy Act* sets out specific limits on the collection, use and disclosure of personal information by public bodies. The *ATIPPA* applies to the use of CCTV systems by public bodies in Newfoundland and Labrador. The OIPC developed "Guidelines for Video Surveillance by Public Bodies in Newfoundland and Labrador" in 2005 and we are developing Guidelines for CCTV in Schools. As part of that process we are working with the Department of Education and the 5 school districts.

CCTV, like most technology, is changing at a rapid rate. From hard wired to wireless systems, from blurry, grainy black and white images to facial recognition software, from passwords to biometrics, technology evolves and with it comes new privacy concerns. With the rapidly decreasing cost of CCTV systems and the ability to store astronomical amounts of data cheaply and efficiently, the concern regarding mass surveillance of citizenry is real. The use of any such technology must bear in mind the increased risks of loss of privacy. The millions of CCTV cameras in the U.K. were installed one at a time, and in each case, someone thought that camera was justified. Once you arrive at the saturation point and everywhere you go, you are under surveillance, how does that impact us as citizens?

Public bodies already using CCTV should re-evaluate the need for such and should ensure that they are taking all necessary steps to ensure that the CCTV usage is compliant with the *ATIPPA*. Public bodies contemplating using CCTV should undertake a privacy impact assessment. Citizens concerned with the collection, use and disclosure of their personal information by public bodies as a result of CCTV should contact the OIPC.

You know Rockwell, it is not a dream, someone may very well be watching you .

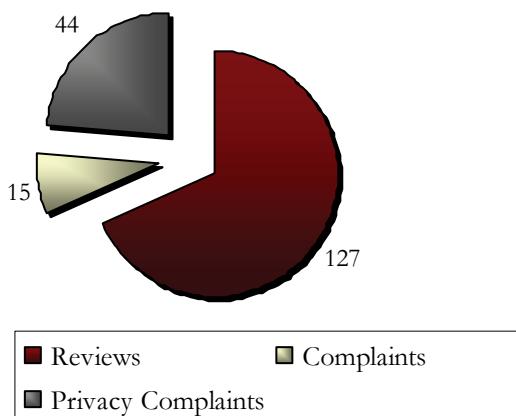
OIPC Stats & Figures/Events & Activities

OIPC Stats and Figures for 2011-2012:

To give an idea of what types of files the OIPC is working on and how these files get handled and resolved, here are some statistics for the 2011-2012 fiscal year. Just over two thirds of the active files handled by our office (127), are Requests for Review filed by Applicants who believe they have not received all of the information to which they are entitled under the ATIPPA. Access Complaints (fee and time extension) and Privacy Complaints make up the remaining one third of files, with 15 Access and 44 Privacy Complaints in total.

Of these 186 files handled by the OIPC in 2011-2012, we had 46 Requests for Review, 1 Access Complaint and 28 Privacy Complaints that were not resolved during the fiscal year and were carried forward into 2012-2013. Of the remaining 111 files, 66 were resolved informally (54 Access and 12 Privacy), and 20 were withdrawn or closed for other reasons. Less than one quarter of the files in 2011-2012 were moved to the Formal Investigation process resulting in a published Commissioner's Report (22 Access and 3 Privacy).

Active Reviews/Complaints



Outcomes of Reviews/Complaints

	Access	Privacy
Requests Carried Forward	46	0
Complaints Carried Forward	1	28
Report	22	3
Informal Resolution	54	12
Closed Complaint	10	0
Closed General	8	1
Withdrawn	1	0

Privacy Awareness Week is an event to highlight and promote privacy rights and responsibilities



in the community. The OIPC focused its awareness efforts on five distinct areas of concern: youth, mobile devices, video surveillance, internet and health privacy. We did this by creating a list of facts, tips, quizzes, videos and web links to spotlight each topic and help make people more aware of the various concerns associated with these specific privacy areas, as well as open a dialogue about these issues and offer tips and advice on how to better secure personal information. You should have received this information (useful year-round) via regular or electronic mail, but you can also access these items on our website:

<http://www.oipc.nl.ca/privacyawarenessweek.htm>



Resource List

- <http://www.justice.gov.nl.ca/just/info/schedule.html> (ATIPPA, Regulations and Fee Schedule)
- <http://www.justice.gov.nl.ca/just/department/branches/division/atipp.html> (ATIPP Office)
- http://www.justice.gov.nl.ca/just/info/access_policy_and_procedures_manual.pdf (Access Policy and Procedures Manual)
- http://www.justice.gov.nl.ca/just/info/privacy_policy_and_procedures_manual.pdf (Privacy Policy and Procedures Manual)
- http://www.justice.gov.nl.ca/just/atipp_training/index.html (ATIPP Training)
- <http://www.oipc.nl.ca/accessreports.htm> (OIPC Commissioner's Reports on Access to Information)
- <http://www.oipc.nl.ca/privacyreports.htm> (OIPC Commissioner's Reports on Privacy)
- <http://twitter.com/#!/OIPCNL> (OIPC Twitter)
- <http://www.assembly.nl.ca/business/bills/bill1229.htm> (Bill 29 Amendments to ATIPPA)

Access & Privacy News

A call for nominations for this year's **Grace-Pepin Access to Information Award** has been launched.

The Grace-Pepin Award was established by the Office of the Information Commissioner of Canada in collaboration with its provincial and territorial counterparts in an effort to recognize exceptional contributions to the promotion and support of the principles of transparency, accountability, and the public's right to access information held by public institutions.

For more information on the award and how to submit nominees for 2012, please visit:

http://www.righttoknow.ca/en/content/grace_pepin_award-prix.asp

Deadline: July 3rd, 2012

Amendments to the *Access to Information and Protection of Privacy Act* (ATIPPA), known as Bill 29, have recently been passed in the House of Assembly and are now in force. All ATIPPA coordinators should familiarize themselves with these additions and changes. The link below allows you to view the amendments to the Act:

<http://www.assembly.nl.ca/business/bills/bill1229.htm>

Hopefully a new consolidated version of the ATIPPA which incorporates the changes from Bill 29 will be available soon.

Congratulations to Commissioner Ed Ring, who has been reappointed for a further 2-year term as Information & Privacy Commissioner.

Council Corner

All Municipalities are required under the *Access to Information and Protection of Privacy Act* (ATIPPA) to appoint an Access & Privacy Coordinator to ensure that the requirements and obligations of the Municipality, under the legislation, are met. At the time of our survey of coordinators in 2010/2011 it came to our attention that there are still municipalities who have not designated a person in that role. Some of these municipalities have since designated a coordinator, but any remaining municipalities without a designated coordinator should ensure that someone is appointed to this role ASAP.

Municipalities are also the public bodies that see the most turnover in coordinators. Please remember to update both the OIPC and ATIPP Office when a change in coordinator occurs.