

**ANNUAL REPORT
2019**

**OFFICE OF THE
INFORMATION AND PRIVACY
COMMISSIONER**

**PROVINCE OF PRINCE EDWARD
ISLAND**





Prince Edward Island Île-du-Prince-Édouard

Legislative Assembly

Assemblée législative

Information and
Privacy Commissioner
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Commissaire à l'information et
à la protection de la vie privée
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June 15, 2020

The Honourable Colin LaVie, MLA
Speaker of the Legislative Assembly
Province of Prince Edward Island
P.O. Box 2000
Charlottetown, PE
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Honourable Speaker:

I am pleased to present to you the enclosed 2019 Annual Report of the Office of the Information and Privacy Commissioner, for the period January 1, 2019 to December 31, 2019. This is the seventeenth report from this office and is submitted to you pursuant to subsection 59(1) of the *Freedom of Information and Protection of Privacy Act*.

Yours sincerely,

Karen A. Rose
Information and Privacy Commissioner

Enclosure

KAR/kj

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Commissioner's Message:

Although this Annual Report centres on the operations of the Office of the Information and Privacy Commissioner (OIPC) for the 2019 year, as I write I am mindful of more recent circumstances. Our office is one of many that presently continues to be impacted by two unexpected events this year; a malware attack on provincial government systems which was discovered in February, 2020, and the Covid 19 virus which has resulted in a worldwide pandemic and a public health crisis here and across our planet. In all likelihood, the former will be discussed in a future Annual Report of the OIPC. The latter will continue to impact the day to day lives of all Islanders for the foreseeable future. Despite the shift in focus, we remain vigilant of individuals' rights to access information from government, and of the privacy of their personal information. The OIPC continues to carry out our independent oversight responsibilities, as we encourage Islanders, even in the midst of crisis, to bring their privacy complaints and requests for review to us. Our democratic institutions, and our access and privacy rights, are as important now as they were before these events.

This is my final report of the activities of the OIPC, as my term will end this month. As I was appointed as PEI's first Information and Privacy Commissioner in November 2002, I am in a position to observe how time has impacted freedom of information and protection of privacy in Prince Edward Island. I ask readers' indulgence to share my observations.

Since the opening of our office, we have had the benefit of precedents from other jurisdictions to aid us in interpreting similar provisions to those in PEI's *FOIPP Act*. Still, for the first few years, every file was a new issue to the office. With each new order or report, we developed and refined our collective understanding and application of the law. When I returned to the office at the beginning of this term, in 2015, I recall being surprised that we were still dealing with many reviews involving section 14 of the *FOIPP Act*.¹ I quickly realized that further guidance was still needed regarding the interpretation of this provision, and that the unique circumstances of each review will often require further refinement of that guidance.

Our office is only one of the cogs in the machine that provides access to public records, and protects the privacy of the volume of personal information held by government and health custodians. Looking back, I am pleased by the evolution of the provincial access to information and protection of privacy programs. Our own learning curve is matched by the development of expertise of public bodies, particularly the centralized Access and Privacy Services Office and, more recently, health custodians. The quality of submissions we receive now from public bodies, are more thorough and nuanced, befitting the complexity of government decisions.

¹Section 14 is an exception to disclosure if a business has supplied certain types of business information in confidence, and disclosure would harm the business in specific ways.

The average person has become more familiar with their access and privacy rights, and I am encouraged that applicants remain, for the most part, unrepresented. Applicants should not need to incur legal or other consultant fees to exercise their rights to review a decision of a public body or a health custodian. Many applicants and privacy complainants continue to impress me with their understanding of foundational concepts.

In recent years, public bodies have voluntarily reported privacy breaches to the OIPC. Although such reports are not required by the *FOIPP Act*, this process has been educational. Our office benefits from an inside view of how information practices are managed within government, and public bodies benefit from guidance on how to manage breaches, and minimize the chances of similar breaches happening in future. Reporting to our office has provided timely support to public bodies experiencing a privacy breach, but I suspect that many breaches are not reported to our office. When faced with a privacy breach, I encourage public bodies to report to our office for comments and guidance.

We have also noticed delays in processing access requests during the past two years; in 2019, we received a much greater number of requests for time extensions from public bodies as well. Access requests should be processed quickly as, very often, the information requested has less value to the public when it loses its timeliness. I urge public bodies to devote the resources necessary to ensure a timely access to information process.

Examining our budget, which is at page 23 and has now quadrupled its initial size of 18 years ago, I am gratified that our office has done much with little. My gratitude is centred on the ever ready and consistent efforts of our two staff Kimberley Johnston and Maria MacDonald, but also applies to the public bodies, health custodians, applicants and complainants who bring access and privacy issues to us which demand answers. It is only through the combined efforts of all these individuals that we are able to develop guidance for everyone's interpretation of the *FOIPP Act* and the *Health Information Act*. Each order and investigation report further delineates what is expected of public bodies and custodians under these laws, and makes the rights of applicants and complainants more clear.

I welcome the new Commissioner Denise Doiron, and trust that she will find the role as challenging and rewarding as I have.

Karen A. Rose,
Information and Privacy Commissioner

Overview of the OIPC:

The Information and Privacy Commissioner is an independent officer of the Legislative Assembly, appointed on the recommendation of the Standing Committee on Legislative Management. The appointment is for a term of five years, by resolution of the Legislative Assembly, supported by at least two-thirds of the members present. The Commissioner's oversight responsibilities are grounded in these purposes of the *Freedom of Information and Protection of Privacy Act* ("the FOIPP Act"):

- *to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act;*
- *to control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information, and to control the disclosure by a public body of that information;*
- *to allow individuals, subject to limited and specific exceptions as set out in this Act, a right of access to personal information about themselves that is held by a public body;*
- *to allow individuals a right to request corrections to personal information about themselves that is held by a public body; and*
- *to provide for independent reviews of decisions made by public bodies under this Act and the resolution of complaints under this Act.*

and these purposes of the *Health Information Act* ("the HIA"):

- *to establish a set of rules for custodians regarding the collection, use, disclosure, retention and secure destruction of personal health information that protects the confidentiality of personal health information and the privacy of the individual to whom the personal health information relates;*
- *to enable personal health information to be shared and accessed, where appropriate, for the better provision of health services and the planning and management of the health care system;*
- *to provide an individual with the right to examine and receive a copy of the individual's personal health information maintained by a custodian, subject to limited and specific exceptions, as set out in this Act;*
- *to provide an individual with the right to request the correction of or amendment to the individual's personal health information maintained by a custodian, as set out in this Act;*
- *to establish mechanisms to ensure the accountability of persons having custody or control of personal health information and to safeguard the security and integrity of the personal health information in their custody or control;*
- *to provide for an independent review of decisions made by custodians and the resolution of complaints made with respect to custodianship of personal health information; and*
- *to provide effective remedies for contraventions of this Act.*

Staff:

We are a three-person office, the Information and Privacy Commissioner, the adjudicator and the administrative officer.

