

*RM of Pleasantdale Policy Manual*

<b>POLICY TITLE:</b> <b>Privacy Policy</b>	<b>POLICY NUMBER:</b> <b>451-22</b>	<b>EFFECTIVE DATE:</b> <b>October 27/2022</b>
<b>ORIGIN:</b> <b>Administration</b>	<b>ADOPTED BY COUNCIL</b> <b>October 27/2022</b>	<b>AMENDED DATE:</b>

### **Purpose**

To provide guidance to administration and the public regarding the Duty of Local Authority to protect under Section 23.1 of LAFOIP.

### **Access to Information Form**

Access to Information Form submitted to the Head of the Local Authority must be in Form “A” (attached to this Policy)

### **Breach of Privacy Complainants**

Breach complainants submitted to the Head of the Local Authority must be in Form “B” (attached to this Policy)

### **What is a Privacy Breach**

**Collection:** a privacy breach could occur if a government institution or local authority collects personal information without authority under FOIP or LA FOIP.

**Use:** a privacy breach should occur when personal information, already in the possession or control of the government institution or local authority, is used without authority under FOIP or LA FOIP.

**Disclosure:** a Privacy breach occurs when an unauthorized disclosure of personal information transpires

### **Duty to Protect**

**Administrative safeguards** are controls that focus on internal organization policies, procedures, and maintenance of security measures that protect personal information.

**Technical Safeguards** are the technology and the policy and procedures for its use that protect personal information and control access to it.

**Physical Safeguards** are physical measures, policies, and procedures to protect personal information and related buildings and equipment from unauthorized intrusion and natural and environmental hazards.

**Integrity** refers to the condition of information being whole or complete, not modified, deleted, or corrupted.

**Confidentiality** implies a trust relationship between the person supplying information and the individual or organization collecting or using it.

**Threat** means a sign or cause of possible harm.

**Hazard** means a risk, peril, or danger.

**Security** means a condition of safety or freedom from fear or danger.

**Need- To-Know** is the principal that government institutions/local authorities and their staff should only collect, use, or disclose personal information needed for the purpose of the mandated service. Personal information should only be available to those employees in an organization that have a legitimate need-to-know that information for the purpose of delivering their mandated services.

**Unauthorized access** occurs when individuals have access to personal information that they do not need-to-know, either by accident or on purpose. This could also qualify as either an unauthorized use or unauthorized disclosure.

**Unauthorized collection** occurs when personal information is collected, acquire, received, or obtained by any means for purposes that are not authorized under FOIP or LAFOIP.

**Unauthorized disclosure** refers to the act of revealing, showing, providing copies, selling, giving, or relaying the content of personal information to third parties in ways that are not permitted by FOIP or LA FOIP.

#### Privacy Breach

1. Contain the Breach
2. Notify Affected Individuals
3. How to Notify Affected Individuals
4. Prevented Future Breaches
5. Privacy Breach Report

#### IPC Investigations

1. A citizen comes to the IPC with a complaint about a government institution's or local authority's actions or practices.
2. A third party in possession of personal information could notify the IPC.
3. Employees of a government institution or local authority inform the IPC or inappropriate practices within the organization.
4. The IPC acts on media reports
5. The government institution or local authority proactively reports a breach to the IPC.

## **Investigation Check List**

### **1. Day 1**

- a. Receive request, provide receipt of documents
- b. Determine if application fee is required
- c. 30 day response period begins now, start to compile action item notes
- d. Notify the "Head", protect the privacy of applicant (non-disclosure of applicant's identity)

### **2. Day 2**

- a. Check to see if waiver of fees has been requested
- b. Develop search strategy
- c. Ensure full understanding of request; contact applicant for further information should it be required.
- d. Consider if request must be transferred to another authority or government agency; this must occur within 15 day of receipt.

