

Regulating Non-Identifiable and Synthetic Data

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Information and Privacy
Commissioner of Ontario

Commissaire à l'information et à la
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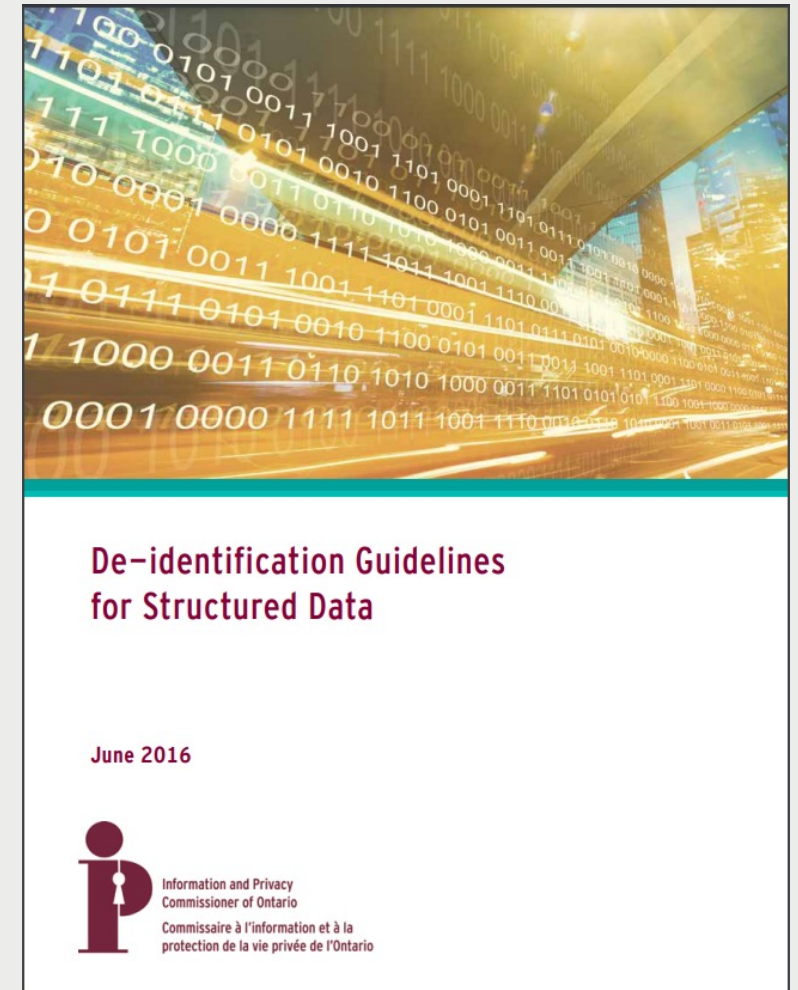
EHIL / Replica Analytics
Mini-Symposium

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IPC on De-Id – Current State

Nine-Step Process

1. Determine the release model
2. Classify variables
3. Determine an acceptable re-identification risk threshold
4. Measure the data risk
5. Measure the context risk
6. Calculate the overall risk
7. De-identify the data
8. Assess data utility
9. Document the process
- (10. Governance)



IPC on De-Id – Current State

PHIPA Decision 175 – Key Takeaways

- De-identification is a use (under PHIPA)
- De-identification is permissible without consent (under PHIPA), subject to certain conditions
- Sale of de-identified data must be *clearly and explicitly* reflected in a public notice
- Security obligations must be supported by contract
- See also Commissioner Kosseim's [blog](#), discussing the ethical questions around the sale or disclosure of de-identified health information

IPC on De-Id – Looking Forward

IPC Comments on Ontario Private Sector Privacy Legislation White Paper

- Proposed definition:
 - “**De-identified information**” means information that does not identify an individual or could not be used in reasonably foreseeable circumstances, alone or in combination with other information, to identify an individual, but still presents a residual risk, however minimal, of re-identifying an individual.”
- This is intended to acknowledge the current and future potential for information to be truly anonymized
- IPC also recommends clarity about what sections of legislation would apply to de-identified information; incentives to de-identify; transparency; etc.

IPC on De-Id – What’s next?

- Updating or expanding IPC de-identification guidance?
 - Ask: Tell us what would be most useful to you; what challenges you’re facing; etc.
- Advancing Codes of Practice?
 - Includes advocating for PHIPA de-identification standard
- Law reform?
 - Does the “three-state” model of identifiability allow for socially-beneficial research / uses of data? If not, what would you change?
- Shifting away from “identifiability”?
 - Report on the India ~~Personal~~ Data Protection Bill:
 - “It is impossible to distinguish between personal data and non-personal data, when mass data is collected or transported.”

Questions for the IPC?

- Happy to discuss now, or feel free to reach out at:

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