

To: Regional and Corporate Services Committee

Date: 2023-02-02

From: Jaime Van Nes, Director of Legislative Services/Privacy Officer

File No: 0340

Subject: FVRD Privacy Breach Policy

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## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board endorse and adopt the draft FVRD Privacy Breach Policy.

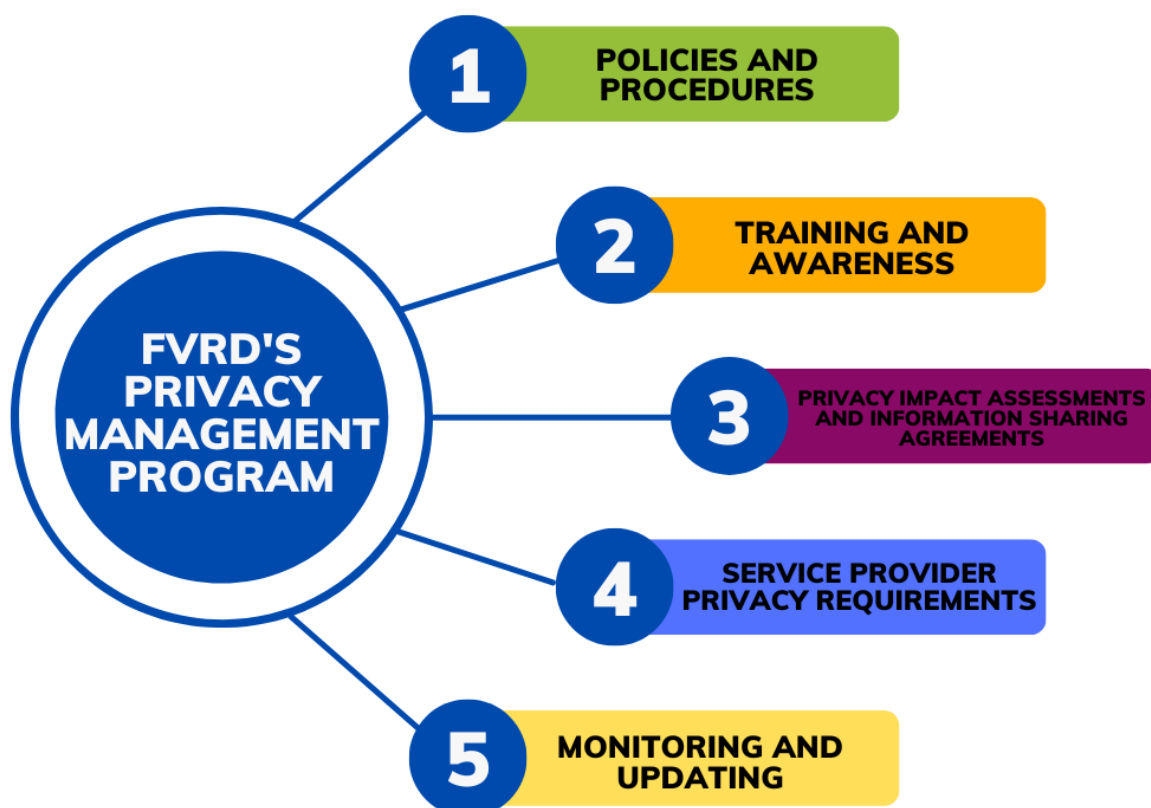
## BACKGROUND

The Fraser Valley Regional District is a public body under the *Freedom of Information and Protection of Privacy Act* ('FOIPPA') and as such, has a statutory obligation to protect privacy and personal information from unauthorized collection, use and disclosure.

In December 2022, the Minister of Citizens' Services released a privacy management program direction to all public body privacy officers stating that effective February 1, 2023, all public bodies would be required to develop a privacy management program, setting out clear and scalable parameters for the components of a privacy management program. One of those components listed in the Ministerial direction is the requirement for a documented process for responding to privacy complaints and privacy breaches. Although not strictly required to be set in policy, having this documented process enshrined in policy is recommended as an administrative best practice; better **supporting and strengthening the FVRD's** privacy management program.

In addition to the Ministerial direction, Order in Council No. 638 issued on November 28, 2022 orders that effective February 1, 2023, Regulations to FOIPPA will be amended to include mandatory privacy breach notifications.

The FVRD's Privacy Officer supports the development, implementation and maintenance of the FVRD's existing privacy management program, consisting of five key components. Implementation of these five key components assists the FVRD in setting clear expectations for privacy accountability, and supporting compliance with the requirements of legislation, regulations, and all Ministerial directions.



## DISCUSSION

The FVRD Privacy Breach Policy further expands and supports one of the five key components of the FVRD's privacy management program, and demonstrates **the FVRD's commitment and accountability** with respect to the protection of privacy and personal information in all FVRD programs, activities and operations. Furthermore, the FVRD commits to taking reasonable security precautions to protect against a privacy breach through unauthorized access to or collection, use or disclosure of personal information.

The draft policy is based on the requirements under FOIPPA, regulations, legislation and Ministerial Direction. Further resources used in the draft policy include provincial guidelines, and other resources

issued by the Office of the Information and Privacy Commissioner for BC (OIPC), the body who **provides independent oversight and enforcement of BC's access and privacy laws**. The draft policy ensures compliance with the requirements set out in legislation, regulations, Ministerial direction as well as guidelines issued by the OIPC, and does not set out any stricter measures than legislatively required, and is consistent with existing practices under the privacy management program.

The draft policy applies to all FVRD employees, Board members, agents, volunteers and service providers, and requires immediate notification of any known or suspected privacy breaches to the **FVRD's Privacy Officer**. The Privacy Officer will take immediate steps to contain and manage any Privacy Breach, and will work with an investigation team to complete the action steps set out in the draft policy.

The following four key steps are the documented process for privacy breaches in the draft FVRD Privacy Breach Policy:



Training to develop and build awareness and understanding with respect to the FVRD privacy policies and privacy management program is currently being developed and will take place in 2023.

## COST

No costs associated with the draft policy. Training costs are included in the 2023-2027 financial plan bylaw.

## CONCLUSION

The FVRD is a public body under the *Freedom of Information and Protection of Privacy Act*, and as such has a statutory obligation to protect privacy and personal information from unauthorized collection, use and disclosure.

Effective February 1, 2023, Ministerial direction and legislative changes to FOIPPA require that all public bodies have a privacy management program, setting out clear and scalable parameters for the components of a privacy management program.

The draft FVRD Privacy Breach Policy further expands and supports one of the five key components to **the FVRD's existing privacy management program**. **The draft policy** complies with all requirements set out in legislation, regulation, Ministerial direction and OIPC guidelines. The draft policy does not set out any stricter measures than required.

Training to develop and build awareness and understanding with respect to the FVRD Privacy Breach Policy, and other privacy policies of the FVRDs privacy management program is currently being developed and will take place in 2023.

## COMMENTS BY:

Kelly Lownsbrough, Director of Corporate Services/CFO: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.