



Office of the
Saskatchewan Information
and Privacy Commissioner

ANNUAL REPORT 2018-2019

Modernizing the
Legislation



Office of the
Saskatchewan Information
and Privacy Commissioner

503—1801 Hamilton Street
Regina SK S4P 4B4

Phone: 306-787-8350
Toll Free: 1-877-748-2298
Fax: 306-798-1603

Email: webmaster@oipc.sk.ca
Website: www.oipc.sk.ca
Twitter: @SaskIPC

June 27, 2019

Hon. Mark Docherty
Speaker of the Legislative Assembly
129 Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Mr. Speaker:

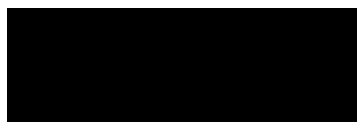
I am pleased to present my fifth Annual Report as Information and Privacy Commissioner for Saskatchewan. I have prepared this Annual Report in accordance with the provisions of subsection 62(1) of *The Freedom of Information and Protection of Privacy Act*, subsection 52(1) of *The Local Authority Freedom of Information and Protection of Privacy Act* and subsection 60(1) of *The Health Information Protection Act*.

I thank the Members of the Legislative Assembly for their support of the Office of the Information and Privacy Commissioner. Going forward, I ask for their cooperation in modernizing legislation to recognize that we have changed from a paper based society to a database society. Now we really do live in a digital world.

Also, I thank the Legislative Assembly for reappointing me for a second term of five years.

I also thank the staff of the office for their hard work over the last year in accomplishing some ambitious goals and continuing to complete our three-year plan. My office has also been faced with increased requests for reviews or investigations which continue to put pressure on the office to get reports out in a timely manner.

Respectfully submitted,



Ronald J. Kruzeniski, Q.C.
Information and Privacy Commissioner

Table of Contents

Commissioner's Message	1
About Us	2
Accomplishments 2018-2019	3
The Plan 2019-2020	5
Files and Reports	7
Modernizing the Legislation	13

Commissioner's Message



This year, 2018-2019, is the second year in our three year plan and in this Report I will report on our progress on the goals in the plan.

In my Annual Report for 2016-2017, I addressed the issues relating to “Navigating in a Digital World”. So much of what we do today is now electronic and my office and society need to continue to adjust its approaches to access and privacy in this digital world.

In the 2017-2018 Annual Report, “Reducing the Risks”, I focused further on how, in our digital world, organizations may reduce the risk of privacy breaches. Breaches can occur with paper files but all of the noteworthy breaches today involve electronic files and can impact thousands of people.

When *The Freedom of Information and Protection of Privacy Act* and *The Local Authority Freedom of Information and Protection of Privacy Act* (1992-1993) were implemented, we as a society were aware of the internet but weren't really using it. We were still a paper based society. Databases existed but weren't in use to the extent they are now and generally were not accessible by the internet. We were a paper based society. We are no longer that paper based society. A vast amount of information about each of us is housed in databases, some of which are accessible by the internet. We look up information, we order things, and we pay bills and communicate with one another through these databases and the internet. It is time that we modernize our access and privacy legislation to take this into account. The rest of this Report and the next five years of my term will really be focused on modernizing this legislation to take into account the database/internet world we now live in.

In the 2018-2019 fiscal year, my office embarked upon a project to redesign and redevelop its case file management system and the new system was implemented in the spring of 2018. After implementation, my office developed three releases which have gone a fair way in making our processes much more efficient. The new system will make my office more efficient in tracking the increased file load and safeguarding the storage of relevant documents and communications.

I am looking forward to my sixth year as Commissioner and to completing our three-year plan and developing plans for the next five years.

In closing, I want to express my appreciation to the staff of the office for their hard work, dedication and commitment to ensuring access and privacy rights are afforded to the citizens of Saskatchewan. I also want to thank our many stakeholders including applicants, complainants, public bodies, and health trustees for their continued cooperation with our office.

Ronald J. Kruzeniski, Q.C.
Information and Privacy Commissioner

About Us

Our Mandate

The Office of the Saskatchewan Information and Privacy Commissioner (IPC) is an independent office of the Saskatchewan Legislative Assembly. It oversees three Saskatchewan statutes: *The Freedom of Information and Protection of Privacy Act* (FOIP); *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP); and *The Health Information Protection Act* (HIPA).

FOIP, LA FOIP and HIPA establish the access to information and privacy rights of citizens.

The IPC ensures that public bodies respect the privacy and access rights of the citizens of Saskatchewan by:

- informing members of the public of their information rights;
- resolving access and privacy disputes between individuals and public bodies;
- making recommendations on appeals from access to information decisions by public bodies;
- investigating and resolving privacy complaints;
- issuing recommendations on public bodies' policies and practices; and
- commenting on proposed laws, policies and practices.

