



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

USE OF INFORMATION, PRIVACY AND CONFIDENTIALITY POLICY

The Law Commission of Ontario (“LCO”) relies on the participation of the public and the information members of the public provide. Although the LCO is not subject to privacy and information legislation, we believe we should be as clear as possible about how we use the information provided to us by the public and how we protect sensitive personal information. This Policy is intended to address the LCO’s specific circumstances and has been posted to the LCO’s website (<http://www.lco-cdo.org>), easily accessible from the homepage.

This policy is a written version of the informal policy relating to the use of information, privacy and confidentiality which the LCO has previously followed and a more extended version of the written practices governing consultations. It covers the LCO’s activities as outlined below.

The LCO’s mandate is to make recommendations to increase the relevance, effectiveness and accessibility of Ontario law; to clarify and simplify the law; and to consider how technology may increase access to justice. It is also to stimulate critical debate on the law and to promote scholarly research.

To realize its mandate, the LCO engages in research; prepares consultation papers, interim reports and final reports; creates advisory groups; conducts consultations among a wide variety of groups; and receives submissions in response to its publications. The LCO also invites project proposals and general comments from the public in relation to its work.

The LCO also obtains information through commissioning research papers. The LCO’s Policy on Copyright & Attribution in regard to commissioned research papers is available on the LCO’s website at <http://www.lco-cdo.org/pdf/copyrightandattributionpolicy-final-april08.pdf>.

1. Personal Information

“Identifiable personal information” (“personal information”) means information which could be used to identify an individual in their personal capacity, but does not include the name, title or business address or business telephone number of an employee of an organization. “Identifiable personal information” includes information which could indirectly identify someone as an individual in their personal capacity, including an individual’s views or opinions.

2. Use of Information: Our Current Practices

Our use of information or views expressed by individuals or organizations will usually be obvious. For example, if we release a consultation paper and invite feedback, those providing

feedback should reasonably expect that we will use the feedback at our discretion and that in the normal course, we will identify the source of the feedback when we use it. If we consult a group of people in a focus group, those participating should reasonably expect that we would not have a reason to refer to them by name, although we may wish to refer to them in a general sense, such as describing the kind of focus group.

Project Proposals: We may announce the project proposals we receive, by title or description. It is not our current practice to post the proposals. If a proposal is accepted, we identify the source of the proposal in our final report in the project. We believe it is important to show that our projects derive from a wide range of sources.

Consultations: We consult with individuals and organizations; with academics and other professional experts, and advocacy and service organizations; with people who are particularly affected by the subject matter of a project; with professionals, particularly legal professionals such as lawyers and judges, who have a particular role in relation to law; and with government ministries, departments and agencies.

We speak with people in person, on the telephone or over the web, individually or in groups; we receive written feedback on our documents in various forms; we invite responses to on-line surveys.

To plan our consultations, we may request personal information, including names, contact information, demographic information and personal histories, from participants (in a focus group, for example). We consider this information confidential and do not release personal identifying information. In our “pro-active” consultations (we organize the consultations), we explain at the beginning of the consultation how we will use what we learn from the consultation and how we will use and not use the information we receive.

In preparing our consultations papers and reports, we may refer to comments made during consultations. We try to be responsive to the sensitivity of personal information. For example, we will identify an academic or advocacy group, but will not identify a particular member of a focus group of persons in communities affected by the subject matter of the project. We may identify members of a focus group by describing the nature of the group or when and where we spoke with the group, unless doing so may reveal the identity of individual members.

Submissions in Response to Documents: We invite feedback on our consultation papers and interim reports. Feedback may take the form of an extensive written submission, an email, response to an on-line survey or a website comment. We may refer to this feedback in subsequent documents (for example, we may refer to feedback to a consultation paper in the interim report). We assume that professional individuals and organizations providing this information wish to be or have no objection to being identified. We believe that it is important to explain the source of any feedback that we include in our documents to enable others to assess its impact and to give credit where appropriate. We also receive informal emails from

members of the public; if we refer to these comments, we will not identify the individual sending the comments, except in a generic way. If we believe we need to refer to the actual individual, we will attempt to obtain consent and if we do not obtain consent, we may not refer to the comments.

Contributors to Consultation Papers and Reports: In the normal course, in our consultation papers and reports we list the names of organizations and individuals who are members of advisory groups or who have made submissions in response to consultation papers or interim reports. We want to thank these individuals and organizations for their contributions to our work and we believe it is important to show the range of input a project has received. We will not include names if individuals prefer.

Other Uses of Information: In addition to the uses above, we require personal information for the following reasons:

- to plan our outreach and project-related consultations most effectively;
- to be able to confirm the source of unsolicited comments about the LCO's work or consultation papers, interim reports and similar documents;
- to include individuals and organizations in the LCO electronic database in order to be able to advise interested persons about the LCO's activities and distribute consultation papers, interim reports, final reports and similar documents; and
- for other purposes consistent with our mandate.

Obtaining Information: We may obtain names and contact information about individuals from other parties (such as legal organizations) who believe these individuals may be interested in contributing to our work. In other cases, we ask groups such as advocacy or service groups to contact their stakeholders or clients on our behalf. We use this information only for the purpose of advising people about our work or contacting them to participate in our work.

3. Protection of Personal Information

The LCO maintains the personal information it collects in confidence in a secure location.

The LCO's webserver is serviced by Osgoode Hall Law School and York University. We may monitor traffic patterns and site usage for the purpose of using our web site effectively; only aggregated information is used for this purpose. The webserver will automatically collect IP addresses which may be viewed if required to prevent fraudulent acts.

Appropriate precautions should be taken when contacting the LCO with personal or confidential information by e-mail.

4. Third Parties

The LCO will not release personal information to an individual or organization not working on an LCO project or in relation to the LCO's activities. However, it will disclose personal information if required to do so by law.

5. Request that Information Used Not be Attributed

Other than comments made in focus groups, the LCO will usually identify the source of comments that it uses in its documents, unless the source requests otherwise. We will inquire whether a more general identifier would satisfy the individual's or organization's concern. The LCO reserves the right to not use information without attributing the source or using a general identifier.

6. Request that Personal Information be Corrected, Updated or Removed

We will correct, update or remove information on the LCO's databases or in future documents when requested by the individual to whom it pertains or his or representative.

7. Questions or Concerns about this Policy

If you have questions about this Policy or concerns about its application of the Policy, please notify Patricia Hughes, the LCO's Executive Director. Please include sufficient information to allow the LCO to respond effectively.

8. Review of Policy

The LCO reviews its policies from time to time and it may make changes to this Use of Information, Privacy and Confidentiality Policy.

9. Contact Information

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