Mandate:

The Information and Privacy Commissioner provides independent oversight of decisions of public bodies under the *FOIPP Act* and custodians under the *HIA*. The independence of the office is vital for the proper fulfillment of the Commissioner's duties. The Commissioner is sworn to conduct the affairs of the office with an impartial approach. The Commissioner does not take sides between a given applicant or complainant and a public body or custodian. Rather, the Commissioner's role is to conduct an investigation to determine the facts, request submissions, and make findings in an impartial manner.

Mission:

In addition to fulfilling the purposes of the *FOIPP Act* and the *HIA*, the mission of the office also includes the following goals:

- To educate public bodies, health care custodians, and citizens regarding the principles of information access and privacy standards and rights established by the *FOIPP Act* and the *HIA*;
- To operate the office in a fiscally responsible manner, and to manage and conduct the office with respect, honesty and integrity; and
- To provide staff with a healthy work environment, and a challenging and flexible workplace that recognizes resourcefulness and dedication.

Vision:

The vision of the office is of provincial public bodies and health information custodians who foster a culture of openness, transparency and respect for personal privacy, and value the security of the personal information they hold.

Values:

Fairness, openness, transparency, and a respect for privacy are the broad values which guide the activities of this office.

Legislative Responsibility:

Freedom of Information and Protection of Privacy Act

Under the *FOIPP Act*, the Information and Privacy Commissioner is responsible for monitoring how public bodies administer the *FOIPP Act*, and for performing other duties to ensure that the purposes of the *FOIPP Act* are achieved.

The Commissioner's primary duties are to perform independent reviews of decisions of public bodies respecting access to information requests and requests for correction of personal information, and to investigate complaints that an individual's personal information has been collected, used, or disclosed by a public body in violation of the *FOIPP Act*.

In addition to the Commissioner's functions relating to reviews, the Commissioner performs other duties to ensure that the *FOIPP Act's* purposes are achieved, including:

- *conducting investigations to ensure compliance with any provision of the FOIPP Act or compliance with rules relating to the destruction of records set out in any other enactment of Prince Edward Island;*
- *making an order described in subsection 66(3) whether or not a review is requested;*
- *informing the public about the FOIPP Act;*
- *commenting on the implications for freedom of information or for protection of personal privacy of proposed legislative schemes or programs of public bodies;*
- *commenting on the implications for protection of personal privacy of using or disclosing personal information for record linkage;*
- *authorizing the collection of personal information from sources other than the individual the information is about;*
- *bringing to the attention of the head of a public body any failure by the public body to assist applicants under section 8; and*
- *giving advice and recommendations of general application to the head of a public body on matters respecting the rights or obligations of a head under the FOIPP Act.*
- *giving advice and recommendations to the head of a public body on any matter respecting any rights or duties under the FOIPP Act.*

Health Information Act

Since July 1, 2017, the Commissioner has been responsible for overseeing that health information of Islanders is dealt with by custodians in a manner consistent with the provisions of the *HIA*. The *HIA* sets out uniform requirements to protect the personal health information of Islanders while concurrently serving their health care needs. The intent of the legislation is for health care custodians to permit Islanders access to their own personal health information, and to balance the protection of their personal privacy with the need to appropriately collect, use and disclose their personal health information.

Decisions under the FOIPP Act

Decisions Resulting from Access Reviews

If an individual is not satisfied with the decision of a public body relating to their request for access, the individual may request a review by the Commissioner within 60 days of receiving the decision of the public body. Alternatively, a third party who is not satisfied with the decision of a public body to disclose information to an applicant, may request a review by the Commissioner within 20 days of receiving notice of the decision. The request for review must be in writing to the Office of the Information and Privacy Commissioner, and there is no fee.

Section 66 of the *FOIPP Act* authorizes the Commissioner to issue orders relating to access to information reviews. Sixteen such orders were issued by the Commissioner in 2019. Table A, on page 24, sets out these statistics in detail.

FI-19-001, January 10, 2019

Re: Workers Compensation Board

A proponent of a Request for Information and Qualification (RFIQ) was concerned about possible conflict of interest of one of the evaluators. They requested access to records, which included the evaluator's detailed conflict of interest disclosure statement. The WCB provided the disclosure statement but withheld the name of a company in which the evaluator is a shareholder. The WCB decided that this is personal information, the disclosure of which would be an unreasonable invasion of personal privacy of the evaluator. The applicant requested a review.

The Commissioner found that the name of the company is personal information of the evaluator. However, the Commissioner also found that, in the circumstances, disclosure of the name of the company would not constitute an unreasonable invasion of the evaluator's personal privacy. The Commissioner ordered the WCB to provide the applicant with access to this information.

Real or perceived conflicts of interest are an important consideration in public body decision-making, and, as the Applicant points out, especially where the decision may involve lucrative public body contracts. Openness, transparency and accountability require that the WCB be compelled to disclose as much information as possible relating to conflicts of interest in such decision making, short of unreasonably invading the personal privacy of individuals.

- Commissioner, Order No. FI-19-001 at para 38

The Record is not about the Third Party as a private individual, but only about the Third Party's ability to carry out the responsibilities of evaluator without a real or perceived conflict of interest.

- Commissioner, Order No. FI-19-001 at para 43

FI-19-002, January 22, 2019

Re: Department of Finance

The Department of Finance provided a fee estimate to process the Applicant's access request. The applicant requested a fee waiver on the basis that the applicant cannot afford the payment, and on the basis that the records relate to a matter of public interest. The Department refused to provide a fee waiver.

The Commissioner accepted that the applicant cannot afford to pay the fee. Based on all of the circumstances, including the purposes of the access provisions of the *FOIPP Act*, that both parties had taken steps to reduce the fee, and that the applicant could have achieved the same purpose with a narrower request, the Commissioner allowed the applicant a partial fee waiver.

The Commissioner found that the applicant had not provided sufficient evidence to show that the responsive records relate to a matter of public interest.

The Commissioner ordered the Department to refund the applicant \$175 of the \$685 fee.

Both parties refer to fund-raising efforts which helped the Applicant to pay at least part of the fee. I give little weight to this circumstance, as I have already found that the Applicant cannot afford payment, and I do not wish to penalize applicants for their resourcefulness in managing to pay fees that they otherwise cannot afford.

- Commissioner, Order No. FI-19-002 at para 30

FI-19-003, January 24, 2019

Re: Department of Economic Development and Tourism, and Executive Council Office

The Commissioner considered whether to accept an applicant's requests for review delivered four years after two public bodies advised the applicant that they did not find any responsive records.