Our Mission

To ensure that access to information and privacy rights in Saskatchewan are respected.

Accomplishments 2018-2019

Education and Awareness

Goals	Accomplishments
Maintain the dictionary of access and privacy terms.	The online Dictionary is up to date.
Redesign and update the <i>IPC Guide to Exemptions for FOIP and LA FOIP</i> .	Work has begun on this Guide but is not completed.
Finalize and post <i>The Rules of Procedure</i> .	Final version was posted to our website in September of 2018 (see The Rules of Procedure).
Update the <i>IPC Guide to HIPA</i> .	This is complete and is available on our website (see The IPC Guide to HIPA).
Update the resources for MLAs and Ministers.	This is complete and is available on our website (see MLA Consent Form and MLA Consent Form Questions and Answers).

Navigating in a Digital World

Goals	Accomplishments
Develop and post guidelines for the use of mobile devices (BYOD, Texting) by health professionals.	Work has begun on this project and is to be posted in the Spring of 2019.
Develop and post a best practices guide for organizations on the use of memory sticks.	A blog was posted on our website (see Best practices when using USB drives) and a resource was developed and posted on our website (see Helpful Tips: Mobile Device Security).
Develop and post a report regarding the use of computer backup tapes.	The report was issued (see Investigation Report 072-2018) and a blog was posted on our website (see Backup tapes: prepared for the unexpected).

Advocating for Improvement

Goals	Accomplishments
Propose and develop regulations for <i>The Data Matching Agreements Act</i> .	Work continues with the Ministry of Justice regarding regulations.
Promote publicly funded bodies who are landlords to be under FOIP or LA FOIP.	Recommendations have been made.
Promote a broader definition of trustee under HIPA or other legislation.	Recommendations have been made.

Effective While Efficient

Goals	Accomplishments
Issue a notification letter or resolve a matter within 20 calendar days, 80% of the time.	15 calendar days, 80% of the time. 21 calendar days, 100% of the time.
Issue a Report or resolve a matter on review of an access request within 105 calendar days, 80% of the time.	130 calendar days, 80% of the time. 187 calendar days, 100% of the time.
Issue a Report or resolve a matter regarding a breach of privacy within 105 calendar days, 80% of the time.	126 calendar days, 80% of the time. 163 calendar days, 100% of the time.
Complete or close consultation files within 30 calendar days, 80% of the time.	13 calendar days, 80% of the time. 25 calendar days, 100% of the time.
Respond to an Application to Disregard within 20 calendar days, 80% of the time.	Did not have such an application.
Implement a case file management system.	System was implemented and two releases were developed and implemented and the third release was developed and will be implemented in the spring.
Organize and deliver a National Information and Privacy Commissioners' Conference in September 2018.	The Federal, Provincial, Territorial Information and Privacy Commissioners' Conference was held September 12-14, 2018.

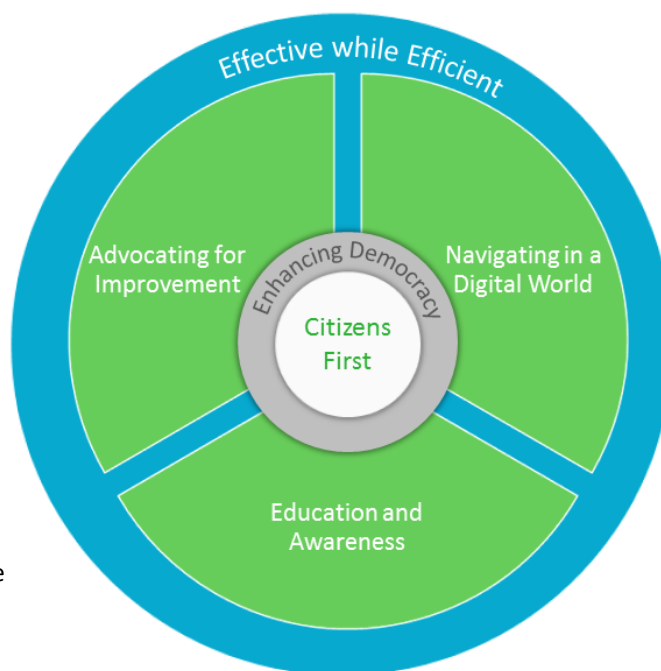
The Plan 2019-2020

Citizens First

Core to our work is that we support access to records as requested by citizens in a timely manner and promote protection of the privacy of those citizens wherever required. All other objectives in this document are intended to enhance and protect the rights of citizens to obtain information.

Enhancing Democracy

The freedom of information legislation in the province enshrines the principle that citizens should have access to information generated by organizations supported by taxpayer dollars. All other objectives in this document are intended to enhance and protect the rights of citizens to obtain information.



