

Order No. PP-07-002

Re: Department of Transportation and Public Works

**Prince Edward Island Information and Privacy Commissioner
Karen A. Rose, Acting Commissioner**

July 31, 2007

I. BACKGROUND

On June 1, 2006, the Office of the Information and Privacy Commissioner received a privacy complaint relating to the Department of Transportation and Public Works, Highway Safety Division (the “Public Body”), and its driver’s license requirements. The complaint challenged the requirement of the Public Body that applicants of Class 4 driver’s licenses must provide personal health information and must execute a release which would allow the Public Body access to still more of the applicants’ personal health information.

Jurisdiction

As this complaint deals with driver’s license requirements of a public body, it was determined that the Office of the Information and Privacy Commissioner has jurisdiction over this matter pursuant to the Regulations of the *Freedom of Information and Protection of Privacy Act* (the “*FOIPP Act*”).

Procedure

Section 50 of the *FOIPP Act* permits the Information and Privacy Commissioner to investigate and attempt to resolve complaints that personal information has been collected, used or disclosed by a public body in violation of Part II of the *FOIPP Act*.

The complainant (“the Complainant”) attended at this office on June 1, 2006, and provided a written request for review, setting out the facts relating to his complaint. The Complainant also supplied copies of supporting documentation, including the Notice of Requirement of Medical Examination which the Complainant had received from the Public Body, a copy of a draft medical examination form and draft medical certificate form which the Complainant believes are sufficient to provide all the information necessary in these circumstances, a sample of the Driver’s Licence Application, and a copy of the Complainant’s completed Driver’s Medical Certificate.

By letter from this Office dated June 9, 2006, the Public Body was asked to prepare the information necessary to explain its authority and purpose for the collection of the personal information, if any, at issue. A representative of the Public Body then met with me at this office on June 22, 2006, to further discuss the complaint, providing me with a Driver’s Medical Certificate form (“the Driver’s Medical Certificate”), being the key document at issue, and a copy of the “Notice of Requirement of Medical Examination, Section 70(6)(b) of the *Highway Traffic Act*”.

By letter dated July 13, 2006, I requested that the Public Body forward its submissions relating to the facts and issues of this complaint, including its requirement that the Complainant execute a release in the Driver’s Medical Certificate allowing access to further medical information. The Public Body was asked to confirm whether the information provided on the certificate is personal information in accordance with the definition in section 1 of the *FOIPP Act*. The Public Body was also asked to support its position that collection of the personal information at issue does not violate a right to privacy under Part II of the *FOIPP Act*, and to indicate whether it was relying on any of the subsections to sections 31 and 32 to support its collection of the Complainant’s personal medical information.

I also requested that the Public Body include historical information about policies and practices, policies for other classes of driver's licences, and reasons for any change in policy. The submissions of the Public Body were received by letter dated August 11, 2006, along with a brochure entitled "Medical Reporting, Cycles for Drivers" and a copy of the CCMTA "Medical Standards for Drivers", which standards, I have been advised, have been adopted by all of the Canadian provinces.

The Complainant provided his submissions on August 29, 2006, responding to the submissions of the Public Body. Enclosed with the submissions of the Complainant were copies of the Canadian Medical Association's (CMA) Table of Contents, Introduction and Code of Ethics to its "Determining Medical Fitness to Drive: A Guide for Physicians", which the Complainant acquired through the CMA's website.

In the course of my investigation of this complaint, I determined that further questions remained unanswered. On May 10, 2007, I wrote to the Public Body seeking additional information and I was provided with a written response dated June 14, 2007, with further information following throughout the month of July, 2007. The Complainant was provided with all of the subsequent information forwarded by the Public Body and given an opportunity to respond.

II. ISSUES

The issues arising from this complaint are as follows:

1. Does the information collected by the Public Body via the Driver's Medical Certificate constitute personal information in accordance with the definition set out in section 1 of the *FOIPP Act*?

2. If so, does the Public Body collect personal information via the Driver's Medical Certificate in violation of Part II of the *FOIPP Act*?

IV SUBMISSIONS OF THE PARTIES

The Public Body:

The Public Body cites sections 31(a) and (c) and 32(1)(a)(ii), (g)(i) and (g)(ii) as relevant sections of the *FOIPP Act* to this complaint. Various sections of Part IV of the *Highway Traffic Act*, R.S.P.E.I. 1988, Cap. H-5 (the "*HT Act*"), are also relied upon by the Public Body, namely, sections 70(6)(b), 71(1)(b) and 73(1)(e), (g), (g.1) and (l)(i). These sections state as follows:

70. (6) The Registrar may, before issuing a driver's license or at any time after he has issued the license to a person, require that person

...

