



## Children's Aid Agencies must be more accountable says Privacy Commissioner

In a report released earlier this year by the Information and Privacy Commissioner, Ann Cavoukian, she recommended that the Ontario government make broad additions to the scope of the province's freedom of information and privacy legislation.

Her recommendations would include making changes to the law which would make a number of publicly funded organizations more accountable to the public, include Children's Aid Agencies.

In her 2004 annual report, which was released on June 22, 2005, the Commissioner called for amendments that would bring virtually all organizations that are primarily funded by government dollars under FOI for the purposes of transparency and accountability: This would include the various children's aid agencies in the Province of Ontario.

Many parents and families complain about how difficult it is, if not impossible, to obtain information from children's aid agencies. Many citizens complain that CAS agencies appear to operate under a veil of secrecy. Unlicensed and untrained CAS workers are making decisions which are literally destroying families, yet there is little or no accountability for their actions short of a lawsuit.

"Hundreds of organizations that are recipients of large transfer payments from the government are not subject to the provincial or municipal *Freedom of Information and Protection of Privacy Acts*," said the Commissioner, "which means they are not subject to public scrutiny." Among the examples she cites are hospitals and Children's Aid Societies. "Openness and transparency of all publicly funded bodies is essential – they should be publicly accountable."

"Each year," said the Commissioner, "my office has to tell Ontarians, again and again: 'We're sorry, but the situation you describe doesn't fall under

Ontario privacy legislation.' Residents of several other Canadian provinces have more effective privacy protection than Ontarians. Ontario, Canada's most populous province and the hub of business, needs a made-in-Ontario privacy law that will cover all of the private sector and non-government sectors, similar to laws in Alberta, B.C. and Quebec. This would be the final cornerstone statute for privacy protection in Ontario."

Commissioner Cavoukian's 2004 annual report also explores a number of issues involving hospitals and other issues such as *transparency in public matters* and the privacy implications of emerging technologies such as *radio frequency identifiers (RFIDs)*.

The Commissioner reports that, for the third straight year, the number of freedom of information requests filed across Ontario (33,557) rose to a new record. She praises a number of ministries and municipal organizations for outstanding records in meeting the 30-day response standard for FOI requests. Overall, an unprecedented number of ministries – 19 – had compliance rates exceeding 85 per cent. She also singles out government organizations with poor 2004 response rates, including Toronto Police Services and the Ministry of Health and Long-Term Care.

The Information and Privacy Commissioner is appointed by and reports to the Ontario Legislative Assembly, and is independent of the government of the day. The Commissioner's mandate includes overseeing the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, and the *Personal Health Information Protection Act*, and commenting on other access and privacy issues.