Education and Awareness

- Update the online *Dictionary*.
- Redesign *IPC Guide to Exemptions* as a guide to FOIP and a guide to LA FOIP.
- Participate in/develop an event with the media to promote Right to Know week in Saskatchewan.
- Update *The Rules of Procedure* regarding solicitor-client privilege.
- Promote annual access and privacy training for employees within public bodies and health trustees.
- Support a conference sponsored by the Ministry of Justice in May 2019.
- Work with SUMA, SARM and the SSBA to provide education and training to elected officials, including attendance at either convention.
- Develop a sample policy for processing access requests for towns, villages and municipalities.
- Participate in a webinar with SUMA for villages, towns and municipalities on the application of and obligations imposed by LA FOIP.
- Update the *IPC Guide to HIPA* and post to the website.
- Update Q&A resources for MLAs and Ministers and post to the website.

Navigating in a Digital World

- Implement a process that can be used by public bodies to send electronic files securely to the IPC.
- Promote government having a new approach and system for the retention and archiving of emails where retrieval is possible at a low cost.
- Promote and work with the Ministry of Central Services to develop a government strategy regarding the use and destruction of backup tapes.

Advocating for Improvement

- Promote and work with the Ministry of Justice to develop further proposals for amendments to FOIP and LA FOIP and their regulations.
- Promote and work with the Ministry of Health to develop further proposals for amendments to HIPA and its regulations.
- Implement regulations for Data Matching agreements.
- Promote that all non-governmental organizations who receive government or local authority funds will be subject to Part IV of FOIP or LA FOIP (Protection of Privacy).
- Promote that all organizations who contract with government or local authorities will be subject to Part IV of FOIP or LA FOIP (Protection of Privacy).
- Promote that all publicly funded bodies who are landlords be under FOIP or LA FOIP.
- Promote a broader definition of “trustee” under HIPA or other legislation.
- Work with the Ministry of Justice to develop regulations under *The Interpersonal Violence Disclosure Protocol Act* (Clare’s Law).
- Promote an amendment to *The Education Act* similar to section 117 of *The Municipalities Act*.
- Promote the updating of *The Model Professions Act* and promote that professional bodies will be subject to Part IV of LA FOIP or HIPA (Protection of Privacy).
- Promote and work with the Ministry of Justice to ensure lists of government institutions and local authorities are up to date.
- Implement amendments to *The Workers’ Compensation Act* (Bill 141).

Effective While Efficient

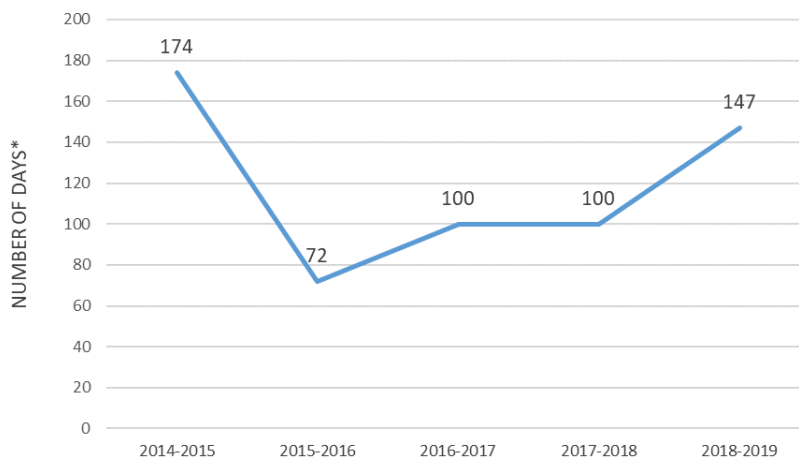
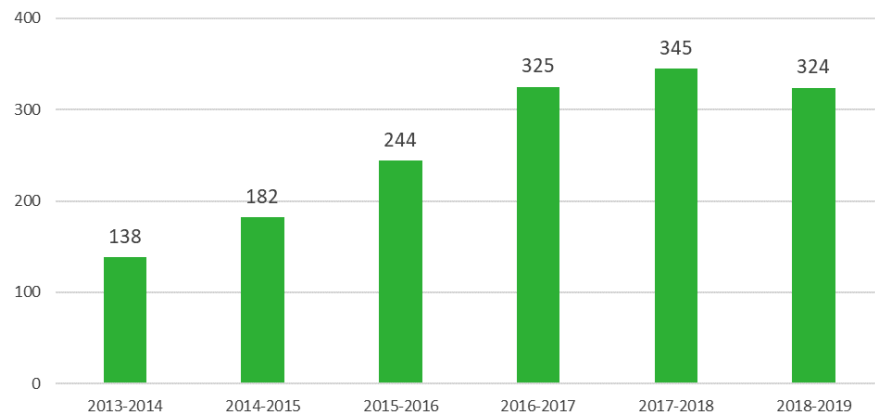
- Issue a notification letter or resolve a matter within 20 calendar days.*
- Issue a Report or resolve a matter on review of an access request or an investigation of a privacy breach within 130 calendar days.*
- Complete or close consultation files within 30 calendar days.*
- Complete or close applications to disregard within 20 calendar days.*
- Implement Data by Design Releases 3, 4 and 5.
- Recruit and train two Analysts.
- On the website complete a project to convert all pdf documents to HTML and develop the categories function.
- Develop forms related to the office’s policies and guidelines.
- Review and update policies and guidelines.

