

Municipal Matters: Privacy Breaches

PURPOSE

This guidance is to assist municipalities in understanding what a privacy breach is and their obligations to report privacy breaches to the Office of the Information and Privacy Commissioner (OIPC).

Privacy Breaches and ATIPPA, 2015

A privacy breach is an unauthorized access to, or collection, use, or disclosure of personal information. Personal information is defined in ATIPPA, 2015. It includes, but is not limited to, an individual's name, address, telephone number, age, educational or employment history, financial information, identifying number such as social insurance number or MCP number, information about criminal history, and health status or history, etc.

Under ATIPPA, 2015, all towns and cities in Newfoundland and Labrador have to report all privacy breaches to OIPC. It is the responsibility of the municipal ATIPP Coordinator (often the town clerk or town manager) to notify OIPC once a breach is identified. Failure to report a privacy breach is a violation of the Act.

If you believe that you may have had a privacy breach and have not yet reported it, please get in touch with OIPC. Breach reports should be submitted via email by using the OIPC's reporting form found on our [website \(www.oipc.nl.ca\)](http://www.oipc.nl.ca) to breachreport@oipc.nl.ca.

OIPC can also answer any questions you have regarding privacy breaches such as:

- Is what happened a breach?
- What do I do once a breach has been identified?
- How do I report a breach?

Below are a few examples of real privacy breaches that could occur in towns and cities.

PRIVACY BREACH EXAMPLES

PRIVACY BREACH WHEN USING EMAIL

Email is consistently the most common cause of privacy breaches. These breaches may be caused when the incorrect email address is entered, when the wrong document is attached, when multiple parties are copied on the email using "cc" rather than "bcc", etc. When these incidents involve personal information, they are privacy breaches. Steps to consider to contain the breach include asking the recipient to delete the email (from both their inbox and deleted folder) and confirming that it has been done.



PRIVACY BREACH WHEN MAILING LETTERS

Jamie is a town clerk in the Town of Dokken. The town council has decided to write all residents in the Town with overdue tax bills outlining what is owing and suggesting monthly payment arrangements. During the mail out Jamie accidentally mixes up two letters and sends Taylor Smith's tax bill to Taylor Smyth and vice versa. This is a privacy breach. This type of breach can also occur by sending a fax to the wrong number or an email to the wrong address. Steps to consider to contain the breach include retrieving the letters sent to the incorrect individuals.

PRIVACY BREACH WHEN BRIEFCASE STOLEN

The Town of Rockford recently concluded work on the renovation of its town hall. The Mayor is preparing the records of employment for the people who worked on the project. The Mayor decides to take this work home to complete on the weekend. However, they leave their briefcase in the car with the employees' personal information in it. The car is broken into and the briefcase is stolen. This is a privacy breach. Steps to consider to contain the breach include notifying law enforcement of the break in and creating a list of all potentially impacted records and individuals.

PRIVACY BREACH WHEN UNAUTHORIZED ACCESS

Blake is a town manager with the small town of Cap Island which has no town office so they work from home using their own laptop and email account. Blake keeps all the town files including the personal information of residents on the laptop which their child also sometimes uses for school work. Blake's child is using the computer and decides to look up the unlisted phone number for a new student who recently moved into the town. This is a privacy breach. Steps to consider to contain the breach include removing access to the laptop, ensuring that no copies of the unlisted number have been retained and developing or enforcing policies about access to town assets by non-employees.

Depending on the specific circumstances of a privacy breach, there are other steps to be taken and considerations that come into play. For more information, please contact our Office.

Contact OIPC with any questions:

Office of the Information and Privacy Commissioner
PO Box 13004, Station A
St. John's, NL A1B 3V8
Phone: (709) 729-6309 Fax: (709) 729-6500
Toll Free: 1-877-729-6309
commissioner@oipc.nl.ca
<https://www.oipc.nl.ca>