(b) to undergo a medical examination or a vision examination and produce a certificate thereof in such form as the Registrar may prescribe to determine whether that person is physically and mentally competent to operate a motor vehicle or any class of motor vehicle;

...

71. (1) Subject to this Act and the regulations, upon receipt of an application in the prescribed form for the issue of a driver's license and, where required, upon compliance by the applicant with subsections 70(4)(5) and (6) and upon being satisfied that

...

(b) on the basis of the medical examination, if any, undergone under clause 70(6)(b), and of the examination, if any, taken under clause 70(6)(c), the applicant is competent to operate a motor vehicle or any class of motor vehicle,

the Registrar shall issue to the applicant a numbered driver's license in the form prescribed by the Registrar, authorizing the holder of the license to operate a motor vehicle or the class of motor vehicle specified in the license subject to this Act and the regulations.

...

73. (1) The Registrar shall not issue a driver's license

...

(e) to a person who has failed to furnish information required under this Act;

...

(g) to a person if on the basis of a medical examination undergone under clause 70(6)(b) or of an examination taken under clause 70(6)(c) the Registrar is of the opinion that that person is not competent to operate a motor vehicle;

(g.1) to a person who, in the Registrar's opinion, is medically unfit to operate a motor vehicle in accordance with the most recent edition of the Medical Standards for Drivers' published by the Canadian Council of Motor Transport Administrators;

...

(l) to a person whose record, in the opinion of the Registrar, makes him unsuitable to hold a license and in forming that opinion the Registrar may consider

(i) the physical or mental condition or history of the applicant, and

The Public Body points out that, pursuant to section 31(a) of the *FOIPP Act*, a public body may collect personal information, if that collection is expressly authorized by or under an enactment of Prince Edward Island or Canada. It submits that Part IV of the *HT Act* gives the Registrar sufficient authority to require an applicant for a driver's license to undergo a medical examination, to produce a medical certificate from a doctor and to consent to the Registrar's access to further medical information from the doctor, as the Registrar may require. Under clause 70(6)(b) of the *HT Act*, the Registrar may require a person to undergo a medical examination and produce a certificate thereof, in such form as the Registrar may prescribe, to determine whether that person is physically and mentally competent to operate a motor vehicle, or any class of motor vehicle. The Public Body emphasizes the fact that based on the *HT Act*, it is the Registrar's authority to make the decision relating to medical fitness to drive, not the medical doctor. It also stresses the fact that it is the authority of the Registrar to prescribe the form used to collect information from the medical examination and produce a medical certificate.

The Public Body also relies upon section 31(c) of the *FOIPP Act*, that personal information may be collected if that information relates directly to and is necessary for an operating program or activity of the Public Body. The Public Body cites the Freedom of Information and Protection of Privacy Policy Manual, at page 163, which states that this section establishes a two-part test wherein the personal information must relate directly to and be necessary for the Public Body. The Public Body submits that “relates directly to” means that personal information must have a direct bearing on the program or activity, and “necessary for” means that the Public Body must be able to demonstrate a need for the information.

Applying the two-part test noted above, the Public Body states that the Complainant’s health information, as outlined in the form of a medical certificate from the Complainant’s doctor, or in the form of additional or subsequent medical information, does have a direct bearing on the Complainant’s ability to drive a specific type of vehicle, and on the Registrar’s ability to ensure that the Complainant is qualified to be licensed in the particular class of license for which they have applied. Similarly, the medical certificate and, if necessary, additional and subsequent medical information obtained directly from the doctor, is absolutely necessary for the Registrar to determine whether the Complainant is medically fit to operate the class of motor vehicle for which they have applied. In the Public Body’s opinion, there would be no other way for the Registrar to make a decision regarding the Complainant’s medical fitness, other than to obtain that information from his doctor.