**The office has shifted from using business days to calendar days for its target and has stopped reporting on 80% of the files and is now measuring on the number of days for all files.*

Files and Reports

Increase in Files

The office is experiencing an increase in reviews, investigations and consultations, resulting in more files being opened as is reflected in the bar chart. Early numbers in 2019 suggest that we may have as many as 380 files in 2019.



Response Time

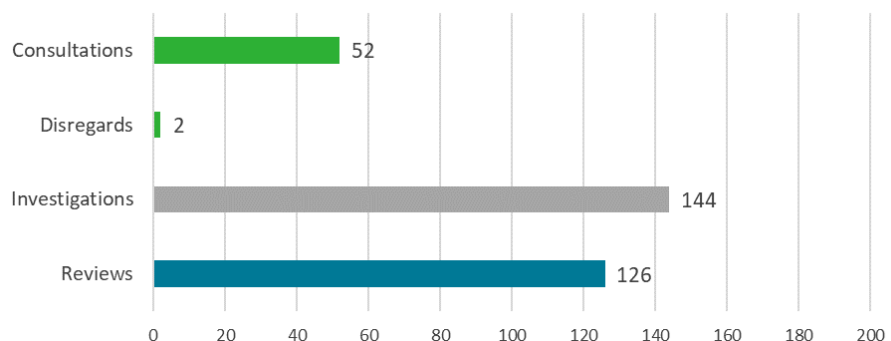
The office has worked hard to improve its response time to citizens and public bodies.

In 2018-2019, the response time increased mainly due to the volume of new files. As preliminary estimates for the 2019 calendar year suggest, increasing files will have an impact on our response time.

*Average number of days that citizens and public bodies received their report, response or a resolution.

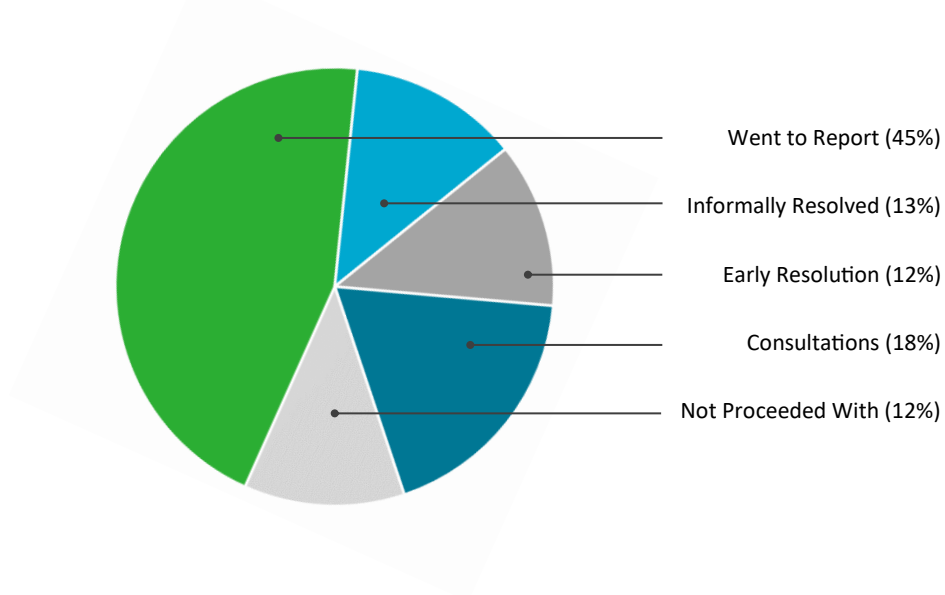
Types of Files Opened

The office opened 324 files in the 2018-2019 fiscal year. This is a chart summarizing the types of files opened.



