



Information and Privacy
Commissioner/Ontario

Commissaire à l'information
et à la protection de la vie privée/Ontario

News Release

June 15, 2009

Commissioner Cavoukian launching formal survey of all Crown offices – key part of Juror Privacy Investigation – with full support of the Attorney General

TORONTO – Ontario's Information and Privacy Commissioner, Dr. Ann Cavoukian, outlined today the initial steps she is taking as part of her investigation into whether the privacy rights of prospective jurors were breached when police conducted background checks – through accessing confidential databases – on behalf of certain Crown Attorneys.

The Commissioner is sending a formal survey to all 54 Crown jurisdictions, along with a covering letter, co-signed by Attorney General Christopher Bentley, to determine the nature and extent of this practice. Each Crown office is being asked an extensive range of questions by the Commissioner – covering the period dating back three years to the memorandum sent to all Crown Attorneys on March 31, 2006 by the Attorney General's office. That memorandum specifically directed Crown Attorneys not to ask police to undertake an investigation into lists of prospective jurors, other than for criminal record checks.

The survey sent out by the Commissioner will determine the extent to which Crown Attorneys have been the recipients of background information about potential jurors since the March 2006 memorandum. It will also determine the source of this information and which databases may have been accessed. The completed surveys will be sent directly to the Commissioner.

"I want to personally thank the Attorney General for his extensive co-operation, including his open support for the survey of Crown Attorneys' offices," said Commissioner Cavoukian.

In addition, the Commissioner is immediately sending a team – which will start in Windsor – to each of the three locales (Windsor, Barrie and Thunder Bay) where it has already been confirmed (in two cases, by judges declaring mistrials) that the police selectively probed the background of potential jurors. Her team will be interviewing the police who provided the information to the local Crown Attorney's office. In addition, they will also be meeting with the Crown Attorney's office and court staff. Consistent with her previous experience, the Commissioner anticipates receiving the full co-operation of all involved.

The Commissioner's powers extend to her authority to order government organizations to cease the collection of personal information and to destroy existing records that have been collected. The Commissioner used such authority in 2007 when she ordered the City of Ottawa and Ottawa Police to cease collecting extensive personal information from people selling used goods to second-hand stores; she also ordered the destruction of the personal information that had already been collected. The Commissioner's authority to conduct privacy investigations was confirmed by the Ontario Divisional Court in 2006.

The results of the Commissioner's survey will be made publicly available.



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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* and the *Municipal Freedom of Information and Protection of Privacy Act*, as well as the *Personal Health Information Protection Act*, which applies to both public and private sector health information custodians, in addition to educating the public about access and privacy issues.

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