### **3. Day 3 to 10**

- a. Compile responsive records
- b. Keep accurate control of documents and notes taken
- c. Consider time extension should it take longer to gather documents/external consultation required; provide notice to the applicant
- d. Cost estimate must be provided if fees are over \$100.00; applicant must be advised of increase and all search activity stops (day clock stops) until applicant provides written agreement to the increase. A 50% deposit may be required prior to proceeding with request.
- e. If there are third parties and if the head intends to release the records, send notice to third parties. (LA FOIP Part V)

### **4. Day 11-17**

- a. Day clock resumes when fee is paid
- b. Keep accurate and complete record of reasons for each withheld record or severed portion.
- c. Keep accurate record of time spent severing if a fee estimate was issued.

### **5. Day 15**

- a. Last day to transfer request to another government institution or local authority; ensure transfer is documented to all parties.

### **6. Day 18-24**

- a. Consider whether a time extension is required
- b. Determine which third parties have consented to release of records
- c. Obtain written approval of Administrator of the records to be released
- d. Prepare the record and index of records. It is the administrator's decision as to whether the index of records is shared with the applicant
- e. Provide the Administrator with recommendations to finalize the request.

### **7. Days 25-27**

- a. If necessary, finalize actual fee, to incorporate into final letter to applicant. Records are not provided until fee is paid
- b. Ensure all correspondence, documentation and notes have been included in the file

- c. It is important that notes of the steps taken be made as the access request is processed.
- d. Do not release any third party information that the local authority intends to release until the expiry of the request for review period and verification that the third party has not requested a review.

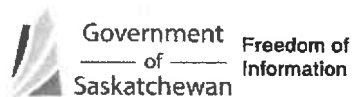
**8. Day 30**

- a. Close the file and maintain the file with other LA FOIP files.
- b. If the Section 7 response is not provided to the applicant by this deadline, it is a deemed refusal and applicant may request a review by the IPC.

PART III

Form A

[Clause 6(1)(a) of the Act]



Access to Information Request Form

LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY Form A [Clause 6(1)(a)]

Personal information and personal health information on this form is collected under The Local Authority Freedom of Information and Protection of Privacy Act and The Health Information Protection Act and will be used or disclosed only as necessary to respond to your request.

INFORMATION ABOUT YOU

Form fields for personal information: Last Name, First Name, Name of Company or Organization, Address, City, Province, Postal Code, Day Phone Number, Alternate Number, Fax Number, Email.

INFORMATION ABOUT THE RECORDS YOU ARE REQUESTING

Are you requesting:

- checkbox your own personal information.
checkbox personal information about someone other than yourself (attach proof that you have authority to receive the information requested).
checkbox general information.

To which local authority are you making your request? Enter the name of the local authority that you believe has the records you are requesting.

What records do you wish to access? Please provide a detailed description of the records you wish to access. This information will help locate the records.

Large text area for describing records to be accessed.

LOCAL AUTHORITY FREEDOM OF INFORMATION  
AND PROTECTION OF PRIVACY

L-27.1 REG 1

What is the time period for the records you are requesting (if applicable)?

[Redacted]

There is a processing fee of \$20 payable to the local authority. The person managing your request may contact you to seek clarification or to discuss aspects of the request, including the application of additional fees if necessary. You may request a waiver of the processing fee or additional fees, but may be required to provide evidence of substantial financial hardship (see section 8 of the regulations). Please keep a copy of this request for your records.

Check if requesting waiver of processing fees:  
I request that payment of the fees related to this request be waived because payment will cause me substantial financial hardship. Details are as follows: *(Use reverse of form if additional space is required.)*

\_\_\_\_\_  
*Signature of Applicant*

FOR OFFICE USE ONLY

Date Received

Application Number

30-Day Response Date

[Redacted]

[Redacted]

[Redacted]

Print

Save

Reset Form

**RURAL MUNICIPALITY OF PLEASANTDALE NO. 398  
PRIVACY BREACH COMPLAINT FORM**

**Form B**

**Applicant Information**

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Address

\_\_\_\_\_  
Town/City

\_\_\_\_\_  
Contact Phone Number

\_\_\_\_\_  
Contact Email Address

**Complaint Statement**

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Should additional space be required please use back to document

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Signature

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Date

Office use

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Date Received

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Signature of Head