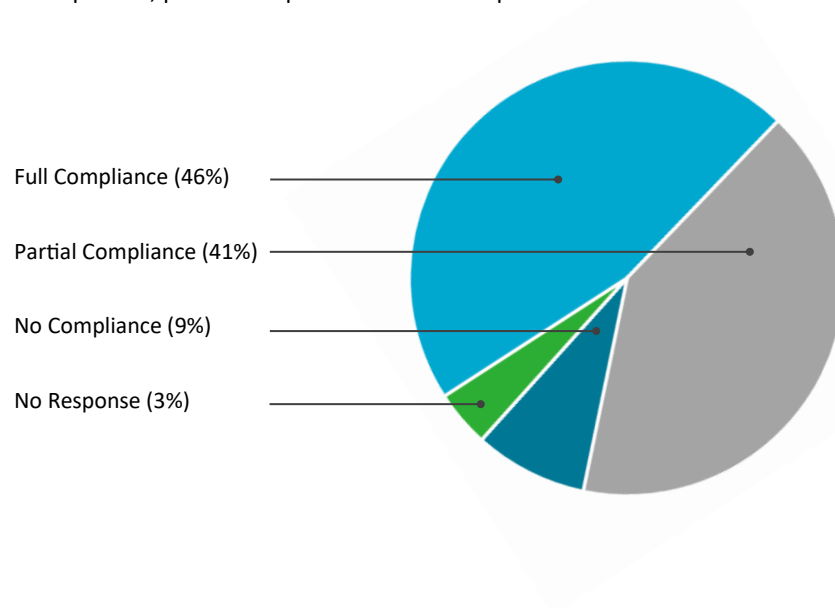
Resolution of Files

The office closed 287 files in the 2018-2019 fiscal year. This is a chart summarizing the percentages of files resolved in different ways including issuance of a Report.



Compliance with Recommendations

The office issued 95 Reports in 2018-2019. A public body or trustee is required to respond to the recommendations within 30 days of receiving the Report. This is a chart showing the percentage of Reports where there is full compliance, partial compliance and no compliance.



My office is obligated to report on the recommendations that were not complied with. See subsection 62(2) of FOIP, subsection 52(2) of LA FOIP and subsection 60(2) of HIPA.

Failure to respond to a report is considered to be non-compliance. On the following pages are three tables; the first table lists those public bodies that responded to a Report with partial compliance; the second table lists those public bodies that responded to a Report with no compliance; the third table lists those public bodies that did not respond at all.

Partial Compliance		
Government Institution	Report #	Recommendation(s) not or partially complied with*
Ministry of Central Services	Review Report 301-2017, 302-2017, 303-2017, 304-2017, 003-2018	[59]
Ministry of the Economy	Review Report 289-2017, 345-2017	[64]
Ministry of Education	Review Report 013-2018	[47] , [48]
Ministry of Environment	Review Report 017-2018	[57]
Ministry of Environment	Review Report 047-2018	[52]
Ministry of Health	Review Report 077-2018	[83]
Ministry of Health	Review Report 078-2018	[57]
Ministry of Health	Review Report 080-2018	[94]
Ministry of Health	Review Report 086-2018	[167]
Ministry of Immigration and Career Training	Review Report 291-2017, 347-2017, 234-2018, 235-2018	[112] , [113] , [114]
Ministry of Immigration and Career Training	Review Report 344-2017	[27]
Ministry of Justice	Review Report 019-2017	[64] , [65]
Ministry of Labour Relations & Workplace Safety	Review Report 004-2018	[57]
Public Service Commission	Investigation Report 243-2017	[36]
Saskatchewan Gaming Corporation	Investigation Report 238-2018	[29] , [30]
Saskatchewan Government Insurance	Review Report 146-2017	[54] , [55] , [57]

*Refers to paragraph # in the Report. Click on the link to go directly to the Report.

Partial Compliance

Local Authority	Report #	Recommendation(s) not or partially complied with*
Chinook School Division No. 211	Review Report 336-2017	[66] , [67]
City of Prince Albert	Review Report 011-2018	[41] , [42]
Northern Village of Pinehouse	Review Report 204-2018	[49] , [50] , [51] , [52]
R.M. of Manitou Lake	Review Report 035-2018	[28]
R.M. of Rosthern	Review Report 229-2017, 031-2017 - Part II	[48]
Saskatoon Police Service	Review Report 037-2018	[106] , [107]
Saskatchewan Polytechnic	Investigation Report 002-2018	[29] , [31] , [33]
South East Cornerstone School Division	Review Report 010-2018	[68] , [69] , [72]
University of Regina	Investigation Report 260-2017	[50] , [52] , [53]
University of Regina	Review Report 038-2018	[60] , [61] , [63]
University of Saskatchewan	Investigation Report 308-2017, 309-2017, 310-2017	[90]
University of Saskatchewan	Investigation Report 206-2018, 207-2018, 208-2018, 214-2018	[50] , [51a] , [51b] , [51d] , [51e]
Trustee	Report #	Recommendation(s) not or partially complied with*
Dr. Falah Majid Medical P.C. Inc.	Investigation Report 162-2018	[44]
eHealth Saskatchewan	Investigation Report 351-2017, 031-2018, 143-2018, 144-2018, 145-2018	[109] to [114]
eHealth Saskatchewan	Investigation Report 161-2018	[156] , [158] , [159] , [161] to [169]
Saskatchewan Health Authority	Investigation Report 308-2017, 309-2017, 310-2017	[83] , [84] , [85] , [90]
Saskatchewan Health Authority	Review Report 333-2017	[66]
Saskatchewan Health Authority	Review Report 334-2017	[53]
Saskatchewan Health Authority	Review Report 335-2017	[50]
Saskatchewan Health Authority	Investigation Report 005-2018	[40]
Saskatchewan Health Authority	Investigation Report 014-2018, 016-2018	[38]
Saskatchewan Health Authority	Investigation Report 180-2018, 181-2018, 226-2018	[42] , [43]
Sun Country Regional Health Authority	Investigation Report 284-2017	[55]