The Commissioner declined to extend the limitation period to accept a request for review, considering the following factors:

- (1) the purposes of the *FOIPP Act* generally, and the purpose of the 60-day limitation period;
- (2) the impact of the passage of time on the quality of evidence;
- (3) the Applicant's reason for the delay; and
- (4) the basis of the Applicant's requests for review.

The time limit for an applicant to request a review of a public body's decision on an access request, is measured in days, not years. In my view, the passage of more than four years is beyond the Public Bodies' reasonable expectation that their decisions on these four access requests would be reviewed by the Information and Privacy Commissioner.

- Commissioner, Order No. FI-19-003 at para 16

FI-19-004, February 7, 2019

Re: Department of Economic Development and Tourism

An applicant requested access to information relating to proposals for management, leasing or ownership of any or all provincial golf courses. The Department sought input from third party businesses with respect to disclosure. One of seven third party businesses objected to disclosure of an initial Expression of Interest (EOI), and a detailed EOI, and requested that they be withheld in their entirety.

The Department decided to give the applicant access to the two EOIs, with certain severances based on section 14 of the *FOIPP Act*. The third party requested a review, stating that disclosure of the remaining information in the EOIs would be harmful to the third party's business interests.

The Commissioner found that the third party had not satisfied its burden to prove that subsection 14(1) of the *FOIPP Act* applies to most of the information in the EOIs. The Commissioner ordered the Department to withhold certain financial information on 4 pages of the EOIs, as this information satisfies subsection 14(1) of the *FOIPP Act*. The Commissioner otherwise confirmed the decision of the Department to provide the applicant with access to the EOIs, with severances.

There is a trend in government procurement of transparency, consistent with a purpose of the FOIPP Act, providing access to public body records. This trend may be beneficial to competitors who can use information to determine whether they are well placed to bid on future Calls for Expressions of Interest. The benefits to government include receipt of competitive bids, along with increased public trust.
- Commissioner, Order No. FI-19-004 at para 48

FI-19-005, March 5, 2019

Re: Department of Workforce and Advanced Learning

An applicant requested access to records relating to a bill to amend the *Employment Standards Act*. The Commissioner reviewed the Department's application of sections 19, 20, 22, and 25 of the *FOIPP Act*.

The Commissioner found that the Department properly applied sections 19 [intergovernmental relations], 22 [advice from officials] and 25 [solicitor-client privilege] of the *FOIPP Act*.

With regard to the Department's section 20 [cabinet confidences] claim, the Commissioner found that section 20 applies to the withheld information in all but eight pages. The Commissioner ordered the Department to disclose the information on these eight pages to the Applicant.

The Public Body did not withhold all of the information in the five pages. It is apparent from the disclosed information, that the information that the Public Body withheld is discussion between an employee of the Public Body and their provincial peers, providing their positions on the issue of athletes and employment standards or similar legislation. This is sensitive information, and this factor weighs in favour of a finding that the information was submitted in confidence.
- Commissioner, Order No. FI-19-005 at para 24

FI-19-006, March 11, 2019

Re: Executive Council Office

An applicant requested access to a communications plan associated with a provincial marketing campaign. Executive Council provided the applicant with access to some information, but withheld some information, on the basis of clause 22(1)(g) of the *FOIPP Act*, which relates to advice to officials. The applicant sought a review.

The Commissioner found that the withheld information on one page did not meet the criteria of clause 22(1)(g) of the *FOIPP Act*. Therefore, the Commissioner ordered Executive Council to provide the applicant with access to that information.

The Commissioner further found that the withheld information on a second page met the criteria of clause 22(1)(g) of the *FOIPP Act*, and Executive Council reasonably exercised their discretion to withhold this information.

If the analysis contained in the information at issue on page two, is disclosed in response to an access request, there is a real possibility that the advisory process between communications professionals and the public bodies to whom they provide advice, would become less frank. This, in turn, would negatively affect the decisionmaking process of public bodies such as Executive Council.

- Commissioner, Order No. FI-19-006 at para 30

FI-19-007, June 4, 2019

Re: Department of Education and Lifelong Learning

An applicant requested access to information in relation to a private school's registration application under the *Private Schools Act*. The applicant also requested information about the students who attend the school, policy and procedures concerning the rights of the children, and oversight mechanisms used by the Department.

After consulting with the private school, the Department decided to give the applicant access to 33 pages of responsive records, with certain severances, pursuant to section 15(1) of the *FOIPP Act*. The private school requested a review on the basis of subsection 14(1) of the *FOIPP Act*, that disclosure of some information in the records would be harmful to the private school's business interests, as well as subsection 15(1), that disclosure of some information in the records would be an unreasonable invasion of personal privacy of third parties.

The Commissioner found that the Department had properly applied section 15 of the *FOIPP Act* to most of the personal information in the responsive records, with the exception of a phone number of an employee, and information indicating post-secondary institutions attended by teachers. The Commissioner found that, in the circumstances, disclosure of this information would be an unreasonable invasion of personal privacy of the third parties to whom the information relates.

The Commissioner further found section 14 of the *FOIPP Act* does not apply to information in the responsive records. The Commissioner confirmed the decision of the Department in this regard.

The Third Party also refers to negative comments posted online. Unfortunately, we live in a world in which negative remarks may be made about individuals or businesses without foundation, via the internet or social media. While this is so, the Third Party has not described a cause and effect relationship between disclosure and the alleged harms, and they have not demonstrated that the likelihood of harm from disclosure is genuine and conceivable.

- Commissioner, Order No. FI-19-007 at para 90

FI-19-008, June 25, 2019

Re: Department of Environment, Water and Climate Change

An applicant asked for access to records relating to impacts of carbon pricing. The Department refused to provide 22 pages of responsive records to the applicant, on the basis of sections 19 (intergovernmental relations) and 22 (advice from officials) of the *FOIPP Act*.

The applicant asked the Commissioner for a review. The Commissioner found that the Department had properly applied clause 19(1)(b) of the *FOIPP Act*, as the disclosure of the 22 pages could reasonably be expected to reveal information supplied in confidence by the Federal government, and the Federal government did not consent to disclosure.

As the Commissioner found 19(1)(b) applied to the records at issue, it was no longer necessary to consider section 22.

The applicant raised section 30 of the *FOIPP Act*, which permits a public body to disclose information if there is a risk of harm to the environment or to public health. The Commissioner found that section 30 does not apply to permit disclosure of the records.

I agree with the Applicant that it is widely accepted that climate change poses a clear and present danger to our planet. Declarations of a climate emergency have been made by governments across Canada. The carbon tax is one method chosen by our Federal government to reduce the greenhouse gas emissions which drive climate change. Even in the context of a climate emergency, I must look to the records at issue themselves to determine whether there is a clear or compelling public interest in their disclosure.

