

OPERATIONAL POLICY

Policy Title:	Applies to:	Reference #
Privacy	All interactions that involve the collection, use or disclosure of personal information	2015-OCCOP-P0001
Approved by:	Dates:	Total # of Pages
Executive Leadership Team	Effective:	5
	Last Review:	
	Next Review:	
Authority:		
<i>The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIPP)</i>		
Responsibility:		
Corporate Information Governance, Office of the City Clerk		

1.0 Purpose

The City of Regina (the “City”) is committed to protecting the privacy and confidentiality of personal information. All personal information that is collected by the City is done so in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIPP)*.

The purpose of this policy is to establish appropriate controls and guidelines around the collection, use and disclose of personal information as required to carry out the City’s legitimate business and public interest mandates in accordance with LAFOIPP.

2.0 Scope

This policy applies to all City employees or contractors who access, collect, use, modify, retain, destroy or disclose personal information in the possession, or under the control, of the City of Regina.

3.0 Definitions

Access and Privacy Team (APT) – includes Privacy & Freedom of Information Officers located in Corporate Information Governance, Office of the City Clerk.

Authority – the legal authority to collect, use or disclose personal information derived from *The Local Authority Freedom of Information and Protection of Privacy Act*, a bylaw, other legislation or policy.

Collection – the gathering of personal information for an existing or proposed City program.

Consent – the agreement of an individual for the collection, use and disclosure of their personal information.

Contractor – an individual or company hired to work on behalf of the City.

Disclosure – when personal information collected by the City is provided to a third party that is not part of the City of Regina or to a City employee or contractor who does not require the personal information to perform the duties of their employment or contract.

Information – what a record contains. It is also a term used to refer to the content of electronic databases or applications. Regardless of the form, all recorded information in the possession or under the control of the City is a record.

Initiative – is a standard term used to represent, but which is not limited to, a program, project, service, application or software upgrade.

LAFOIPP – *The Local Authority Freedom of Information and Protection of Privacy Act.*

Personal Information – may include but is not limited to information about an individual's: race; religion; family status; age; birthdate; place of origin; employment or criminal history; financial information; health services number; driver's license number; social insurance number; home address or telephone number. Personal information may also include the views or opinions of someone about that person or information about the physical or mental condition of an individual.

Privacy Assessment Process – the process of reviewing new or existing initiatives for privacy risks which includes two diagnostic tools: Security/Privacy Quick Assessment and Privacy Impact Assessment.

Privacy Impact Assessment (PIA) – is a detailed diagnostic tool used to identify and resolve privacy risks inherent to initiatives undertaken by the City where personal information is accessed, collected, used, modified, retained, destroyed or disclosed.

Record – means a record of information in any form and includes information that is written, photographed, recorded, digitized or stored in any manner, but does not include computer programs or other mechanisms that produce records.

Third Party – means a person or company other than the City, a City employee or contractor.

Use – when personal information collected by the City is used for any purpose.

4.0 Policy

LAFOIPP is the primary legislation governing the City of Regina with respect to the protection of personal information in the City's possession or under its control. Other legislation may authorize the collection, use or disclosure of information in the City's possession or control.

4.1 Privacy Protection

The City of Regina is responsible for all personal information in its possession or under its control. The City is authorized to, and may, enter third party agreements that involve the sharing of personal information.

Every employee or contractor who collects, uses, or discloses personal information as a result of their employment or contract with the City is:

- Required to sign and abide by any relevant City of Regina confidentiality agreements.

- Responsible for managing personal and confidential information in accordance with those agreements, this policy and related guidelines.
- Responsible for proactively incorporating privacy protection into all projects and programs.

Every City employee is responsible for safeguarding the privacy and security of information in the workplace and when working remotely.

4.2 Purpose

Any personal information collected by or for the City must be collected for an identified business purpose. This purpose must be identified at or before the time of collection.

4.3 Consent

Appropriate consent or authority from LAFOIPP is required to collect, use or disclose personal information.

Consent must be obtained from an individual prior to collecting, using or disclosing their personal information. Consent should be informed, meaning that the individual is aware of and understands the purpose for the collection and how the information will be used or disclosed.