*Refers to paragraph # in the Report. Click on the link to go directly to the Report.

No Compliance

Government Institution	Report #	Recommendation(s) not complied with*
Ministry of Energy and Resources	Review Report 033-2018	[33]
Ministry of Energy and Resources	Review Report 046-2018	[43]
Ministry of Environment	Review Report 048-2018	[36]
Local Authority	Report #	Recommendation(s) not complied with*
City of Regina	Review Report 339-2017	[35] , [36]
University of Saskatchewan	Review Report 298-2017	[50] , [51]
Village of Hodgeville	Investigation Report 349-2017	[33] , [34] , [35]
Village of Hodgeville	Investigation Report 350-2017	[56] to [64]
Trustee	Report #	Recommendation(s) not complied with*
Saskatchewan Health Authority	Investigation Report 041-2018, 203-2018	[38]

*Refers to paragraph # in the Report. Click on the link to go directly to the Report.

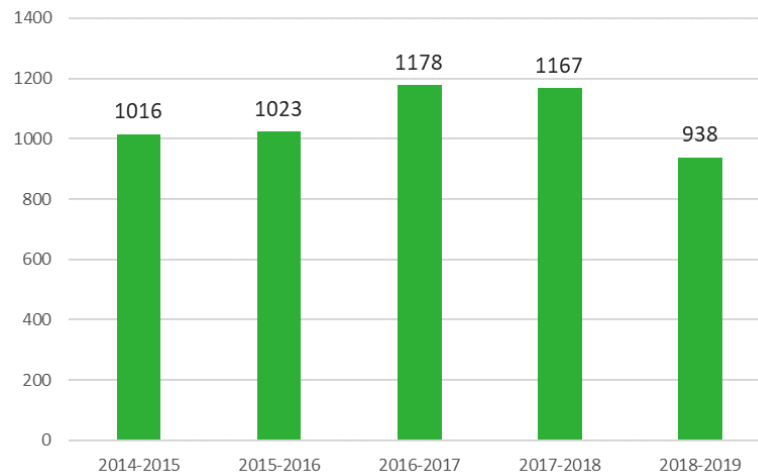
No Response Received

Local Authority	Report #	Recommendation(s) not complied with*
Northern Village of Pinehouse	Review Report 104-2018	[24]
R.M. of Blaine Lake	Review Report 140-2018	[24] , [25] , [26]
R.M. of Blaine Lake	Review Report 223-2018	[24]
Trustee	Report #	Recommendation(s) not complied with*
LN De Beer Medical Professional Corporation	Investigation Report 351-2017, 031-2018, 143-2018, 144-2018, 145-2018	[106] , [107]
South Hill Medical Practice	Investigation Report 351-2017, 031-2018, 143-2018, 144-2018, 145-2018	[105] , [106] , [115]
West Hill Medical Clinic	Investigation Report 351-2017, 031-2018, 143-2018, 144-2018, 145-2018	[108]

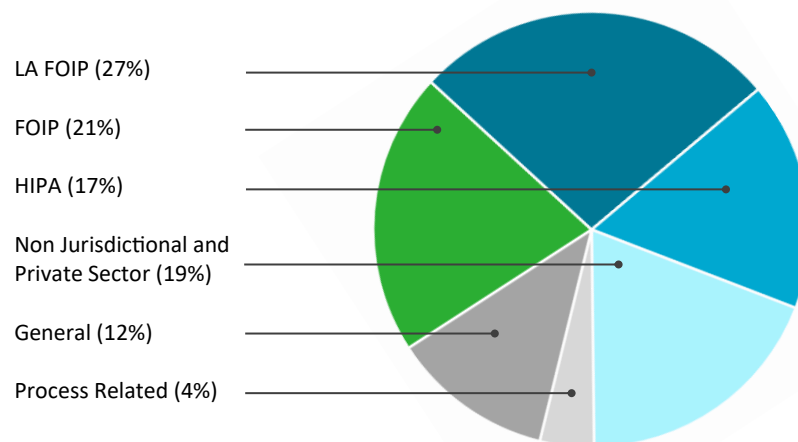
*Refers to paragraph # in the Report. Click on the link to go directly to the Report.

