



Organizational Policy

Protection of Privacy and Confidentiality of Information

Approved by Burlington Leadership Team on November 2, 2016

Effective: February 2017

Reviewed on: March 2019

Amended: March 2019

Next Review: September 2021

Note: This policy replaced the July 2002 Protection of Privacy and Confidentiality of Information corporate policy.

Purpose:

The purpose of the Protection of Privacy and Confidentiality of Information policy is to:

- ensure the protection of personal and confidential information and how it's collected, retained, used, disclosed and disposed of by the City of Burlington.
- establish Privacy Impact Assessments (PIAs) usage to assure the public that the city builds privacy protective measures into its services, programs, technologies, and/or systems.
- establish investigation and reporting for privacy breaches.

Policy Statement:

In accordance with city's obligations under city policies, the *Municipal Act* and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the City of Burlington will protect the privacy and confidentiality of information by ensuring appropriate treatment on how the information is collected, retained, used, disclosed and disposed of. The City of Burlington will not license or sell personal or confidential information.

Organizational Policy

Personal Information:

- 1) City employees, volunteers and members of council have the responsibility for the protection of personal information they collect, retain, use, disclose and dispose of for city business. Personal information must be secured and protected however it is recorded or delivered. For example, personal information is only accessible and discussed by authorized users.
- 2) All forms of information are governed by this policy whether or not the information is recorded.
- 3) Staff will plan for and ensure that information protection requirements are embedded in the design of all city programs, processes, projects and technology for personal information.
- 4) Staff will clearly communicate to the public through a “notice of collection” and “privacy” 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.
- 5) Privacy training is mandatory for all city staff, members of council and volunteers that handle personal information.

Privacy Impact Assessment (PIA):

- 6) The city’s PIA Preliminary Analysis Questionnaire (risk assessment) must be completed by a department/project and submitted to the Access & Privacy Coordinator before implementing new or significantly changing any program or system that requires the collection, use, or disclosure of personal information.
- 7) When a PIA is required, the associated resources and completion of the PIA is the responsibility of the department or project.
- 8) The City Clerk, in consultation with the Directors affected, is authorized to place a “hold” on technology, system, program or service where privacy compliance issues have not been addressed in a manner that satisfies privacy and/or security concerns raised in the preliminary analysis.

Organizational Policy

Confidential Information (paper, electronic, verbal):

- 9) Printed confidential information must be prominently labeled CONFIDENTIAL on each page and printed on yellow paper. Yellow paper must only be used for confidential matters.
- 10) Printed confidential information must be disposed of by shredding and not recycling. Electronic confidential information must be permanently deleted.
- 11) Information that is confidential should be distributed through standard mail and marked 'CONFIDENTIAL' on the outside envelope. If electronic communication distribution is used, the subject title should contain 'CONFIDENTIAL' and software protection settings should be set to 'confidential'.
- 12) Confidential information must be secured and protected however it is recorded or the delivery method. For example, confidential information is only discussed with and accessible by authorized users.

Complaints and Breaches:

- 13) All complaints and suspected breaches regarding the inappropriate or unauthorized collection, retention, use, disclosure or disposition of information in ways that are not in accordance with MFIPPA or corporate policies must be immediately contained, to a reasonable standard, and reported to the employee's Supervisor and the Access & Privacy Coordinator.
 - a. Reports of privacy breaches will be investigated and remediated using the Information and Privacy Commissioner of Ontario (IPC) guidelines.
 - b. All breaches arising from this policy will be reported to the appropriate authorities with recommendations for action and to the City Clerk.

Scope:

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

Organizational Policy

Objectives:

- Protect the privacy of individuals and confidentiality of 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.
- Ensure that privacy impact reviews are completed for all new or significant changes to programs or systems that involves personal information.
- Establish roles and responsibilities for managing privacy investigations and other privacy matters.

Definitions:

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

Term	Definition
Confidential Information	<p>This description is for all records and information with limited access and intended solely for the addressee(s). It includes :</p> <ul style="list-style-type: none"> • the security of the city's property, • personal matters about an identifiable individual, • proposed or pending acquisition of land, • labour relations or employee negotiations, • litigation or potential litigation, • advice that is subject to solicitor-client privilege • subject matter related to consideration of a request under MFIPPA • third party proprietary information • relations with government • information that is sensitive or personal • as well as any other information that the city deems to be confidential. <p><i>Note that confidential information and records may be releasable as determined under MFIPPA legislation.</i></p>

Organizational Policy

Term	Definition
Disclosure	The release of personal and confidential 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 personal and confidential information including destruction, transfer to another entity, or permanent preservation.
MFIPPA	<i>Municipal Freedom of Information and Protection of Privacy Act</i> , R.S. O. 1990, c.M.56, as amended, and includes any regulations passed under it. MFIPPA governs the collection, use and disclosure of information by certain institutions in Ontario including municipalities.
Personal Information	<p>Recorded information about an identifiable individual, including:</p> <ul style="list-style-type: none"> • race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual • education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved • identifying number, symbol or other particular assigned • address, telephone number, fingerprints or blood type • personal opinions or views of the individual except if they relate to another individual • correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature, and replies that would reveal the contents of the original correspondence • views or opinions of another individual about the individual • individual's name if it appears with other personal information <p>For more information, refer to MFIPPA s. 2(1).</p>

Organizational Policy

Term	Definition
Privacy	This is a set of interests and rights that an individual has regarding his/her ability to control the collection, use, disclosure and disposal retention of his/her own personal information that is in the custody or under the control of the City of Burlington. Privacy is not an absolute right in all situations. Personal information may be collected, used, disclosed or retained without the consent of individuals where specific legislation permits.
Privacy Breach	Occurs when personal information is collected, retained, used, disclosed or disposed in ways that are not in accordance with the provisions of MFIPPA and/or corporate policies.
Privacy Impact Assessment (PIA)	The PIA is a process for identifying, assessing and mitigating privacy risks. A PIA is a due diligence exercise to analyze the effects of a technology, system, program or service design on the privacy of individuals.
PIA Preliminary Analysis Questionnaire	A PIA Preliminary Analysis Questionnaire is a preliminary assessment of a project, activity or service to determine if a PIA is required.
Record	<p>Means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:</p> <ul style="list-style-type: none"> a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and b) any record that is capable of being produced from a machine readable record under the control of the institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution. <p>(from MFIPPA)</p>

Organizational Policy

Term	Definition
Use	The purpose(s) for which the information was obtained or compiled.

References:

<i>Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)</i>	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 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.

Organizational Policy

Roles:

Accountable:

The Access & Privacy Coordinator is accountable for the timely review, updating and dissemination of the policy as well as the training.

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 Access & Privacy Coordinator on PIAs, Notice of Collections, Privacy Statements and privacy matters to ensure appropriate training, processes and uses are in place for their areas.