The Complainant maintains that a certificate of medical fitness from their physician has always been sufficient and should continue to be sufficient. The Public Body states that it is not sufficient for a physician to make the determination of medical fitness. The Public Body points out that the *HT Act* does not state that the Registrar may issue a license upon the recommendation of a physician to medical fitness, but that it is the Registrar who is authorized and required to make those decisions. The Public Body argues that the medical doctor merely

supplies the raw data when they fill out the medical certificate, or when they provide the medical records to the Registrar. Pursuant to the relevant sections of the *HT Act*, it is the Registrar's duty to make the determination as to whether that raw data fits into the requirements of medical fitness for a specific class of license. The prescribed form of medical certificate requires the doctor to address various factors which are pertinent to determining eligibility. Without the form, the Public Body submits that the doctor might not realize what factors are pertinent and, therefore, might certify fitness to drive without having addressed all relevant factors.

The Public Body references the Canadian Council of Motor Transport Administrators (CCMTA) "Medical Standards for Drivers", which was adopted as the national standard in Canada and which all provinces use as the standard for determining medical fitness of applicants for various classes of driver's licenses. The standards may differ depending on the class of license being applied for. It is used by the Registrar to compare the information supplied by the individual's doctor to the standards set out for the class of license being sought and to determine the applicant's eligibility. The Public Body states that over the past couple of years Prince Edward Island has implemented the full medical reporting standard as per the National Safety Code found within the above-mentioned document.

In addition to section 31, the Public Body relies upon section 32(1)(a)(ii) of the *FOIPP Act*, that the Public Body may collect personal information indirectly, if indirect collection is authorized under another Act or regulations made under another Act. The Public Body submits that the release at page 1 of the Driver's Medical Certificate requires the Complainant to authorize the indirect collection of additional medical information from the Complainant's doctor and, as such, that collection is also authorized by section 70(6)(b) of the *HT Act*.

Finally, relying on Order PP-04-004 from this Office and section 32(1)(g) of the *FOIPP Act* to support its argument, the Public Body submits that it may collect information indirectly, where that information is necessary to determine the eligibility, including ongoing eligibility of an individual to participate in a program, or receive a benefit, product, or service from the Government, or from a public body, and states that the issuance of driver's licenses falls squarely within this provision.

The Complainant:

The Complainant alleges that he has been driving a taxi for many years, and that this is the first time he has been required to sign such a general release for the Public Body to collect his personal health information.

The Complainant challenges the legitimacy of the *HT Act*, if it allows the Public Body the right to delve into medical information that is held in confidence between the Complainant and his doctor. The Complainant provides historical examples of legislation which had been passed by Parliament or a legislature and later found to be invalid. The Complainant argues that such is the case with the *HT Act* provisions relied upon by the Public Body.

The Complainant submits that Part IV of the *HT Act* infringes his privacy rights for two reasons: firstly, it is an infringement of the privacy of personal information between a patient and their doctor; and secondly, it allows the Registrar to request medical information without any evidence or grounds. The Complainant questions the fairness of section 70(6)(b) of the *HT Act*, which allows the Registrar to make the decision regarding a driver's medical fitness, even if contrary to a doctor's certificate.

The Complainant states that the CCMTA “Medical Standards for Drivers” is a guide for doctors in their evaluation of a person seeking certification as to their fitness to drive, and that the Canadian Medical Association’s “Guide for Physicians in Determining Fitness to Drive” is an aid provided to doctors in determining whether or not to sign a medical certificate. With such professional guidelines provided to physicians, the Complainant argues that a simple certificate from his physician stating the physician’s opinion that he is medically fit to drive, should be sufficient. The Complainant submits that there is no need for the Public Body to have any further information other than that which is provided by the doctor’s certificate. The Complainant further argues that the ethics standards of the medical profession compel doctors to inform the Public Body of any information which may result in or possibly cause danger to the public, thereby addressing any risks to the public.

The medical professionals on Prince Edward Island are sworn to uphold the requirements of their association. One only need to look at the regulations they are sworn. If there is any medical condition that will impede the driving of a motor vehicle, it will be reported to the Public Body for further steps to be taken. Failure to comply with these demands may result in the doctor losing their license to practice.

The Complainant also contends that all drivers should be required to complete the medical certificate, not just those driving in a professional capacity. He argues that driving professionals are exposed to drivers that are not required to fulfil these stringent requirements and thus exposed to unacceptable risks. This submission of the Complainant goes beyond the jurisdiction of my office to investigate the privacy compliance of the Public Body’s actions as they exist. I will, therefore, not be considering this aspect of the Complainant’s argument.

