

# Privacy breach best practices and lessons learned

*The Government of BC Context*



Ministry  
of Finance

## 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
- 3<sup>rd</sup> party business info (that could damage interests of 3<sup>rd</sup> 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](mailto:privacy.helpline@gov.bc.ca)

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