- Commissioner, Order No. FI-19-008 at para 39

FI-19-009, June 28, 2019

Re: Department of Justice and Public Safety

An applicant requested access to records related to any persons who have died while incarcerated within a provincial correctional centre, including any incident reports, related coroner's reports, investigation or follow-up reports.

The Department decided they are unable to confirm or deny the existence of records as, pursuant to clause 10(2)(b) of the *FOIPP Act*, disclosing the existence of the information would be an unreasonable invasion of third parties' personal privacy.

The applicant sought a review. The Commissioner found that, in these circumstances, disclosure of only whether responsive records exist, would not be an unreasonable invasion of personal privacy for any third party. Therefore, clause 10(2)(b) does not apply. The Commissioner ordered the head of the Department to respond to the applicant's access request on this basis.

I have considered that the Applicant has no pressing need for the information at issue and the Applicant is not required to maintain the confidentiality of the information at issue once it has been disclosed to them. I have also considered that, if a third party exists, they are deceased, and cannot consent to disclosure. Despite these relevant factors, I find that the transparency and accountability expected of the Public Body, relating to the information at issue, is to be given more weight. As with suicides in public institutions, government openness requires that the public know whether those who are housed in our provincial correctional facilities, have died while incarcerated.
- Commissioner, Order No. FI-19-009 at para 31

FI-19-010, July 10, 2019

Re: Workers Compensation Board

An applicant requested access to all asbestos worker and contractor certificates, and all permits issued to any company or government department in relation to Three Oaks Senior High construction, from 2016 to the date of the request.

The WCB provided the Applicant with access to responsive records, but severed names of third parties pursuant to section 15 (disclosure harmful to personal privacy) of the *FOIPP Act*. The applicant sought a review.

The Commissioner found that disclosure of the names of third parties would not constitute an unreasonable invasion of personal privacy for the named individuals. The Commissioner ordered the WCB to provide the applicant with access to the records.

I agree with the Applicant that, rather than relying on a statement, however accurate and well-intentioned, that the workers were certified to do the work, it is better to have the records at issue to support such a statement. Such an action would be supportive of transparency.
- Commissioner, Order No. FI-19-010 at para 39

FI-19-011, July 24, 2019

Re: Department of Education and Lifelong Learning

An applicant asked for access to all emails over a specific date range, between the Deputy Minister and his successor, on the issue of PISA [Programme for International Student Assessment].

The Applicant also requested a copy of a presentation by the Deputy Minister, in relation to how to improve student achievement in light of PISA results. The Public Body provided some but not all of the responsive records. The slides of two presentations were withheld pursuant to subsection 20(1) [Cabinet confidences] of the *FOIPP Act*. The applicant asked the Commissioner to review the decision in relation to subsection 20(1).

The Commissioner found that the Department had properly applied subsection 20(1) to three of the slides in the two presentations. The Commissioner further found that the remainder of the slides are not subject to subsection 20(1), as their disclosure would not permit the reader to draw accurate inferences about Cabinet deliberations.

The Commissioner ordered the Public Body to provide the applicant with access to all but three slides.

It is necessary to differentiate between the information which would reveal the subject of deliberations of Cabinet, and information which would reveal the substance of those deliberations. With the exception of the three pages identified above, none of the slides have information which would allow accurate inferences to be made by anyone who was not present at Cabinet.
- Commissioner, Order No. FI-19-011 at para 32

FI-19-012, August 7, 2019

Re: Department of Justice and Public Safety

Two applicants requested access to records resulting from a workplace assessment at the Family Law Centre. The Department withheld the records in their entirety, on the basis that disclosure would be an unreasonable invasion of third parties' personal privacy [section 15], or could reasonably be expected to reveal advice to officials [section 22]. Both applicants sought a review.

The Commissioner found that the Department properly applied sections 15 and 22 to some, but not all information in the records. The Commissioner ordered the Department to provide the applicants with access to some information to which neither section 15 nor 22 applies, most of which relates to background facts and the process of the workplace assessment.

I am not persuaded that information in the records at issue revealing the background and process of the consultation, background facts, or recommendations, is personal information. In addition, there is some information in the Report, such as quotes of staff which would be personal information if the speaker were identifiable. However, this information is used to provide analysis in the Report, and is not associated with identifiable individuals. Therefore, it is not personal information.
- Commissioner, Order No. FI-19-012 at para 24

FI-19-013, August 20, 2019

Re: Department of Transportation, Infrastructure and Energy

An applicant requested access to records related to the hiring of a contract employee. The Department provided the applicant with a five-page contract, disclosing one page in its entirety, and severing information on the remaining four pages on the basis that disclosure would be an unreasonable invasion of personal privacy of the employee, pursuant to section 15 of the *FOIPP Act*. The applicant sought a review of the Department's decision, including the delay in processing the request, and the adequacy of their search.

In relation to section 15 of the *FOIPP Act*, the Commissioner found that the Department did not properly apply this exception to the information in the contract. The Commissioner ordered the Department to disclose the contract in its entirety.

The Commissioner found that the delays in processing the request were not compliant with the *FOIPP Act*, and ordered the Department to refund the applicant's initial processing fee. The Commissioner further found that the Department conducted a reasonable search for records, and exercised their discretion reasonably in deciding not to transfer the access request to another public body. However, the Commissioner also found that the Department did not make reasonable efforts to respond openly, accurately and completely to the applicant during the processing of the access request.

I accept that the housing problem, and the government's housing plan, have received broad media coverage in this province. The Applicant further states that the term of the contract (the start and end dates), although part of the Third Party's employment history, is relevant to the implementation and delivery of the province's Housing Action Plan, as it covers a time period to 2023. In my view, these factors, combined with the fact that the contract is the only record which reveals the details of this senior appointment, raise a need for public scrutiny of the contract.

- Commissioner, Order No. FI-19-013 at para 31

FI-19-014, October 31, 2019

Re: Workers Compensation Board

An applicant requested access to records relating to a Request for Information and Qualification (RFIQ) published by the WCB in April, 2016.

The WCB sought input from six third party businesses with respect to disclosure. One of the six third party businesses objected to disclosure of most of the information in the responsive records pertaining to them, specifically a response to the RFIQ by the third party, emails with attachments, and audio recordings. The third party consented to disclosure of some information, including information available to the public through the third party's website.

The WCB decided to grant the applicant partial access to the responsive records, withholding specific business and personal information contained in the records, subject to the exceptions under sections 14 (harm to business interests) and 15 (unreasonable invasion of personal privacy)

of the *FOIPP Act*. The WCB also decided to withhold some information pursuant to section 22 (advice from officials) of the *FOIPP Act*.

The third party requested a review of the WCB's application of section 14 of the *FOIPP Act*. The Commissioner found that section 14 of the *FOIPP Act* does not apply to the information in the responsive records proposed to be disclosed to the Applicant by the WCB. The Commissioner confirmed the decision of the WCB relating to section 14.

