Privacy breach best practices and lessons learned

The Government of BC Context
What is personal information?

“Personal information” is recorded information about an identifiable individual other than (business) contact information.
~FOIPPA (schedule 1)
Examples of personal information

- name, address, telephone number
- race, national/ethnic origin, colour, religious or political beliefs or associations
- age, sex, sexual orientation, marital status
- identifying number or symbol
- fingerprints, blood type, DNA prints
- health care history
- educational, financial, criminal, employment history
- anyone else’s opinions about an individual and the individual’s personal views/opinions unless about someone else
What is confidential information?

Any government records that have confidentiality requirements.

If compromised could result in serious consequences for individuals, organizations or government.

Includes but is not limited to:

- Cabinet confidences
- Government economic or financial information
- Information harmful to intergovernmental relations
- 3rd party business info (that could damage interests of 3rd party
- Personal information
- Legal advice or law enforcement information

~Appropriate Use Policy (March, 2014)
What is a privacy breach?

A collection, use, disclosure, access, disposal or storage of personal information, whether accidental or deliberate, that is not authorized by the Freedom of Information and Protection of Privacy Act.

Includes privacy complaints...
Privacy breach – definitional challenge

Example alternate definition:

“A privacy breach occurs when there is unauthorized access, to or collection, use, disclosure or disposal of personal information.”

Other definitional considerations:

• Other situations involving inappropriate retention, storage, or failure to protect personal information?

• Violations of other legislation or records that are not in scope of FOIPPA – ie. YCJA records, court records?
Why are privacy breaches important?

• Harm to individuals
• Harm to your organization
Common types of privacy breaches

Administrative errors
- Mail, email, faxes
- Account errors
- Human error in the use of government systems

Actual or suspected deliberate employee misconduct

Errors in severing or disclosures of unredacted documents

Loss or theft of unencrypted laptops and portable storage devices
Information Management Principles

- Right Information
- Right Person
- Right Purpose
- Right Time
- Right Way
Legislative framework in British Columbia

The Freedom of Information and Protection of Privacy Act

Applies to all public bodies in BC

Part 3:
- Authorities for **collection**, **use**, and **disclosure** of personal information
- Requirement to have **reasonable security measures** in place to protect personal information.
Legislative framework in British Columbia

Other touch points and considerations

Other provincial legislation

Federal legislation

Canadian Charter of Rights and Freedoms
BC Government privacy breach process

Administered as part of the Information Incident Management Process.

An Information Incident is any unwanted or unexpected events that threaten the privacy or security of information.

Types:
- Privacy breaches
- Privacy complaints
- Security breaches
Managing an Information Incident

Step 1 - Report
Step 2 - Recover
Step 3 - Remediate
Step 4 - Prevent
Privacy and Access Helpline

privacy.helpline@gov.bc.ca

250-356-1851 (toll-free:1-800-663-7867)