



September 1, 2021

Manager of Access and Privacy Strategy and Policy Unit
Ministry of Government and Consumer Services
Enterprise Recordkeeping, Access and Privacy Branch
134 Ian Macdonald Boulevard
Toronto, ON M7A 2C5
Sent via email to: access.privacy@ontario.ca

Dear Manager,

Re: Public Consultation - Modernizing Privacy in Ontario

Ontario Pork is the proud voice of the province's 1,143 pork farmers, and a leader in the agriculture industry. Led by producers, we are committed to sustainable growth in the pork sector, delivering government representation, research investment, and industry improvements in areas including animal care and environmental sustainability, while growing the brand and reputation of producers and their product. Ontario's pork industry "farm to fork" generates \$2.74 billion in economic output and 15,339 in full-time equivalent jobs.

Ontario Pork is committed to the privacy of our members' personal information, to ensuring that personal information is protected, that no information is released by, or to, anyone without consent, unless required by law, and is within the organization's mandate.

We applaud the government for working to address the gaps in Ontario's legislative privacy framework. We also want to ensure that any new privacy protections do not pose unnecessary burdens to businesses, including our members, as well as to our organization and other agricultural groups.

Personal information definition

While we understand that this consultation has as its focus private sector companies and the handling of personal information, **we must continue to highlight the importance of amendments to the *Freedom of Information and Protection of Privacy Act* that would be applicable to government.**

Further to Ontario Pork's September 30, 2020, submission to the Manager of Access and Privacy Strategy and Policy Unit regarding *Ontario's Private Sector Privacy Reform Discussion Paper: Improving private sector privacy for Ontarians in a digital age*, **we continue to stress the importance of a definition of personal information that includes protection for the vast majority of our members who are family farm operators who live and work on the same property.**

This poses unique challenges as we consider name, physical location of personal residence, address, contact information, as well as any other information that could be used to identify name, physical location of personal residence, address or contact information, to be the most sensitive personal

information. The release of farm business information is in effect the same as the release of personal information. In these cases, we believe the business information should be afforded the same protections and privacy considerations provided to personal information.

Ontario Pork continues to strongly recommend that FIPPA be amended to ensure that farm business information be treated as personal information when the business and personal information are the same information, or the business information could be used to obtain the personal information of the business owner(s) or employee(s).

Ontario Pork strongly recommends that the Ontario government remove and cease to make available through Ontario's Open Data, or any other initiative, all business information which may identify, or may be used to identify, personal information.

Ontario Pork recommends amending provisions in the Ontario Corporations Act and the Ontario Not-for-Profit Corporations Act that require the release of shareholder/member contact information to third parties to instead require a corporation, when appropriate, to send the information directly to its shareholders/members on behalf of the third party.

Ontario Pork recommends that the province continue to work with its federal counterparts to ensure a consistent set of rules apply.

Best practices

Ontario Pork employs best practices regarding our members and their privacy. Our privacy policy is provided to all members and staff, as well as posted on our industry website. The language is transparent, plain and includes how information is collected, used and shared, as well our confidentiality and security practices. Ontario Pork's Privacy Officer is empowered to respond to questions, complaints and concerns, as well as to reviewing and amending our policies and practices.

Rights-based approach to privacy

The *White Paper* states that Ontario is considering whether to recognize a fundamental right to privacy in Ontario and that every individual is entitled to a fundamental right to privacy and the protection of their personal information. This rights-based approach to privacy also includes a requirement that a clear definition of personal information is required that addresses the highly variable forms in which data is found and used. **Ontario Pork agrees with this, so long as a definition of personal information includes the unique situation of our producer members, given that the vast majority of our pork producers live and work on incorporated farms that are also on the same property that they live on.**

Fair and appropriate purposes

This section of the *White Paper* states that information can only be collected, used and disclosed for purposes that an individual would reasonably expect, regardless of which lawful grounds for collecting, using and disclosing personal information may apply.

In terms of this section, **Ontario Pork would support specific limitations as set out in the *White Paper* specific to limitations, "...such as prohibiting purposes that could cause harm to individuals or groups or contravene other provincial or federal laws."**

Again, with the issue of producer personal information being the same as their farm business information, how does the Ministry propose to protect this personal information? Would it fall under “sensitive” information? What would this definition look like?

Data rights of mobility, disposal, access and correction

Ontario Pork supports the right to access and correct data; however, we must also raise an important issue regarding the transfer and disposal of personal data. **If the person is an active pork producer, Ontario Pork must maintain this information for a list of reasons, including and not limited to industry disease matters, animal traceability laws or other matters that we need to contact producers while fulfilling our mandate.**

Data transparency for Ontarians

Ontario Pork already has a comprehensive privacy program in place; while we understand that this is not the case for all organizations, **we wish to ensure that any additional requirements for organizations to develop a privacy management program be value-added and take into consideration already developed programs.**

A fair, proportionate and supportive regulatory regime

Ontario Pork agrees that for privacy regulations to be effective they must be followed; **we also continue to recommend guidance and support for organizations, as well as tools and resources to assist organizations with understanding obligations.**

As an organization, we also have stringent privacy requirements and believe that as long as an organization develops tangible processes and procedures to meet the code law, the need for additional certification programs and codes of practice, the costs of which are cost prohibitive to an organization of our size, would not provide added benefits to those we already have in place.

Enhancing consent and other lawful uses of personal information

As previously described, Ontario Pork is by law required to maintain active pork producer information, as described above.

Deidentified personal information, data derived from personal information

Ontario Pork would support a program that allows us to share deidentified information for the purposes of research and statistical work.


Further to our September 30, 2020, submission, with respect to the right for individuals to request information related to them be deleted or deindexed, i.e. “the right to be forgotten”, we believe this right should be subject to certain limitations such as when the information is required by law or regulation (for example, the requirement to have a contact list of all members/shareholders of the corporation) or when complete information is needed for an emergency response purpose (such as a foreign animal disease outbreak).

Ontario Pork also cautions that data derived from personal information which has been deidentified can sometimes be reidentified by merging the data with other datasets. Therefore, it is critical that a new

made-in-Ontario privacy law consider the risk of how likely information in deidentified data might be reidentified.

Ontario Pork appreciates the opportunity to provide input on the Modernizing Privacy in Ontario White Paper and would welcome an opportunity for further dialogue.

Sincerely,


Ken Ovington
General Manager