The Third Party further submits that disclosure to a competitor will "do nothing to advance the purposes of the [FOIPP Act] or the public interest generally". In my view, access to information advances the purposes of the FOIPP Act, no matter the applicant.

- Commissioner, Order No. FI-19-014 at para 55

FI-19-015, November 21, 2019

Re: Department of Economic Growth, Tourism and Culture

An applicant sought access to information related to an alleged debt owed to the Government of PEI by third parties. The Department created a one-page summary, consulted with third parties, and provided the summary to the applicant.

The third parties complained to the Commissioner that the head of the Department was in a conflict of interest, and biased, when creating the summary, and making the decision to disclose it.

The Commissioner found that the third parties had not established that the head of the Department was in a conflict of interest.

The Commissioner found that, in providing the summary to the applicant, the head of the Department had responded to the applicant's access request accurately and completely. The Commissioner further found that the third parties had not established that the head of the Department was biased.

I have been provided with no evidence that the head of the Public Body has a private or personal interest in the outcome of the litigation, or that the head of the Public Body will be privately or personally affected by providing the Summary to the applicant.

- Commissioner, Order No. FI-19-015 at para 24

FI-19-016, November 28, 2019

Re: Public Schools Branch, Department of Transportation, Infrastructure and Energy

An applicant requested a fee waiver from two public bodies, on the basis that the applicant cannot afford the payment, and that the records relate to a matter of public interest. The public bodies considered the applicant's requests, and provided partial fee waivers.

The Commissioner found that the fee estimates provided by the public bodies to the applicant were not reasonably calculated. The Commissioner reduced the fee estimates.

The Commissioner accepted that the applicant has a limited ability to pay the fees, and that the records relate to a matter of public interest. Based on all of the circumstances, the Commissioner found that a partial fee waiver of 62.5% is appropriate for both public bodies. The Commissioner confirmed the fee waiver allowed by the PSB, and ordered the Department to grant a greater fee waiver.

I find that the Applicant should bear some of the cost of her request, due to her decision to refuse to narrow the request to, for example, environmental and safety concerns. The emails about work crews, staff and other coordination, and general scheduling and construction, could not reasonably be expected to benefit the public, or contribute to the resolution of the public's concerns. Therefore, the Public Bodies should not bear the cost of this part of the access request.
- Commissioner, Order No. FI-19-016 at para 68

February 14, 2019

Health PEI v. Privacy Commissioner

In 2016, an applicant requested that the Commissioner review a decision of Health PEI. Health PEI had not provided the Applicant with access to records the Applicant had requested. Health PEI's refusal of access was based on provisions of the *Health Services Act* relating to quality improvement information. On the basis of these same provisions, Health PEI refused to provide the records to the Commissioner to conduct a review. The Commissioner considered Health PEI's position, and issued an interim order finding that these provisions did not prevent Health PEI from providing records in the course of the review, and ordered Health PEI to produce the records to the Commissioner [Order FI-17-005, *Re: Health PEI*, 2017 CanLII 32456 (PE IPC)].

Health PEI applied to the Supreme Court of PEI for a judicial review of the Commissioner's order. In 2018, the Supreme Court agreed with Health PEI, and quashed the Commissioner's order to produce these records for the Commissioner's review [*Health PEI v Privacy Commissioner*, 2018 PESC 11 (CanLII)].

The Commissioner appealed the matter to the PEI Court of Appeal, and in 2019, the Court of Appeal overturned the decision of the lower court and remitted the matter back to the Commissioner [*Health PEI v Privacy Commissioner*, 2019 PECA 7 (CanLII)]. The Court of Appeal clarified the operation of the provisions of the *Health Services Act* which relate to quality improvement information, and how they interact with the *Freedom of Information and Protection of Privacy Act*. Health PEI is not required to produce quality improvement information to the Commissioner in a review. However, they are required to provide adequate information to show that the information is quality improvement information. In this matter, the Court of Appeal was not persuaded that the record contained quality improvement information.

Decisions resulting from Privacy Complaints

An individual who believes that their privacy rights are not being protected by a public body, may make a written complaint to the Commissioner's office. The Commissioner is authorized to attempt to resolve such complaints. If the complaint cannot be resolved, the Commissioner will investigate and issue an order or investigation report. Two of the six privacy complaints made in 2019 were resolved the same year. Two orders and one investigation report were issued by the Commissioner from privacy complaints in 2019. One was brought forward to 2020. Table C , on page 26, sets out these statistics in detail.

Order No. PP-19-001, March 15, 2019

Re: Elections PEI

This investigation addressed Elections PEI's practice of disclosing to an election candidate, or to their delegate, via an electronic portal, regularly updated information regarding whether each elector has voted.

The key stated purpose of Elections PEI's disclosure of who has voted, is to enlist political parties and campaign teams to help to get out the vote. The Commissioner found that this purpose of disclosure does not satisfy clause 37(1)(b) of the *FOIPP Act*. The Commissioner further found that, in all the circumstances, Elections PEI's disclosure of whether a voter has cast a ballot, contravenes Part II, Division 2, of the *FOIPP Act*. The Commissioner ordered Elections PEI to stop disclosing this information.

Elections PEI also discloses, electronically, a list of electors, to political parties. The Commissioner found that this disclosure is authorized by the *FOIPP Act*, and Elections PEI has made reasonable security arrangements to protect the list of electors against such risks as unauthorized access, use, or disclosure, in accordance with section 35 of the *FOIPP Act*.

The question of how to increase voter turnout is a complex one, and has been the subject of much study. It is questionable whether candidates or political parties are the best, or appropriate, stewards of getting out the vote. Political parties and campaign teams are partisan. Unlike Elections PEI, or non-partisan organizations whose purpose is to increase voter turnout, political parties and campaign teams may be more interested in increasing their candidates' election performance, than in increasing the overall voter turnout.

-Commissioner, Order No. PP-19-001 at para 39

Political parties and campaign teams are made up primarily of volunteers, with variable levels of privacy awareness. Election campaigns are short, and often stressful and passionate races, which may put personal privacy at a greater risk. On PEI, political parties and campaign teams are not legally required to protect the personal information they collect, nor is their handling of personal information subject to review by an independent body.

-Commissioner, Order No. PP-19-001 at para 64

Order No. PP-19-002, November 12, 2019
Re: Island Regulatory and Appeals Commission

Former owners of a residential rental property made a complaint regarding IRAC disclosing their personal information to the new owner. IRAC acknowledged the disclosure, which occurred in the context of a Notice of Hearing and enclosed form completed by a tenant related to a security deposit.

