



Information and Privacy
Commissioner of Ontario

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

VIA ELECTRONIC MAIL

February 8, 2023

David A. Cameron, MD, LLB, CCFP
Regional Supervising Coroner – Inquests
Ministry of the Solicitor General
Office of the Chief Coroner
25 Morton Shulman Avenue
Toronto, ON M3M 0B1

Dear Dr. Cameron,

RE: Inquest File Q2022-10: Inquest into the death of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam – Jury Recommendation #78

Further to your letter received on August, 10, 2022, we have reviewed the recommendations of the coroner's jury from the above-noted inquest. In that letter, your office indicated that the Information and Privacy Commissioner of Ontario (IPC) may be in a position to implement jury recommendation #78 and asked that we respond to you regarding our considerations.

Recommendation #78 reads as follows:

The Information and Privacy Commissioner of Ontario should: Working together with the Domestic Violence Death Review Committee (DVDRC), justice partners and intimate partner violence service providers, develop a plain language tool to empower intimate partner violence professionals to make informed decisions about privacy, confidentiality, and public safety.

I am pleased to confirm that my office plans to implement the recommendation in the coming year, and has already made significant progress, outlined in this letter.

As background, the IPC oversees compliance with Ontario's access to information and privacy laws, which include the *Freedom of Information and Protection of Privacy Act* (FIPPA); the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA); the *Personal Health Information Protection Act* (PHIPA); Part X of the *Child, Youth and Family Services Act* (CYFSA); and the privacy rules under the *Anti-Racism Act*.

These laws establish the rules for how Ontario's public sector organizations, including law enforcement, health care providers, children's aid societies and other child and family service providers may collect, use, and disclose personal information and provide individuals with the right of access to their information, while ensuring that such information remains private and secure. FIPPA and MFIPPA also provide the public with a general right of access to government-held records.



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In overseeing the province's access and privacy laws, the IPC is mandated to, among other things:

- resolve access to information appeals
- investigate privacy complaints
- provide comment on the privacy implications of proposed legislation and government programs
- conduct research into matters affecting the purposes of the Acts
- review privacy policies and information management practices
- educate the public, media and other stakeholders about Ontario's access and privacy laws and related contemporary issues

My office acknowledges and agrees that preventing intimate partner violence is a critical societal issue. Emerging approaches to intimate partner violence prevention include multi-sectoral, community-based collaboration and information sharing. These approaches engage many organizations subject to Ontario privacy legislation who should not face uncertainty about how information-sharing rules apply when an individual is at risk of serious harm. In this context, recommendation #78 falls within my purview.

While protecting personal information and personal health information from unauthorized collection, use and disclosure is essential, privacy must not be used as an excuse to prevent the lawful sharing of information, particularly where it is necessary for the prevention of serious harm. In developing the recommended plain language tool, one of our goals will be to identify and address myths and misconceptions associated with permissible information sharing that may be impairing privacy-compliant collaboration between justice sector and community based front-line service providers.

Jury recommendation #78 is directly aligned with the IPC's strategic priority on [Next Generation Law Enforcement](#). Our goal of this priority area is to contribute to building public trust in law enforcement by working with relevant partners to develop necessary guardrails for the adoption of new technologies and community-based approaches that protect both public safety and Ontarian's access and privacy rights.

In implementing jury recommendation #78, my office is already taking the following steps:

- Engaging with the Chief Coroner and his Chief Counsel, who is also the Chair of the DVDRC, to gain background information on the inquest and develop a working relationship with the DVDRC
- Identifying and undertaking consultations with intimate partner violence stakeholders including:
 - Ministry of the Attorney General (i.e. Crown Counsel and Ontario Victim Services)
 - Counsel to Ending Violence Against Women (EVA)-Renfrew County

- EVA-Renfrew County
 - Luke's Place
 - Bernadette McCann House
 - Victim Services of Renfrew County
 - Lanark County Interval House and Community Support
 - Woman Abuse Council of Toronto (WomanACT)
 - Police, probation and parole organizations
- Conducting research into intimate partner violence-related information sharing and its intersection with Ontario's access and privacy laws, including multi-sectoral risk intervention approaches
 - Committing to ongoing and routine engagement with intimate partner violence stakeholders and affected individuals, including on the outline and full draft of the plain-language tool

I commend your office, the members of the jury and parties to the inquest for calling for plain language guidance to assist intimate partner violence professionals in understanding their privacy obligations, while protecting against intimate partner violence. We are committed to helping intimate partner violence stakeholders comply with Ontario's access and privacy laws, while empowering them to collaborate through information sharing where there is significant risk of serious harm.

The jury has also directed several recommendations to the Government of Ontario to develop or update programs, policies, and legislation related to the collection, use and disclosure of personal information for the important purpose of improving intimate partner violence prevention. Given the privacy implications, I invite the responsible institutions to consult with my office on these initiatives as we would be pleased to provide assistance and comment on the development of any proposed legislation, program or policy being contemplated.

In the interest of transparency to the public, please note that I plan to publish this letter on the IPC's website. Should you have any questions regarding our response to the recommendation, please contact Karishma Firdausi, Policy Analyst, at Karishma.Firdausi@ipc.on.ca.

Sincerely,



Patricia Kosseim
Information and Privacy Commissioner

cc: Dr. Dirk Huyer, Chief Coroner, Office of the Chief Coroner
Prabhu Rajan, Chair, Domestic Violence Death Review Committee