Corporate Policy

General

Privacy and Protection of Personal Information

Approved by Council on: February 14, 2023

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Effective: February 15, 2023

Reviewed on: March 2019, November 2022

Amended:

Next Review: February 2025

Note: This policy replaced the February 2017 Protection of Privacy and Confidentiality of Information corporate policy.

The purpose of the Privacy and Protection of Personal Information policy is to maintain privacy of personal information as a public service throughout the information lifecycle of collection, use, retention, disclosure and disposition.

Policy Statement:

The City of Burlington will protect the privacy and confidentiality of information In accordance with privacy by design principles, city's obligations under city policies, the *Municipal Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), by ensuring appropriate treatment on how the information is collected, retained, used, disclosed and disposed.

All Staff, Volunteer and Council Responsibilities:

1) Maintaining the protection of personal information they collect, retain, use, disclose and dispose of for city business in all work environments and locations where City business is conducted. Personal information must be secured and protected however it is recorded or delivered, including but not limited to:
    a. Saving digital files in properly secured folders and returning physical files to the appropriately secured records storage area when not in use

b. Limit collection of personal information to what is authorized and necessary to conduct City services or business
c. Using personal information for its intended purpose of collection
d. Refrain from collecting personal health information unless it is explicitly required in your specific role
e. Sharing personal information is completed by secured means only accessible to those who are permitted to use it
f. Sharing personal or confidential physical information is appropriately labelled by the sender and only opened by the named recipient
g. Securely destroying all forms of personal information once eligible in accordance with records retention schedules
h. Limiting copying personal information to only when necessary to complete business
i. Clearing and keeping clean a hotelling station, front counter, printer tray or desk after individual use
j. Conducting business in a location where using or discussing personal information can be kept private
k. Preventing access to personal information stored on City servers and devices by locking screens and closing digital files when not in use
l. Providing options to conduct in-person conversations with the public that may be considered private to areas that cannot be overheard by others, or refraining from discussing client's personal information in the presence of others
m. Securely transporting confidential information and keeping City-owned personal information on City-owned property or devices
n. Disclose personal information in accordance with legislative requirements outlined in MFIPPA section 32, including disclosure of personal information considerations when authoring publications such as newsletters, staff reports and other materials included on open session agendas or information packages

2) Reporting to the Office of the City Clerk through their Department Head of a known privacy breach arising from unauthorized, inadvertent collection, use or disclosure; or if missing personal information is probable to be considered lost or stolen.

3) Attending Privacy training for council, all city staff and volunteers that have access to personal information.

Corporate Policy

Department Responsibilities:

1) Ensuring that information protection requirements are embedded in the design of all city programs, processes, projects and technology for personal information.

2) Maintaining legislatively required notice of collection statements at all points of personal information collection how and why personal information is collected, used and disclosed, under what authority, and provide contact information for questions.

3) Initiating the completion of a Privacy Impact Assessment before implementing new or significantly changing of any program or system that requires the collection, use, or disclosure of personal information.

4) Tracking the Department's personal information and ensuring that it's kept capable of being retrieved using an individual's name or an identifying number or particular assigned to the individual and annually report any changes to the Office of the City Clerk for inclusion into the Personal Information Bank.

5) Implementation of privacy breach notification, containment and remediation efforts in accordance with Office of the City Clerk direction, and reporting back to the Office of the City Clerk once privacy breach response is complete.

Office of the City Clerk Responsibilities:

1) Conduct Privacy Impact Assessments and evaluate requirements to ensuring compliance to legislation and corporate policy of personal information kept at the City. In consultation with the Directors/Executive Directors affected, the Office of the City Clerk is authorized to place a "hold" on technology, system, program or service where privacy compliance issues and security concerns raised in the privacy impact assessment. have not been addressed in a manner that are within the tolerance of the City.

2) Provide advice and support in developing notice of collection statements to requesting departments.

3) Develop, update and provide privacy training, with supplementary guidance for specific programs or system users as required.

4) Maintaining the City's Personal Information Bank index through an annual review and update to ensure legislative requirements under MFIPPA section 34 are met.

5) Receiving and review of reported probable or known privacy breaches at the City, and providing the responsible department with prompt direction to implement notification, containment, remediation and future preventative measures.