Requests for Advice

The mandate of the office is to provide education and a good portion of that education takes the form of people contacting the office and obtaining advice. In 2018-2019, the office provided summary advice on 938 occasions.



From the chart below, it is clear that the office gives advice related to the three main statutes where the office has jurisdiction; 65% of summary advice was given related to these pieces of legislation.



Modernizing the Legislation

In my Commissioner's Message I talk about how our society has moved from paper to a digital world and propose access and privacy legislation be modernized. The following list of proposed changes are not exhaustive, but intended to begin a conversation so that we have the most modern legislation in the country.

The Health Information Protection Act (HIPA)

For the Citizen

- Authorize disclosure without consent to an individual's family members if the recipients of the information reasonably require the information to make decisions regarding their own health care or their children's health care;
- Require a public notice on the trustee's website describing their information collection, use and disclosure practices, who to contact, and how to complain to the commissioner;
- Trustees to require express consent before using recording or video devices to collect personal health information;
- Provide for a waiver of fees if the individual cannot afford to pay for access to records or it is fair for any other reason to excuse payment;
- Require mandatory breach notification to affected individuals and the Commissioner's office;
- Require a trustee to provide an advisory response to the applicant on the status of an access request within 10 days;
- Define "trustee" to include corporations or persons which operate a facility providing a health service including massage therapists and cannabis dispensaries;
- Include a section making access easier for those with disabilities; and
- Provide whistleblower protection for those reporting a breach of HIPA.

For the Trustee

- Allow trustees to disclose information to authorized persons in another province;
- Allow trustees to seek the advice of the commissioner;
- Define "research", "next of kin", "disclosure", "health service" and "employee";
- Clarify that trustees may provide authorization for the use of personal health information by health professionals, employees and students for the purpose of education and training, if not reasonably practicable to get the consent of the subject individual;
- Enable a trustee to disclose personal health information to a regulated health professional that provided health care to that individual in the last ten days if the disclosure relates to health care services recently received;

- Define “employee” to include students that have signed a written confidentiality agreement with a trustee in order to authorize access to personal health information for training purposes;
- Allow for trustees to use or disclose personal health information of a deceased individual where it relates to a claim under an insurance policy, to inform next of kin of the death, to carry out the individual’s wishes regarding organ and tissue donation, and where necessary for the identification of the body or for funeral arrangements;
- Provide for authorization for a trustee to report to law enforcement if a subject individual is committing or is suspected to be committing a crime under the *Criminal Code* or the *Controlled Drugs and Substances Act* (Canada);
- Require trustees to enter into written agreements with information management service providers similar to subsection 24.2(2) of FOIP or subsection 23.2(2) of LA FOIP;
- Mandate trustees when using electronic means to collect, use or disclose personal health information to create, maintain and regularly audit records of user activity of those systems;
- Require trustees to appoint an employee as an access and privacy coordinator who is responsible for receiving applications for access to records and for the day-to-day administration of the Act;
- Require mandatory notification to regulatory bodies when a member of a health profession, employed by a trustee, is terminated, suspended or subject to disciplinary action as a result of an unauthorized collection, use, disclosure, retention or destruction; and
- Clarify that a trustee may withhold from an applicant information relating to standardized tests or assessments, procedures or techniques if the disclosure of the information could reasonably be expected to prejudice the use or the results of the particular diagnostic tests or assessments.

For the Commissioner

- Allow the Commissioner to share information with other commissioners in other provinces or territories similar to subsections 45(1) and 45(2)(e) of FOIP;
- Require a trustee to apply to Queen’s Bench when not wanting to follow recommendations of the Commissioner within twenty days of the issuance of a review or investigation report and provide for the procedure on appeal;
- Broaden the prohibition of legal proceedings against the Commissioner;
- Provide clarity that the Commissioner’s powers do not simply exist in the context of a review but also in an investigation of any potential contravention of the act;
- Provide that documents given to the Commissioner over which solicitor-client privilege is claimed is not a waiver of that privilege;
- Allow the Commissioner to file a special report with the Legislative Assembly;
- Require all personal health information be stored in Canada;
- Require the act to be reviewed every five years so as to keep up with changes in our digital world; and
- Provide the ability of the Commissioner to comment on the privacy implications of new technology.