The Complainant responds to the Public Body's reference to Order PP-04-004 of this office. He argues that his complaint has no similarity with the referenced order. He states that in Order PP-04-004, the request for financial compensation for loss of income was directly related to the complainant's medical condition. Therefore, the onus of proof was upon them. He concludes, "This is clearly not the case in my providing medical proof of my condition to drive a taxi."

In his reply to the Public Body's additional information provided, the Complainant points out that many new regulations have been presented in the name of public safety, but their usefulness should still be balanced with the risk of excess collection of citizens' personal information.

The Complainant estimates that less than 10% of drivers have a license for which a medical report is required. He suggests that the 90% of the driving public who do not have to provide such personal information are unconcerned with those who do, as they are not negatively affected by this regulation. Indeed, in his earlier submissions, the Complainant stated as follows:

I must point out at this time that I have done a small survey of workers at the Department of Motor Vehicles here in Charlottetown. Four out of five people that are employed there had a class 5 licence. Four out of five would not want to have to supply the Department of Motor Vehicles with the information and required waivers demanded of the other class of licenses. I can well believe that if all classes of licenses were required to provide the medical information and waivers of that of professionals, there would be an uprising. What the general population isn't asked for; that don't know about; not affected by; don't care about.

The Complainant argues that the Public Body has access to all recorded traffic tickets, accident history and other driving-related matters of citizens. If there is reason, or a pattern of reasons, within that data that would make a driver suspect to medical or negligence issues, it is at that time that the Public Body should call in the driver and assess the need of a new drivers exam, a driving test, or a medical examination. He points out that the Public Body possesses all the tools necessary to do such evaluation, including driver examiners and a medical board.

The Complainant concludes by reiterating that he is not opposed to providing medical information by way of a certificate signed by his physician, who is bound by CMA guidelines. This collection of personal information is necessary, but anything beyond that is privacy invasive.

IV. RESULTS OF INVESTIGATION AND FINDINGS

Does the information collected by the Public Body via the Driver’s Medical Certificate constitute personal information in accordance with the definition set out in section 1 of the FOIPP Act?

The Driver’s Medical Certificate at issue is a four page form entitled as such. The opening paragraph states, “This certificate is to be used to record the results of a medical examination by a physician on behalf of an application for a driver’s licence issued pursuant to the *Highway Traffic Act* and Regulations”. The form is divided into four parts: (i) Part I - Driver/Patient Information; (ii) Part II - Vision; (iii) Part III - Medical History/Physical Examination; and (iv) Part IV - Recommendations Respecting Medical Fitness to Operate a Motor Vehicle. The form is to be signed by the driver’s physician and the physician is asked to enclose any reports or comments they feel are appropriate.

Personal information is defined in section 1(i) of the *FOIPP Act* as follows:

1. In this Act

...

- (i) “personal information” means recorded information about an identifiable individual, including
 - (i) the individual’s name, home or business address or home or business telephone number,
 - (ii) the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations,
 - (iii) the individual’s age, sex, marital status or family status,
 - (iv) an identifying number, symbol or other particular assigned to the individual,

- (v) the individual's fingerprints, blood type or inheritable characteristics,
- (vi) information about the individual's health and health care history, including information about a physical or mental disability,
- (vii) information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given,
- (viii) anyone else's opinions about the individual, and
- (ix) the individual's personal views or opinions, except if they are about someone else;

Based on the above definition, I conclude that the information collected in the Drivers Medical Certificate clearly satisfies the definition of personal information in subsection 1(i) of the *FOIPP Act*, particularly as described in subsections (i), (iii), (iv), (v), (vi), and (viii).

Does the Public Body collect personal information via the Driver's Medical Certificate in violation of Part II of the FOIPP Act?

Section 31 of the *FOIPP Act* states as follows:

31. No personal information may be collected by or for a public body unless

(a) the collection of that information is expressly authorized by or under an enactment of Prince Edward Island or Canada;

(b) that information is collected for the purposes of law enforcement; or

(c) that information relates directly to and is necessary for an operating program or activity of the public body.

Section 31(b) of the *FOIPP Act* does not apply, as the personal information was not collected for purposes of law enforcement. The question, therefore, is whether the collection of the information in the Driver's Medical Certificate is expressly authorized by or under an enactment of Prince Edward Island or Canada and whether the information relates directly to and is necessary for an operating program of the Public Body in accordance with subsections 31(a) and (c). As set out in detail above, the Public Body submits that both subsections apply.

