



**Yukon Information and Privacy Commissioner**

**Commentary**

**Secure Driver Licence and General Identification Card System**

**October 4, 2010**

## Introduction

The Yukon Information and Privacy Commissioner (IPC) is responsible for monitoring how the *Access to Information and Protection of Privacy Act (ATIPP Act)* is administered to ensure that its purposes are achieved. These responsibilities are carried out in many ways which include providing comment on the implications for access to information or for protection of privacy of existing or proposed legislative schemes or programs of public bodies (*ATIPP Act* section 42(c)).

All proposed legislative schemes, programs, or projects where records are in the custody or under the control of a public body must be structured to comply with the access and privacy provisions of the *ATIPP Act*. This Commentary is a review of the access and privacy implications of the Secure Driver Licence and General Identification Card System being implemented by Community Services which is a public body subject to the *ATIPP Act*.

This Commentary is the result of several meetings between the Information and Privacy Commissioner and officials from Community Services, as well as review of the following documents:

- Secure Driver Licence and General Identification Card System Privacy Impact Assessment, signed and dated August 2010;
- Secure Driver's Licences/General Identification Cards: Privacy Protection of Source Documents dated September 23, 2010;
- Request for Proposals: Driver Licence, Identity Card and EDL Services dated July 17, 2008;
- Canadian Council of Motor Transport Administrators information;
- Community Services Draft Motor Vehicles Drivers Policies as of August 27, 2010 and
- *Act to Amend the Motor Vehicles Act, 2010* (not proclaimed as of the date of this Report).

The authority to issue the Yukon Secure Driver Licence and General Identification Card requires amendments to the *Motor Vehicles Act*. The amendments must be proclaimed before implementation.

Over the past two years, Community Services has consulted with my office with respect to the access and privacy implications of the changes being considered to Yukon Drivers' Licences and the issuing of General Identification Cards. Their efforts are greatly appreciated and will result in a program and policy that will be in the best interests of Yukoners.

Our discussions have been very productive. The following recommendations are made with respect to the few outstanding issues:

**Recommendations:**

**Collection (Sections 29, 30(1) and 30(2) of the *ATIPP Act*)**

In order to confirm the information being collected from applicants, it is recommended that:

1. Once determined by the Registrar, Community Services provide the Information and Privacy Commissioner with the application forms for an operator's licence and a general identification card.

The amendment to s. 8(2) of the *Motor Vehicle Act* may not provide the necessary legislative authority for the Registrar to retain copies of the source documents required to be provided by individuals to authenticate their identity and residency, unless the individual voluntarily consents the collection of that information. It is therefore recommended that:

2. Community Services provide the Information and Privacy Commissioner with an explanation of how the amendment to s. 8(2) of the *Motor Vehicles Act* will be implemented in order to have the least impact on the privacy of applicants.
3. Community Services comply with the notice provision of s. 30(2) of the *ATIPP Act* by including the required notice on the application forms and/or in a highly visible location in any location where operator's licence or general identification card applications are accepted.

**Disclosure and Protection (Sections 36 and 33 of the *ATIPP Act*)**

In order to confirm the privacy protection of the information being collected from applicants, it is recommended that:

4. Community Services provide the Information and Privacy Commissioner with information to confirm that disclosure is authorized where there will be any disclosure of personal information to Yukon Government departments.

5. Community Services consider retaining electronic records for a specific and limited period of time which will meet the minimum requirement of ten (10) years for retention of electronic records as proposed in the draft Canadian Driver Licence Agreement.
6. Community Services advise the Information and Privacy Commissioner of the process it will implement to monitor the audit logs of its database system for potential privacy breaches.

Tracy Anne McPhee  
Information and Privacy Commissioner  
October 4, 2010