The Commissioner confirmed that IRAC's disclosure of personal information is authorized pursuant to clause 37(1)(b) of the *FOIPP Act*, as the disclosure was for a use consistent with the purpose for which the personal information was collected, to adjudicate a dispute regarding a security deposit. The Commissioner further found that IRAC disclosed only the personal information which was reasonably required.

While I understand that a former owner may not expect a new owner to have any interest in a hearing relating to the return of a security deposit paid before the sale of property, this does not appear to be how the RRPA operates. By operation of subsection 10(12) of the RRPA, the new owner of the residential property is a party to the security deposit dispute, and the Complainants are not.

-Commissioner, Order No. PP-19-002 at para 30

Order No. IR-19-001, April 11, 2019
Re: Health PEI

An individual made a complaint to the Commissioner that Health PEI disclosed their personal information in contravention of the *FOIPP Act*.

The complainant alleged that Health PEI disclosed to the complainant's former spouse that the complainant attended a private meeting.

Health PEI investigated the complaint and concluded that the employees who had knowledge of the private meeting did not disclose the complainant's personal information as alleged. The Commissioner determined that Health PEI did not disclose the complainant's personal information in contravention of Part II of the *FOIPP Act*.

Although attendance at a meeting is not an enumerated type of personal information, I am satisfied that the Complainant's attendance at a private meeting with Health PEI is the Complainant's personal information. This is the personal information at issue.

-Commissioner, Order No IR-19-001 at para 8

Voluntary Breach Reports

Voluntary Breach Reports, FOIPP Act

There is no provision in the *FOIPP Act* that provides for mandatory reporting of privacy breaches. However, some public bodies voluntarily notify the OIPC of investigations pertaining to same. In the event of a breach, the OIPC offers advice and guidance to the public bodies who have reported the breach.

The OIPC reviews the breach management procedures of public bodies in an attempt to ensure that appropriate measures have been put in place to prevent a similar breach in future. The following summaries reflect privacy breach reports closed in 2019. In all cases, the individuals affected by the breaches were notified by the public body.

BRF-18-012 - Department of Justice and Public Safety

In this inadvertent breach, a page from the print job of one employee of the Maintenance Enforcement Program (MEP) was retrieved unnoticed with the print job of another employee, and mailed to a client. The page contained the personal information of another client. To avoid similar breaches in future, the Public Body reminded MEP staff to review all documents that are scanned, printed and copied to ensure multiple pages are not mixed in error. The Public Body also introduced a “secure print” policy, to ensure staff have control over when documents are printed.

BRF-19-013 – Public Schools Branch

An email was inadvertently sent to the wrong recipient, when an employee selected the email address of someone with the same name on GroupWise. The employee confirmed that, in future correspondence with the affected individual, they would not use the GroupWise address.

BRF-19-014 - Department of Family and Human Services

A supervisor identified that two client files had been accessed on ISM, an electronic case management system used by the department, by an employee who did not have a valid reason to do so. As a result, the clients’ files were locked on ISM, with only the Acting Director having access. The Acting Director also met with all staff to inform them of the breach and to remind them of their obligation to protect the privacy of personal information.

An internal investigation was then conducted, which concluded that 15 employees had accessed electronic files without a valid employment reason for doing so. Discipline procedures were implemented, and remediation measures included further privacy training, proactive audits, and further restriction of employee access to ISM files.

BRF-19-016 - Department of Social Development and Housing

The personal information of one client was forwarded electronically to another client with the same name, on two occasions.

The Public Body has now implemented a two-step identifier process to identify files of clients (for example, full name plus birth date), which should avoid such errors in future.

BRF-19-018 – Island Regulatory and Appeals Commission

IRAC emailed two documents to a person with the same name as the intended recipient. The documents contained the names and addresses of a landlord and tenant. Reminders were sent to all Rental Office staff to carefully review outgoing correspondence to ensure the proper recipient. IRAC also scheduled a lunchtime training session to address inadvertent disclosure and best practices for handling personal information.

BRF-19-019 – University of Prince Edward Island

UPEI reported a cyber security breach affecting online purchases at their Bookstore. The breach involved customer names and contact information, but not financial information. An individual who was able to access the personal information reported it to UPEI's third party service provider. UPEI notified 635 affected individuals by email.

UPEI worked with the third party service provider to further strengthen the protection of customers' personal information. UPEI also examined their broader privacy breach response, and how to improve processes in future.

100-04-2019- OIPC

A letter to one applicant was inadvertently placed in the wrong envelope, and mailed to another applicant. The applicant who received the letter confirmed that they did not read it, and returned it to the OIPC. The OIPC implemented the use of windowed envelopes to avoid such errors in the future.

Comments of the OIPC

The OIPC encourages public bodies to be proactive in reporting privacy breaches to the Commissioner. The OIPC is able to assist by providing guidance or advice to reduce the chance of similar breaches occurring in future.

Decisions under the *Health Information Act*

Decisions resulting from access reviews

Under the *HIA*, if an individual is not satisfied with the decision of a custodian relating to their request for access to their own personal health information or related to their request to correct their own personal health information, the individual may request a review by the Commissioner. There was one decision in relation to a *HIA* access review in 2019. Three other access reviews were opened, and all three were resolved.

Order No. HIA-19-001, August 7, 2019

Re: Health PEI

An individual requested correction of a statement in a medical chart that was attributed to them about their history of addiction. Health PEI refused to correct the statement on the basis that the individual had not demonstrated that the statement is incomplete or inaccurate for the purposes for which Health PEI uses the personal health information. The individual requested a review. The adjudicator confirmed the decision of Health PEI, that they are not required to correct the statement. Health PEI advised the Applicant of their right to file a concise statement of disagreement to append to the record. The Adjudicator held that the 97-page record, the Applicant requested to be appended, was not concise.

Although Health PEI has not set out a purpose for chart records, my view is that the dominant purpose of emergency department records is to document the factors the medical professionals considered in making their diagnosis and treatment plan.
- Adjudicator, Order No. HIA-19-001 at para 25

Decisions resulting from privacy complaints

If an individual believes that their personal health information has been breached by a custodian, they may complain to the Commissioner. No decisions resulted from such privacy complaints in 2019. Two privacy complaints were opened; one was resolved, and one was brought forward to 2020.

Decisions resulting from mandatory breach reporting

With some exceptions, the *HIA* requires that custodians report privacy breaches to the Commissioner and the individuals affected by the breach. Section 64 of the *HIA* authorizes the Commissioner to issue orders relating to mandatory breach notifications by custodians. Seven breach notifications were provided to the Commissioner by custodians in 2019. Four were resolved and three resulted in Breach Reports by the Commissioner in 2019.

Table C, on page 26, sets out these statistics in detail.

Order No. HI-19-001, March 29, 2019

Re: Dental services custodian

A custodian discovered that an employee had been emailing clients' personal health information to a family member contrary to the *HIA*. The Commissioner found that the Custodian did not maintain reasonable safeguards to prevent disclosures to an unauthorized individual.

