

DATE OF MEETING JULY 26, 2023

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SUBJECT CITY OF NANAIMO PRIVACY MANAGEMENT PROGRAM UPDATE

## **OVERVIEW**

### **Purpose of Report:**

To provide Council and the public with information related to the City of Nanaimo's Privacy Management Program following recent changes to the *Freedom of Information and Protection of Privacy Act*.

## **BACKGROUND**

In November 2021 there were significant updates to the *Freedom of Information and Protection of Privacy Act (FOIPPA)*. Highlights of the amendments included:

- Updating *FOIPPA*'s provisions for the disclosure of personal information outside of Canada.
- Permitting public bodies to charge a one-time application fee for all non-personal FOI requests.
- Requiring public bodies to implement a Privacy Management Program (PMP), which includes the requirement for mandatory Privacy Impact Assessments (PIA) for all new and updated programs and initiatives, as well as mandatory privacy breach reporting.
- Increasing penalties for offences and the addition of new offences for evading *FOIPPA*.
- Enabling more information sharing with Indigenous Peoples, as well as adding Indigenous cultural protections.

As a result of these changes, Staff have been working to update procedures, resources and staff education in order to align with the legislation. |

## **DISCUSSION**

The City of Nanaimo is responsible for protecting a significant amount of personal information. Under the direction of the Director, Legislative Services/FOI Head, the Records/Information & Privacy Coordinator is responsible for the development, management, and implementation of the City's Privacy Management Program.

The purpose of a PMP is to ensure that privacy considerations are built by design into all initiatives, programs and services offered by the City. The program assists the City in complying with its legal and moral obligations to manage personal information responsibly, and ensures that the City addresses privacy concerns in a comprehensive manner.

The following is a list of the core components a PMP should include:

- Personal information banks (PIB) - These inventories outline what personal information (PI) the City holds, where it is kept, how it is used and the degree of sensitivity attached to that PI. The City's Records Classification and Retention Schedule (RCRS) identifies what areas of records would constitute a PIB and notes when a file contains PI. The PIA process also includes a section that helps to identify and track PIBs when reviewing new projects and initiatives.
- Compliance policies - The City of Nanaimo Privacy Policy was approved by Council in 2019, and can be found on the City's website under the Your Government section. The purpose of the Privacy Policy is to describe how the City collects, uses, discloses and protects PI. The policy provides a framework for how the City will operate in order to ensure PI is managed in accordance with the legislation. As part of the Records Management Program staff have also developed a suite of records management policies that complement the PMP, as records and privacy management are closely connected and require a collaborative approach.
- Risk assessment tools - Privacy Impact Assessments are now mandatory and must be completed when Staff are starting a new project or initiative or before a significant change is made to an existing program, project, system, technology or information system.
- PIAs require Staff to consider the privacy implications of existing or new programs or services, the likelihood of threat or risk occurring, and the severity of the consequences of a privacy breach. One of the key benefits of completing a PIA is that it ensures that privacy requirements are identified and satisfied in a timely and cost-efficient manner, and that initiatives meet the City's legislated requirements. The process is also a good educational tool as it works through each of the steps that need to be considered when dealing with personal information.
- PIA procedures and templates have been updated to align with recent legislation changes, ensuring the City is in line with current legislation and improving privacy awareness and accountability.
- Staff education - Training is critical for the successful implementation of the PMP. It must be ongoing with sufficient details and information. Training is mandatory for all Staff members, existing and new, regardless of position. Updated mandatory *FOIPPA* and records management training is currently being rolled out to all City of Nanaimo Staff.

In addition to staff education, the Records/Information and Privacy group is working on updates to the City's website with the goal of providing more information to the public regarding the City's privacy efforts.

Service provider management - *FOIPPA* requires public bodies to have methods in place to ensure that service providers are informed of their privacy obligations. When service providers handle personal information related to the provision of services for the City of Nanaimo, the City must inform them of their privacy obligations. Privacy requirements are addressed in procurement documents during procurement processes. Where appropriate, a Privacy Protection Schedule is included in contracts and agreements.

Breach and incident management response protocols - Privacy breaches can cause significant harm, including identity theft, risk of physical harm, humiliation and damage to personal or professional reputations, and loss of business or employment opportunities. The City reports all privacy breaches to the Office of the Information & Privacy Commissioner for British Columbia (OIPC) using the OIPC's privacy breach checklist.

City Staff started the implementation of the PMP in earnest in 2018 following recommendations from the OIPC, and information was presented to Council on 2019-APR-08. Due to this report and recommendations, Staff were well prepared when the legislation changes came into effect and had established procedures in place.

In addition to the efforts noted above, in 2020, the Privacy & Information Security Committee was formalized. Committee members are assigned by Senior Staff and represent the primary owners and stakeholders of privacy, risk and security-based information at the City.

The purpose of the Privacy & Information Security Committee is to provide recommendations to the Senior Leadership Team and Council, as needed, regarding all information security efforts undertaken by the City. The Committee will provide oversight and prioritization of information security issues in a manner that is consistent with the applicable legislation and risk tolerance of the City, and aid in the development of policies, procedures and guidelines.

## **CONCLUSION**

City Staff have been taking steps to ensure that all initiatives undertaken are done so in compliance with privacy legislation and aligned with the recommendations of BC's Privacy Commissioner.

### **SUMMARY POINTS**

- In November 2021 there were significant updates to the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.
- Staff have been working to update procedures, resources and education in order to align with the legislative requirement for a Privacy Management Program.
- City Staff are required to complete a Privacy Impact Assessment for all new and updated projects, programs and initiatives.

## **ATTACHMENTS**

Attachment A – RPT\_sC190408 – Office of the Information and Privacy Commissioner Findings and Recommendations |

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