In some cases gaining consent from the individual may not be feasible, appropriate or the only lawful means. In these cases, authority for the collection must be derived from LAFOIPP, a bylaw, other legislation or policy.

4.4 Collection

When collecting personal information, only collect the information necessary to perform the identified task or function.

4.5 Use and Disclosure

Personal information must only be used or disclosed for the purposes for which it was collected, or for a use that is consistent with that purpose; with the consent of the individual; or when collection, use or disclosure is authorized by legislation.

4.6 Retention

Personal information should be retained only as long as necessary for the fulfillment of its stated collection purpose, or as specified by law. When the retention requirements have been met appropriate steps must be taken to safely and securely dispose of the records.

4.7 Accuracy

Reasonable efforts must be made to ensure that the personal information collected is as accurate, complete, and as up-to-date as required for the purposes it is to be used.

4.8 Security

The City will ensure that appropriate security safeguards are in place to protect personal information. These safeguards are intended to address such concerns as appropriate access to information, breach prevention, recovery, information integrity and other potential security issues. Safeguards include physical, technical, procedural and organizational measures.

4.9 Access

With some exceptions, individuals have a right to be informed of the existence, use and disclosure of information pertaining to them in the possession or under the control of the City. Individuals also have the right to access their personal information upon request, to challenge the accuracy and completeness of their personal information and to request their personal information be amended when appropriate.

4.10 Privacy Breach

A privacy breach occurs when there is unauthorized access to, collection, use or disclosure of personal information. Such activity is unauthorized if it occurs in contravention of LAFOIPP. Privacy breaches may be intentional or unintentional.

Any employee or contractor who knows of, or suspects, a privacy breach must report it immediately to the Access and Privacy Team (APT) in the Office of the City Clerk and follow the privacy breach protocol:

- The breach must be contained and the unauthorized practice stopped to lessen any consequences for the individual(s) whose personal information was involved, as well as consequences to the City.
- All privacy breaches must be investigated and documented.
- Risk to individuals must be reviewed and notification to affected individuals should occur (when determined to be necessary) to avoid, mitigate or address harm which may come to the individual as a result of the breach.
- Safeguards must be developed and improvements made to prevent further breaches.

4.11 Ability to Challenge

An individual has the right to file a complaint regarding the handling of their personal information by contacting the APT or by submitting a Privacy Complaint form.

If the individual remains dissatisfied with the City's response, the individual has the right to raise their concerns with the Office of the Saskatchewan Information and Privacy Commissioner.

4.12 Privacy Assessment

A privacy assessment (PA) is a process designed to ensure compliance with the City's privacy protection responsibilities. A PA helps determine whether initiatives involving the use of personal, confidential and third party information raise privacy risks. It measures, describes and quantifies those risks; and proposes solutions to eliminate or mitigate privacy risks to an acceptable level.

All initiatives must undergo, at a minimum, a Security/Privacy Quick Assessment (SPQA), an initial assessment that helps to determine whether a Privacy Impact Assessment or Security Threat Risk Assessment (STRA) is required.

5.0 Roles & Responsibilities

City Clerk is responsible for:

- Corporate information, including personal information at the City of Regina.

Manager of Corporate Information Governance is responsible for:

- Providing guidance with respect to this policy and ensuring this policy is maintained.

Access and Privacy Team is responsible for:

- Receiving and investigating all privacy complaints or breaches in relation to the application of this policy.
- Leading the privacy assessment process on initiatives where personal and confidential information is collected, used or disclosed.

Employees are responsible for:

- Compliance with this policy and related procedures and guidelines.

6.0 Related Forms

Privacy Complaint form

7.0 Reference Material

The Local Authority Freedom of Information and Protection of Privacy Act

Employee Privacy Guidelines #2015-OCCOP-G0001

Privacy Breach Guideline #2016-OCC-G0001

Privacy Assessment Policy #2015-OCC-P0005

8.0 Revision History

Date	Description of Revision	Authorized By	(Re)-Approval Required (y/n)
01-05-2015	Initial Release	ELT	No
01-05-2016	Scheduled Review	CLO & CC	Yes
01-05-2017	Review	CC	No