The Commissioner found that the Custodian acted reasonably to contain the breaches, and conducted an adequate investigation. The Commissioner further found that the Custodian's process and content of their original notification to affected individuals was not adequate. However, the Commissioner found that the Custodian's decision not to identify the employee or the family member was reasonable in the circumstances.

The Commissioner found that the Custodian adequately remedied the shortcomings in their information practices, and in their notifications, and took reasonable steps to prevent similar breaches from occurring in future.

It is important to note that, at the time of the discovery of this breach, the HIA had only recently been proclaimed in force. The newness of the privacy protection obligations do not relieve the Custodian of responsibility, but they do provide some context, in that the Custodian may have been operating under policies which existed prior to the proclamation of the HIA.

- Commissioner, Order No. HI-19-001 at para 23

There is no requirement in the HIA that a custodian identify to the affected individuals the person who stole, lost, disposed, disclosed or accessed their personal health information, nor is there a prohibition against it.

- Commissioner, Order No. HI-19-001 at para 40

Order No. HI-19-002, May 30, 2019

Re: Health PEI

After obtaining an electronic log of accesses to their personal health information, an individual noticed that a named employee had accessed their personal health information multiple times on the Clinical Information System database. The affected individual reported this discovery to Health PEI, who investigated. The Commissioner agreed with Health PEI's conclusion that there were unauthorized accesses of personal health information of the affected individual by the employee.

The Commissioner found that Health PEI responded reasonably once the breach was discovered, including timely and appropriate notification to the affected individual and to the Commissioner, reasonable steps to contain the breach, and a thorough investigation. The affected individual wished to know what discipline measures Health PEI had imposed on the employee as a result of the privacy breach. Health PEI refused to disclose this information, and the Commissioner confirmed that Health PEI is not required to do so.

Victims of unauthorized access to personal health information require reasonable assurances that their personal health information will not be put at continued or further risk of unauthorized access. As a result of the foregoing, I recommend that Health PEI introduce regular auditing of the Employee's access to the CIS, with particular attention to the personal health information of the Affected Individual.

- Commissioner, Order No. HI-19-002 at para 74

HI-19-003, July 22, 2019

Re: Community pharmacy

This notification of breach originally alleged that, in late August 2017, two employees of a pharmacy had accessed the personal health information of their former co-worker in the Drug Information System, and disclosed this information at the workplace. The two employees are pharmacy assistants. Following their investigation, the custodian pharmacy concluded that one employee had accessed electronic records without authorization, but did not disclose the personal health information. The Commissioner's investigation supported this conclusion.

With regard to the information practices of the pharmacy, the Commissioner found that the pharmacy did not have reasonable information practices in place to prevent or detect privacy breaches. However, with the pharmacy's adoption of new software, and privacy training for employees, the pharmacy established reasonable prevention and detection tools.

The Commissioner found that the pharmacy did not notify the former co-worker, or the Commissioner, of the breach within a reasonable time, and should have followed up with the individual affected by the breach, and apologized, once their investigation was complete. The Commissioner further found that the pharmacy took reasonable steps to contain the breach, once it was discovered, and conducted an adequate investigation.

In order for the pharmacy to have reasonable steps in place to respond to breaches in future, the Commissioner recommends the adoption of privacy breach management procedures. Such procedures should include designating a staff member for all staff to report to in the event of a suspected privacy breach, and setting out a clear internal process to follow on the discovery of a privacy breach, including reasonable guidelines for notification, containment, investigation and remediation.

The timing of the notification of this breach was not reasonable. While the breach occurred in August 2017, the Affected Individual was not notified until three months later, in November 2017. The late notification appears to be as a result of an honest assumption by the Pharmacist that the manager was aware of the breach. This assumption was unfounded, but brings into focus a lack of procedures by the Pharmacy, relating to notification of breaches. There should be a clear internal process to follow, for all employees of the Pharmacy, upon the discovery of a privacy breach, including a designated individual to whom privacy breaches are reported within the Pharmacy. This will be a recommendation arising from this Breach Report.

- Commissioner, Order No. HI-19-003 at para 48

Financial Information:

Budget:

This annual report covers activities of the office during the calendar year of 2019 in all respects except the budget. The reporting period of the budget is from April 1, 2019 to March 31, 2020. *

	<i>2019-2020 Budget Forecast</i>	<i>2019-2020 Budget Estimate</i>	<i>2019-2020 Expenditures</i>
Administration	4,900.00	4,900.00	6,628.00
Equipment	0.00	0.00	217.00
Materials, Supplies and Services	1,600.00	1,600.00	863.00
Hospitality and Hosted Conferences	20,000.00	20,000.00	902.00
Professional Services	18,800.00	18,800.00	0.00
Salaries	215,000.00	215,000.00	217,835.00
Travel and Training	5,000.00	5,000.00	845.00
Total	265,300.00	265,300.00	227,290.00

The OIPC budget does not reveal all the operating expenses of the office, as some supplies and services the office receives are shared with other departments of the provincial government, including ITSS, Public Works and the Legislative Assembly (e.g. office space and utilities, photocopy paper, accounting services, printing services and IT support) and these costs are not reflected.

In October, 2019, the OIPC hosted the Federal/Provincial/Territorial Commissioners' meetings. Most meeting expenses were recovered by the registration fees paid by the delegates. The net cost to the OIPC was \$902.00 which is included under Hospitality and Hosted Conferences in the table above.

For information regarding Commissioner and staff expenses, which are included in the above list of expenditures, please refer to our website under "Proactive Disclosure". Due to website changes, this information is now posted under the heading "Transparency and Accountability".

*The Prince Edward Island Estimates of Revenue and Expenditures 2020-2021 has not yet been published as of the date of this Annual Report. As a result, the 2019-2020 expenditures of this office have not yet been made public.