Comparison with Other Jurisdictions:

As noted above, for comparison purposes, I asked the Public Body to canvas the other provincial and territorial jurisdictions to determine their procedures for collection of information to ensure medical fitness of driver's license applicants. The responses received by the Public Body indicate that the approaches taken vary significantly between jurisdictions. However, despite the variations, privacy implications have been considered by each jurisdiction that responded.

Of the information provided to me by the Public Body relating to the forms and procedures of other jurisdictions, none appear to have an equivalent to the Driver's Medical Certificate required by the Public Body of Prince Edward Island. Two examples are provided as follows:

In Ontario, the licensing authority advises that drivers reported with a medical condition must provide details of the condition (diagnosis, prognosis, results of investigations, medications, compliance with treatment etc.) to confirm that they meet the national medical standards (CCMTA and CMA). The individual is advised by a letter from the licensing authority as to what information is required, which also depends on what information was reported about the condition. This information is provided on the physician's own letter head. There is also a commercial medical report form used for drivers applying for a higher class of

license. They are also required to have the form completed on a cyclical basis according to age: (i) under age 46, every 5 years; (ii) age 46-64, every three years; and (iii) age 65 and over, annually.

In Saskatchewan, a Commercial Driver's Licence Medical Report form must be completed by the driver applicant and the applicant's doctor. It is a two-page form canvassing the applicant's medical conditions which would affect driving ability, if any. Within the form is a Driver's Certificate and Waiver which must be signed by the applicant. It states, "I certify that the information I have given in this report, to the best of my knowledge, is correct and complete. I agree to allowing my physician to forward this report directly to the Auto Fund Division. I also understand that any driver's licence issued to me may be withdrawn if I do not meet the medical requirements for the licence."

As indicated above, these examples are only useful for comparison purposes, as I am unfamiliar with the privacy protection legislation applicable in those jurisdictions. However, the range of variations itself is instructive; it indicates that each jurisdiction addresses public safety in its driver's licence requirements, and that there is some amount of flexibility for a public body in setting such requirements, and in its forms for collecting applicants' personal medical information.

Collection of Information on the Driver's Medical Certificate:

I agree with the Public Body that it has the authority to require a licenced applicant to undergo a medical examination or a vision examination and to produce a medical certificate thereof, in such form as the Registrar may prescribe, to determine whether that person is physically and mentally competent to operate any class of motor vehicle. This authority is expressly set out in section 70(6)(b) of the *HT Act*. In order for the Public Body to comply with section 31(a) of

the *FOIPP Act*, the collection of information on the Driver's Medical Certificate must, therefore, be related to the purpose set out in the *HT Act*, that is to "determine whether that person is physically and mentally competent to operate any class of motor vehicle".

I also agree with the Public Body that it is the Registrar which makes the decision regarding medical fitness to drive, and that the Registrar also has the authority to prescribe the form used. Having stated that, the form must still comply with the requirements of applicable legislation, such as the *FOIPP Act* and the *Human Rights Act*, to name just two examples.

I have reviewed in detail the questions set out in the Driver's Medical Certificate, setting aside for the moment the Release portion in Part I, to be signed by the applicant driver. The questions relate to such conditions as the applicant's vision, chronic substance abuse, hearing loss, cardiovascular diseases and diseases of the nervous system. All are logically connected to a person's physical and mental competency to drive a motor vehicle. Indeed, the questions correspond well with the CCMTA Medical Standards for Drivers, dated July 2004, provided by the Public Body.

I conclude that the questions in the Driver's Medical Certificate comply with subsection 31(a) of the *FOIPP Act*, in that they lead to the collection of personal information expressly authorized by the *HT Act*. In addition, in my view, the Public Body has satisfied the two-part test set out in section 31(c) of the *FOIPP Act*, as the questions on the Driver's Medical Certificate lead to collection of the Complainant's personal information which relates directly to and is necessary for the activity of licencing drivers of class 4 motor vehicles.

I have considered the Complainant's submission that it is his doctor who should make the decision as to whether he is medically fit to drive. In fact, this approach appears to have been sufficient in the past. However, my task here is to determine whether the Public Body collects

personal information of the Complainant in violation of the *FOIPP Act*. Based on a careful reading of the provisions of both the *HT Act* and the *FOIPP Act*, I find that the questions set out in the Driver's Medical Certificate do not result in a violation of the *FOIPP Act*.