The Freedom of Information and Protection of Privacy Act (FOIP) and The Local Authority Freedom of Information and Protection of Privacy Act (LA FOIP)

For the Citizen

- Include an object or purpose clause in FOIP and LA FOIP;
- Amend the definition of “government institutions” to include all organizations created by legislation unless specifically exempted by regulation;
- Define “local authorities” to include watershed associations, planning and development boards and local housing authorities;
- Make organizations who receive grants from a government institution or local authority subject to Parts IV of FOIP and LA FOIP to protect personal information they hold, including databases;
- Make organizations who enter into contracts with a government institution or a local authority subject to Part IV of FOIP and LA FOIP to protect personal information they hold, including databases;
- Clarify that an access to information request may be made on the prescribed form, in writing or electronically;
- Amend the definition of “third party” in both FOIP and LA FOIP that excludes both government institutions and local authorities in both Acts;
- Require that anytime a third party exemption is raised, that government institutions and local authorities must provide notice to the affected third parties;
- Allow public bodies not to produce a record that will be posted on their website or published within 30 days, currently 90 days;
- Provide for an exemption for third party personal information;
- Streamline the fee structure and provide that no citizen pays if the costs are under \$200;
- Require public bodies to undertake a Privacy Impact Assessment in certain circumstances;
- Narrow the scope of the provision which allows public bodies to neither confirm nor deny the existence of a record;
- Provide for a duty to document by public bodies;
- Explicitly state that access to manuals, policies, guidelines or procedures, if not on a government institution’s or local authority’s website, is provided free of charge;
- Require public bodies to appoint an employee as an access and privacy coordinator who is responsible for receiving applications for access to records and for the day-to-day administration of the Act;
- Amend section 5 of LA FOIP to include a statement that records, including electronic ones, created by or accessible to an elected official for municipality business are the municipality’s records;
- Amend the legislation so that certain driver license information is included as personal information;

- Amend the provisions regarding existing rights in section 4 of FOIP and LA FOIP;
- Include a section that limits disclosure of the applicant's name when making a request for information to only those with a clear need-to-know;
- Include a section making access easier for those with disabilities;
- Require a public body to apply to Queen's Bench within twenty days of the issuance of a review or investigation report when not wanting to follow recommendations of the Commissioner;
- Include a provision concerning the retention and disposal of personal information;
- Require registered political parties to be subject to Part IV of FOIP to protect personal information they hold, including databases;
- Include a provision similar to section 30 in HIPA that prohibits the use or disclosure by any person that has received personal information in contravention of FOIP or LA FOIP; and
- Provide for an amendment that allows disclosure of personal information to a self-represented litigant who intends to take legal action; and
- Provide whistleblower protection for those reporting a breach of FOIP or LA FOIP.

For Public Bodies

- Provide a section giving public bodies authority to recover personal information where an unauthorized disclosure has occurred;
- Create a provision to exclude from the definition of "personal information" what is commonly known as business card information and the views or opinions of anyone offered in a professional capacity;
- Provide for the ability for a head to seek the advice of the Commissioner;
- Define "real risk of significant harm" for privacy breach; and
- Define "consistent purpose" for use of personal information.

For the Commissioner

- Include a ground for a review or investigation for any contravention of the Act similar to subsection 42(1)(c) in HIPA;
- Include a provision dealing with potential conflicts of interest allowing the Commissioner to delegate his or her power and authority;
- Broaden the prohibition of legal proceedings against the Commissioner;
- Require a public body to apply to Queen's Bench when not wanting to follow recommendations of the Commissioner within twenty days of the issuance of a review or investigation report and provide for the procedure on appeal;
- Define published materials, including on a website;
- Define research, officer, collection, use, disclosure, and "trade secrets";

- Provide that documents given to the Commissioner over which solicitor-client privilege is claimed is not a waiver of that privilege;
- Provide that breaches of personal information be reported to the Commissioner;
- Require all personal information be stored in Canada;
- Amend section 46 of FOIP to require communications between the Commissioner and a public body be kept confidential and not discloseable;
- Provide a section in LA FOIP regarding confidentiality proceedings, similar to section 46 of FOIP.
- Allow the Commissioner to file a special report with the Legislative Assembly;
- Require the Act to be reviewed every five years so as to keep up with changes in our digital world;
- Provide clarity that the Commissioner's powers do not simply exist in the context of a review, but also in an investigation of any potential contravention of the Act; and
- Provide the ability of the Commissioner to comment on the privacy implications of any new technology.

Conclusion

It is my hope that this annual report and the proposals to modernize the legislation will start a conversation that in two years or so, we have updated legislation in our province and have the most modern access and privacy legislation in the country. Legislation that takes into account that we now live in a digital world.