6) Receiving and review of completed privacy breach response reports from the responsible department, tracking privacy breach totals for annual submission to the Information and Privacy Commissioner and evaluating if the privacy breach should be reported to the IPC.

7) Advocate and facilitate integration of the privacy by design foundation principles through maintenance and continual development of this corporate policy, representing privacy considerations in relevant internal committees or working groups, and periodic auditing of the City's privacy measures and program.

Scope:

This policy applies to all city staff, volunteers and members of council.

Objectives:

- Protect the privacy of individuals and confidentiality of personal information.
- Increase trust and confidence in the City of Burlington.
- Ensure compliance with legislation and policies.
- Identify roles and responsibilities for city staff, volunteers and members of council related to the management of personal and confidential information.

Corporate Policy

Definitions:

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

Term	Definition
Confidential Information	City Information that would qualify for a discretionary exemption or exclusion under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), including but not limited to closed session materials, advice to government, law enforcement records, intergovernmental relations, third party information, economic interests, solicitor-client privilege, employee and labour relations
Disclosure	The release of information by any method (i.e. sharing information by any means such as verbally, sending an email, posting online) to any person.
Disposition	The action taken with regards to information including destruction, transfer to another entity, or permanent preservation.
Notice of Collection statement	A legislatively required public notice outlined in MFIPPA section 29(2) which includes (a) the legal authority for the collection; (b) the principal purpose or purposes for which the personal information is intended to be used; and (c) the title, business address and business telephone number of City staff who can answer the individual's questions about the collection.
MFIPPA	*Municipal Freedom of Information and Protection of Privacy Act*, R.S. O. 1990,

Term	Definition
	c.M.56, as amended, and includes any regulations passed under it.
Personal Information	Recorded information about an identifiable individual, as defined in MFIPPA section 2(1).
Personal Health Information	As defined in Personal Health Information Protection Act section 4
Privacy	A set of interests and rights that an individual has regarding their ability to control the collection, use, disclosure and disposal of their own personal information that is in the custody or under the control of the City of Burlington.
Personal Information Bank	a collection of personal information that is organized and capable of being retrieved using an individual's name or an identifying number or particular assigned to the individual
Privacy Breach	Occurs when personal information is lost, stolen, or there is unauthorized collection, use, or disclosure of personal information.
Privacy By Design	a methodology for proactively embedding privacy into information technology, business practices, and networked infrastructures, as outlined by the Information and Privacy Commissioner
Privacy Impact Assessment (PIA)	a privacy management tool used to identify the actual or potential effects that a proposed or existing information system, technology, program, process or other activity may have on an individual's privacy.
Record	Recorded information on any format

Corporate Policy

References:

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)	Provincial legislation to provide the public right of access to information and to protect the privacy of individuals personal information.
Information and Privacy Commissioner of Ontario (IPC)	Provincial commission that handles MFIPPA appeals; oversight of rules about how institutions collect, use and disclose personal information.
Information Management Policy	Requirements regarding the creation and life cycle management of information in the custody, or under the control of the City
Information Technology Security Policy	Ensure the city's information technology is secured and controlled.
Computer & Technology Acceptable Use Policy	Use of electronic networks & devices, compliance, and protects both the interests of the City and the privacy of employees.
Web Communication Policy	Ensure web communications are strategic, professional and effective.
In-Camera Information Policy	To clarify how in-camera/ confidential items are determined and communicated.
Code of Conduct Policy	Represents general standards of personal and professional competence, integrity and impartiality.
City of Burlington Records Retention By-Law	Provides records retention schedules of records belonging to the city, outlining retention and security requirements of various types of personal information
Personal Information Bank index	A public index of personal information kept at the City of Burlington.

Corporate Policy

Roles:

Accountable:

The Manager of Records and Information with support from the Access and Privacy Coordinator will be the lead staff for fulfilling the Office of the City Clerk responsibilities.

Directors are responsible for their respective department's responsibilities under this policy.

Each individual that collects, uses, discloses and disposes of personal and confidential information for the City of Burlington is accountable for the actions they take with the information.

Responsible:

Staff will work collaboratively with the Manager of Records and Information with support from the Access & Privacy Coordinator on PIAs, Notice of Collection statements, and privacy matters to ensure appropriate training, processes and uses are in place for their areas.