STATISTICS

**TABLE A – Summary of Requests for Review (Access to Information), FOIPP Act
January 1, 2019 – December 31, 2019**

Public Body	Carried over from 2018	2019 requests	Resolved in 2019 without order/decision	Withdrawn in 2019 without order/ decision	Order/ Decision issued in 2019	Carried forward to 2020
Communities, Land and Environment	4	1	0	1	1	3
Economic Development and Tourism	4 (1 file combines with ECO below)	7	0	2	3 [1 order combined with ECO]	6
Economic Growth, Tourism and Culture	0	14	4	0	0	10
Education, Early Learning and Culture	3	1	1	0	2	1
Education and Lifelong Learning	0	3	1	1	0	1
Environment, Water and Climate Change	0	1	0	0	0	1
Executive Council Office	1 (+1 file combines with EDT above)	0	0	0	2 (1 file combines with EDT above)	0
Family and Human Services	1	0	1	0	0	0
Finance	2	6	1	2	1	4
Health and Wellness	1	3	3	1	0	0
Health PEI	2	3	2	0	0	3
Justice and Public Safety	5	1	1	0	3 (1 plus 1 order for two files)	2
Premier's Office	1	0	0	0	0	1
Public Schools Branch	2	6	2	2	1 (with TIE)	3
Social Development and Housing	0	1	0	0	0	1
Transportation, Infrastructure and Energy	1	5	0	1	2 (1 ordered with PSB above)	3
Workers Compensation Board of PEI	2	1	0	0	3	0
Workforce and Advanced Learning	1	0	0	0	1	0
TOTAL	30	53	16	10	19	39

**TABLE B – Summary of Privacy Complaints, FOIPP Act
January 1, 2019 – December 31, 2019**

Public Body	Carried over from 2018	2019 Complaints	Resolved in 2019 without Investigation Report/ Order/ Decision	Withdrawn in 2019 without Investigation Report/ Order/ Decision	Investigation Report/ Order/ Decision issued in 2019	Carried forward to 2020
Charlottetown Police Services (City of Charlottetown)	0	1	0	0	0	1
Elections PEI	1	0	0	0	1	0
Family and Human Services	1	0	1	0	0	0
Health PEI	1	1	0	0	1	1
Island Regulatory and Appeals Commission	1 (overlaps with WCB file below)	1	1 (overlaps with WCB file below)	0	1	0
Cannabis Management Corporation	1	0	0	0	0	1
Social Development and Housing	0	1	0	0	0	1
Transportation Infrastructure and Energy	2	0	1	0	0	1
Workers Compensation Board	(+ 1 with IRAC)	2	1 (+1 with IRAC)	1	0	0
TOTAL	7 (1 file combines WCB with IRAC)	6	4 (1 file combines WCB with IRAC)	1	3	5

**TABLE C – Summary of Reviews, Health Information Act
January 1, 2019 – December 31, 2019**

Custodian	Breach Reporting 2019 (BRH)	Access to Information Reviews 2019 (HIA)	Privacy Complaints 2019 (HIP)	Privacy Impact Assessment 2019 (PIA)	Carried Forward from 2017-18	Resolved in 2019	Report or Order issued in 2019	Carried forward to 2020
Canadian Blood Services				3 PIAs	1 PIA 1 BRH	1 PIA 1 BRH 3 PIAs		
Health PEI	5 BRHs	1 HIA			3 BRHs 1 HIP 2 PIAs	2 BRHs 1 HIP 1 PIA 2 BRHs	1 BRH 1HIA	1 PIA 3 BRHs
Pharmacy					1 BRH		1 BRH	
Dental Services	1 BRH				1 BRH	1 BRH	1 BRH	
Department Education and Lifelong Learning					1 PIA			1 PIA
Emergency services				1 PIA	1 PIA	1 PIA		1 PIA
Physician					1 BRH	1 BRH		
Physio service					1 BRH	1 BRH		
Lab (National)	1 BRH							1 BRH
Public Guardian			1 HIP			1 HIP		
TOTAL	7	1	1	4	14 5 PIAs 8 BRHs 1 HIP	16 6 PIAs 8 BRHs 2 HIPs	4 1 HIA 3 BRHs	7 3 PIAs 4 BRHs

Statistics of Public Bodies:

A list of public bodies and entities subject to the *FOIPP Act* can be found in Schedule 1, at pages 6 to 9 of the general regulations to the *FOIPP Act*. The public bodies in Part 1 of Schedule 1 are departments, branches and offices of the provincial government.

The Executive Council Office is not listed in the regulations but it is specifically named in the definition of "public body" in the *FOIPP Act*.

Part II of Schedule 1 also lists over 100 designated public bodies which are included under the *FOIPP Act*.

Appendix A sets out the number of access requests made to Part I public bodies in 2019. These statistics were provided by the Access and Privacy Services Office (APSO). The third column lists the number of reviews conducted by the OIPC for each public body, which information is also provided in Tables A and B on the previous pages.

Appendix B sets out the number of access requests made to Part II designated public bodies in 2019. The statistics for Appendix B were provided by APSO. Once again, the third column lists the number of reviews conducted by the OIPC for each public body, which information is also provided in Tables A and B on the previous pages.

It should be noted the requests for review to the OIPC in 2019 are not necessarily related to the same access requests recorded by a public body in 2019, as some may be reviews of 2018 decisions of public bodies. Further, the Appendices do not include informal responses to requests for access to information.

Appendix A: Schedule 1, Part I public bodies – Access Requests and Reviews

Public Body	Requests for access to records from public body, (general) 2019*	Requests for access to records from public body, (personal) 2019*	Requests for Review to OIPC, 2019
Agriculture and Land (includes 2 requests from Agriculture and Fisheries)	12	0	0
Environment, Water and Climate Change (includes 14 requests from Communities, Land and Environment)	38	0	(1) (1) 2
Economic Growth Tourism and Culture (includes 15 requests from Economic Development and Tourism)	47	1	(14) (7) 21
Education and Lifelong Learning (includes 4 requests from Education, Early Learning and Culture)	18	0	(3) (1) 4
Executive Council Office	5	0	0
Fisheries and Communities	2	0	0
Social Development and Housing (includes 1 request from Family and Human Services)	8	5	(1) (0) 1
Finance	22	1	6
Health and Wellness	15	0	3
Intergovernmental Affairs	1	0	0
Justice and Public Safety	21	6	1
Premier's Office	8	0	0
PEI Public Service Commission	2	0	0
Transportation, Infrastructure and Energy	27	0	5
TOTAL	226 access requests (general) to public bodies	13 access requests (personal) to public bodies	43 access reviews to OIPC

*These statistics have been provided by the Access and Privacy Services Office

Appendix B: Schedule 1, Part II public bodies - Access Requests and Reviews

Public Body	Requests for access to records from public body (general) 2019 *	Requests for access to records from public body (personal) 2019 *	Requests for Review to OIPC, 2019
Elections PEI	0	1	0
Fathers of Confederation Buildings Trust	0	0	0
French Language School Board	1	0	0
Health PEI	12	13 + 4 corrections	3
Human Rights Commission	0	0	0
Island Waste Management Corporation	0	0	0
Island Regulatory and Appeals Commission	3	0	0
PEI Cannabis Management Corporation	0	0	0
Office of the Police Commissioner	0	0	0
PEI Liquor Control Commission	0	0	0
Public Schools Branch	10	3	6
Workers Compensation Appeal Tribunal	0	0	0
Workers Compensation Board	4	0	1
TOTAL	30 access requests to public bodies (general info)	17 access requests to public bodies (personal info) + 4 correction requests	10 access reviews

* These statistics have been provided by the Access and Privacy Services Office.