

MEMORANDUM

TO: Employment Ontario Service Providers

FROM: Teresa Damaso
Director
Program Delivery Support Branch,
Ministry of Training Colleges and Universities

DATE: June 8, 2016

SUBJECT: Ontario Community Loan Pilot (Social Capital Partners)

Background:

Employment Ontario Service Providers have recently been approached by Social Capital Partners (SCP) soliciting a partnership for a new pilot program. SCP is a third party organization that is receiving funding from the Ontario Ministry of Economic Development, Employment and Infrastructure (MEDEI) to launch the Ontario Community Loan Pilot, aimed at helping unemployed people who face barriers to the labour market in getting jobs through an employer incentive program called Rate Drop Rebate. SCP requested assistance from ES service providers by providing ES client referrals for the pilot.

It was brought to PDSB's attention that ES service providers are being asked to sign a Memorandum of Understanding (MOU) with SCP to participate in this pilot. Under this MOU, service providers are required to share ES client data that is collected through the ES Participant Registration form with SCP for pilot evaluation purposes. PDSB has sought legal advice related to the privacy implications of sharing this data with non-MTCU organizations. While this review was taking place, PDSB communicated with ES service providers to not share any client data with SCP until the review was complete and an appropriate course of action could be determined.

Legal Recommendation:

Below is the legal advice received regarding the sharing of ES client information with non-MTCU organizations.

- *Sharing ES client level data with a non-MTCU organization:* The ES client level data requested by SCP cannot be shared with a non-MTCU organization under

the current ES Participant Registration Form. This includes ES client data currently tracked through EOIS-CaMS. This is because neither MEDEI nor SCP are currently included under the “Notice of Collection and Consent” that is signed by ES clients on the ES Participant Registration Form.

- *Client data being collected:* The Social Insurance Number (SIN) can only be requested and collected in situations where income is being paid to the person whose SIN is requested by the entity that is requesting it. This criteria is not met with this pilot, and therefore the SIN cannot be shared with SCP or MEDEI for the purposes of this pilot.

Current Status:

As a result of the issues noted above, PDSB worked with MEDEI to propose a solution to address the privacy concerns and provide ES service providers with the opportunity to participate in the important work being achieved through this pilot. This solution has been accepted by MTCU’s legal department.

In order for the required client information to be collected by a third party organization, Legal recommends that a separate client application form be developed by MEDEI and SCP for client registration. This new form would include its own specific notice of collection and consent to participate in the Ontario Community Loan Pilot. ES service providers would be able to distribute this form to ES clients as part of the client referral into the pilot.

MEDEI also agreed to work with SCP to ensure that collection of the SIN will be excluded from the new client application form and that only eligible and required client information will be collected through the form.

Next Steps:

MEDEI and SCP are working towards developing the separate client application form as per Legal’s recommendation. This form will give client consent for MEDEI and SCP to collect information as required for the pilot evaluation.

The MOU service providers are being asked to sign by SCP will also be adjusted to remove the reference related to sharing the ES Participant Registration Form with SCP.

If an ES service provider has already signed the MOU, they cannot provide the ES Participant Registration form or EOIS-CaMS client data to SCP as indicated by MTCU’s legal advice. However, ES service providers can continue participating in the pilot through referring ES clients to the pilot program.

We appreciate your patience while we worked through these issues and PDSB is excited to continue to work with MEDEI and the opportunities this pilot provides to ES clients.

Sincerely,
Teresa Damaso
Director

Program Delivery Support Branch

cc \ Regional Directors