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When decision-makers face a potentially life or death situation

Ontario and B.C. Privacy Commissioners offer guidance to universities, colleges and school boards on emergency disclosure of personal information

TORONTO – University, college and school board professional staff tasked with making very difficult judgment calls, in what might possibly be a life or death situation, are being given a special resource designed by Ontario's and British Columbia's Information and Privacy Commissioners.

This morning, Ontario's Ann Cavoukian and B.C.'s David Loukidelis released a joint practice tool for exercising discretion - *Emergency Disclosure of Personal Information by Universities, Colleges and other Educational Institutions* – to assist decision-makers faced with deciding whether to release a student's personal information without consent in emergency circumstances.

A university in each of the two provinces lost a student to suicide in recent years (this year in Ontario). After each tragedy, privacy laws were cited as the reason that the university had not contacted the students' families about concerns beforehand.

Commissioners Loukidelis and Cavoukian stress that privacy laws in both provinces **permit the disclosure** of personal information in compelling circumstances. The practice tool for exercising discretion, aimed specifically at educational institutions, provides three sample cases of where personal information may be disclosed without the student's consent.

"Privacy laws are not the problem," said Commissioner Cavoukian. "Tragedies can occur when people who could act do not do so, due in part to a misunderstanding of privacy legislation."

"There is no question," said Commissioner Loukidelis, "that the decision to disclose a student's personal information without consent is extremely difficult and requires a reasoned judgment call. A great deal of deliberation and discretion is needed, and often staff have to act very quickly. But privacy laws do not stand in the way of disclosure where appropriate."

One of the examples cited by the Commissioners in the practice tool deals with a student who is severely depressed, with concerns arising about a possible suicide attempt. The second example deals with a student's mental state and the possible risk of significant harm to the public. The third deals with a case where a counsellor is concerned that a student may be on the verge of a breakdown and fears that the student may harm himself or others.



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The practice tool outlines the relevant laws in both provinces that pertain to personal information and personal health information, and the provisions that permit disclosure in emergency circumstances.

The Commissioners also provide guidance regarding the kinds of measures and protocols that educational institutions should have in place for such emergencies.

Commissioner Cavoukian will be making a presentation regarding the practice tool to the Council of Ontario Universities in Toronto today.

The practice tool, *Emergency Disclosure of Personal Information by Universities, Colleges and other Educational Institutions*, is available on the websites of both Commissioners (Ontario: www.ipc.on.ca; British Columbia: www.oipc.bc.ca).

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