In my view, it is relevant that the Registrar is burdened with the responsibility of determining medical fitness to drive. The Registrar must set its requirements carefully with public safety a paramount consideration, and must ensure that the relevant medical information is collected. In doing so, it must strike a satisfactory balance between collecting the information, and preserving the rights of its driver applicants. I conclude that the questions set out in the Driver's Medical Certificate succeed in striking such a balance.

Release required by the Driver's Medical Certificate:

In Part I of the Driver's Medical Certificate, Driver/Patient Information, the applicant driver is required to sign the following:

Driver's Certificate of Information and Release for Physician to Report Medical Information

_____ I certify that the foregoing information is, to the best of my knowledge, correct. I further authorize any physician, hospital or medical clinic to release to the Registrar any information concerning my medical condition.

No restrictions are placed on this authorization for release of medical information, and the Public Body makes clear that the release is required by the Driver's Medical Certificate. While many driver applicants would assume that additional information would be requested by the Registrar only where absolutely necessary, this assumption would be based on trust alone. I agree with the Complainant's observation that it allows the Registrar to request medical information without any evidence or grounds. The release could, in fact, lead to the collection of a driver's complete medical history.

In support of this indirect collection of personal information, the Public Body relies upon section 32 of the *FOIPP Act*, as follows:

32. (1) A public body shall collect personal information directly from the individual the information is about unless

(a) another method of collection is authorized by

...

(ii) another Act or a regulation under another Act, or

...

(g) the information is necessary

(i) to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the Government of Prince Edward Island or a public body and is collected in the course of processing an application made by or on behalf of the individual the information is about, or

(ii) to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the Government of Prince Edward Island or a public body and is collected for that purpose;

In my view, section 32((1)(a)(ii) does not apply to this indirect collection of personal information of the Complainant. As noted above, section 70(6)(b) of the *HT Act* authorizes the collection of a driver's medical certificate from the driver, but does not authorize indirect collection of medical information. In support of its section 32 submission, the Public Body relies upon order PP-04-004 of this office, involving the Worker's Compensation Board. In that order, I noted that the *Workers Compensation Act* specifically mandates the provision of medical information by not only an injured worker, but also physicians, hospitals and other medical professionals involved with the worker's care. The *HT Act* provides no such authorization.

I find that the Public Body also fails in its section 32(1)(g) argument, applying to the indirect collection of personal information via the release. In order to successfully rely upon this subsection of the *FOIPP Act*, the Public Body must prove that the personal information being collected is necessary to determine the eligibility, or verify the eligibility, of an individual to participate in a program of, or receive a benefit, product or service from, the Public Body. The Public Body has not shown that this broad Release is necessary for those purposes.

V. CONCLUSION

I thank the Public Body and the Complainant for their participation and cooperation with the investigation process. The Complainant has pointed out in his submissions that this process has required hours of research, reading and typing, but that he is grateful that such an opportunity exists. I am very appreciative to the Complainant for bringing this privacy issue forward, as I expect it may provide guidance for other public bodies who collect personal information from the citizens of Prince Edward Island.

I find that the head of the Public Body does not violate Part II of the *Freedom of Information and Protection of Privacy Act* by collecting the Complainant's personal information via questions on the Driver's Medical Certificate to evaluate eligibility for a Class 4 license.

I also find that the head of the Public Body does violate Part II of the *Freedom of Information and Protection of Privacy Act* by requiring that the Complainant to execute an unnecessarily broad release via the Driver's Medical Certificate, enabling the Public Body to collect further personal information of the Complainant from any physician, hospital or medical clinic.

As a result of my findings, I order the head of the Public Body to amend the Driver's Medical Certificate so that it complies with the *Freedom of Information and Protection of Privacy Act*. I remind the head of the Public Body that I am available to provide guidance in this regard.

I understand the administrative burden which may be involved in carrying out the amendment of the Driver's Medical Certificate. Therefore, I am providing the head of the Public Body with six months to implement the required amendment.

I also note that in accordance with section 68(1.1) of the *Freedom of Information and Protection of Privacy Act*, the head of the Public Body shall not take any steps to comply with this order until the end of the period for bringing an application for judicial review of the order under the *Judicial Review Act*.

Karen A. Rose

Acting Information and Privacy Commissioner