

DATE OF MEETING April 08, 2019

AUTHORED BY MEGAN WAGGONER, RECORDS/INFORMATION & PRIVACY
COORDINATOR

SUBJECT OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER
FINDINGS AND RECOMMENDATIONS

OVERVIEW

Purpose of Report

To provide Council with an update on the recommendations of the Office of the Information and Privacy Commissioner.

Recommendation

That Council endorse Staff's initiatives to endeavor to comply with all of the recommendations of the Information and Privacy Commissioner of British Columbia.

DISCUSSION

On August 2, 2018, British Columbia's Information and Privacy Commissioner, Michael McEvoy, wrote a letter to the City of Nanaimo advising of the conclusion of the Office of the Information and Privacy Commissioner's (OIPC) investigation into several breaches of personal information (Attachment A). In his letter the Commissioner outlined the following recommendations that the City must comply with:

The Commissioner recommended that:

1. The City take immediate steps to implement a Privacy Management Program. The program should include:

- a. designating a staff member responsible for reviewing the City's privacy policies and security arrangements relating to the protection of personal information in the City's custody or control; and
- b. a privacy policy that applies to every instance of collection, use or disclosure of personal information, as a necessary component of the diligence required by s. 30 of the *Freedom of Information and Protection of Privacy Act* (FIPPA).

2. The City conduct comprehensive mandatory and ongoing privacy training for all employees and officers to ensure those who handle personal information are made aware of their obligations under FIPPA.

The position of Claims/FOI Coordinator, which has the delegated authority of the Freedom of Information (FOI) Head under "Freedom of Information and Protection of Privacy Bylaw 2006 No. 7024" has been updated to reflect the requirements set out in recommendation 1(a), and is now titled Records/Information & Privacy Coordinator. This position, under the direction of the FOI Head, will be responsible for implementing and maintaining a Privacy Management Program for the City, which will include improved records management practices and policies; a new records classification and retention schedule which will identify personal information banks and appropriate records retention and destruction timelines; implementation of a privacy policy that applies to every instance of collection, use, or disclosure of personal information (attached); and various other elements of a functioning Privacy Management Program.

In regards to the second recommendation, the City has increased staff education opportunities significantly since 2017 when the OIPC investigation commenced. Legislative Services staff have attended departmental staff meetings for various departments where staff have given verbal presentations about *FOIPPA*, and provided handouts relevant to the departments such as: OIPC orders; *FOIPPA* handouts; routinely available records list; and, answered staff questions specific to their job functions.

The Legislative Services department has been working with the Human Resources (HR) Department to schedule mandatory training for all staff. Historically there has been voluntary *FOIPPA* training offered once annually to staff who wish to attend, this training has been organized and tracked through the HR Department and taught by the FOI Head. In 2019, we have increased this training to three sessions a year provided through the HR Department, as well as attending other City facilities every two months to provide smaller group training courses. This training will be mandatory for all staff and attendance will be tracked through the HR Department. Where the departmental training courses have typically been fairly informal, we will now take the same course content noted above to these smaller meetings in order to ensure that all required content is covered by all staff. Additionally, there has been a *FOIPPA* component incorporated into the Corporate Orientation, which is provided twice a year to new employees as well as employees who have changed from temporary to permanent employment status. Our hope is that with this rigorous training schedule, we will be able to deliver the appropriate training to staff and increase privacy awareness throughout the City of Nanaimo.

In his letter, the Commissioner notes that those who are entrusted to serve the public and who possess personal information by reason of their public duties have a responsibility to treat it with respect and in compliance with the law. All City of Nanaimo officers and staff must understand and employ the fundamental practices required to protect personal data – from secure methods to collect, store and transmit personal data through to secure methods of destruction. Everyone in the organization has a role to play in protecting the personal information that the organization collects, uses, and discloses, and every individual within the organization contributes to the success of the program. |

SUMMARY POINTS

- The Information and Privacy Commissioner of British Columbia has made several recommendations to the City of Nanaimo.
- Staff are taking the necessary steps to meet the recommendations of the OIPC and comply with the *Freedom of Information and Protection of Privacy Act*.
- Staff will require the support of Council and the Senior Leadership Team in order to comply with the recommendations and implement a successful Privacy Management Program.

ATTACHMENTS

OIPC F17-72024 Privacy Breach Investigation – Attachment A
DRAFT City of Nanaimo Privacy Policy – Attachment B

Submitted by:

Megan Waggoner,
Records/Information & Privacy Coordinator

Concurrence by:

Sheila Gurrie,
Corporate Officer and FOI Head