



September 30, 2020

Manager of Access and Privacy Strategy and Policy Unit  
Ministry of Government and Consumer Services  
Enterprise Record Keeping, Access and Privacy Branch  
134 Ian Macdonald Blvd  
Toronto, ON M7A 2C5

Sent by e-mail to: [access.privacy@ontario.ca](mailto:access.privacy@ontario.ca)

Dear Manager,

**Re: Ontario Private Sector Privacy Reform Discussion Paper: Improving private sector privacy for Ontarians in a digital age**

Ontario Pork welcomes the opportunity to provide comments on the Ontario Private Sector Privacy Reform Discussion Paper, in addition to those provided at the Ministry's Agricultural Sector Roundtable Session for Privacy Reform held on September 9, 2020.

Our organization is the voice of the province's 1,180 pork farmers, and a leader in the agriculture industry. Led by producers, Ontario Pork is 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 sector represents a significant part of the Canadian economy, combining - from "farm to fork" - \$876 million in GDP and over 13,186 full time 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, 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. We also caution the application of the same rules to all types of organizations listed in the discussion paper.

**Best practices**

Ontario Pork employs best practices regarding our members and their privacy. This important information 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.

We understand and support the need to ensure that consent is clearly understood; we also firmly believe that Ontario Pork exceeds the proposed requirements found on page 5 of the Discussion Paper under Increased Consent and Clear Transparency. We would, however, appreciate further information on the paper's statement that "...for all other collections, uses, and disclosures of personal information, the organization would need to obtain affirmative, demonstratable, informed, and unambiguous consent," given the information previously stated on farmers' personal and business information being the same.

### **Personal information**

Defining 'personal information' is of key importance to Ontario Pork as the vast majority of our members 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 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.

Unfortunately, there are many groups or individuals that do not support the farming community and their goal is to shut down animal agriculture. There have been many attempts to gain access to personal information, including farm location, that activists can then target as part of their campaign efforts.

Recently, Ontario Pork responded to FOI Request # 20-05 to the Ministry of Agriculture, Food and Rural Affairs – Notice of Consultation regarding an FOI request related to farms registered under the Farms Business Registration Program. While we do not know who the requester is or the ultimate use of the information requested, there is a concern amongst farmers and farm organizations on releasing any information that can be used to locate or map out farms.

In response to the FIPPA request, Ontario Pork submitted that if the requested information was to be provided (which we and other farm organizations do not support) then specific information must be redacted as it constitutes "personal information" as defined in section 2 of FIPPA and therefore is protected by section 21(1). Section 2 of FIPPA stipulates that:

- "personal information" means recorded information about an identifiable individual, including,  
....  
(b) ...information relating to financial transactions in which the individual has been involved,  
(c) any identifying number, symbol or other particular assigned to the individual,  
(d) the address, telephone number, fingerprints or blood type of the individual.

In the case of farmers, a Farm Business Registration Number is an identifying number that constitutes "personal information" of the farmer.

There are numerous examples of activists who have threatened the personal safety of producers as a matter of protest. Such was the case, to name but a few examples, as follows:

- Activists have used online mapping and address sharing tools in the past to target farms for protests, trespassing or “animal liberation.”
- In May of 2020, “Project Counterglow” published the addresses, GPS coordinates and commodity type of more than 27,500 farms and agricultural facilities in the United States. The project was created by members of Direct Action Everywhere (they have a presence in Ontario), an activist group whose members have publicly stated their intention to end all animal agriculture.  
<https://protecttheharvest.com/news/animal-extremists-publish-addresses-of-thousands-of-animal-enterprise-facilities-on-new-website/>
- In 2019, an activist group in Australia published the Farm Transparency Map, which showed farm locations, commodity type and contact information for more than 6,000 farms. Following publication, some activists used the map to encourage illegal actions against farms, and farm groups reported an increase in activist trespassing and break-ins. As a result, Aussie Farms, the animal rights group that published the map, had its charitable status revoked.  
<https://www.weeklytimesnow.com.au/news/national/animal-activists-release-concerning-map-tracking-aussie-farms/news-story/7cbaabe92d087ce2b76ea20ceded5bdb>
- Ontario Pork routinely receives phone calls under false pretenses from individuals claiming to need the addresses of all pork producers in the province for a variety of reasons – from insurance inquiries to surveys. Staff have been made aware of this tactic and trained not to share private information as this consistent with our privacy policy and protocols.

We cannot stress enough the unique situation the large majority of farmers are in, with farm information and personal information being the same.

**Ontario Pork strongly recommends that the FIPPA be amended to ensure and that 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).**

#### **Current legislation**

The Discussion Paper makes note that current provincial laws (Freedom of Information and Protection of Privacy Act (FIPPA), Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), and Personal Health Information Protection Act (PHIPA)) govern the collection, use and disclosure of personal information by government and specific health care providers. However, these laws are lacking when it comes to the protection of sensitive personal information when that information is also business information. As well, how would Ontario’s privacy reforms interact with other jurisdictions i.e. federal level? A consistent set of rules is required.

**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 work with its federal counterparts to ensure a consistent set of rules apply.

**Deidentified personal information, data derived from personal information**

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).

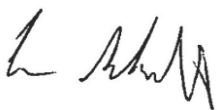
The Discussion Paper also speaks to introducing requirements and opportunities to use data that has been deidentified and derived from personal information, to provide clarity of applicability of privacy protections. Ontario Pork cautions that data derived from personal information which has been deidentified 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.

**Oversight, enforcement and fines**

Ontario Pork agrees that for privacy regulations to be effective they must be followed, however, we are concerned that prior to being punitive, other tools to assist and encourage adherence may not be used prior to handing out harsh penalties. **We strongly encourage a full range of tools, including education and communication and a positive approach, be implemented first.**

Ontario Pork appreciates the opportunity to provide input on the Ontario Private Sector Privacy Reform Discussion Paper and would welcome an opportunity for further dialogue.

Sincerely,



Eric Schwindt  
Board Chair