



## EXECUTIVE AND INTERGOVERNMENTAL AFFAIRS

### PRIVACY BREACH POLICY

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#### POLICY STATEMENT

The Government of Nunavut recognizes the need to ensure the personal information of individuals who interact with us is securely protected against unlawful collection, use, disclosure and disposal. This policy sets out requirements of all public bodies to ensure we have a consistent and standardized approach to responding effectively to privacy breaches.

#### PRINCIPLES

This policy supports Pijitsirniq and Piliriqatigiinniq by ensuring that:

- Public bodies have a duty to ensure the privacy rights of all individuals who provide their personal information to the government.
- A consistent approach to the application of the privacy provisions of the Act and regulations is applied across all public bodies.

#### APPLICATION

This policy applies to all departments, branches and offices of the Government of Nunavut, as well as agencies, boards, commissions, corporations, offices and other bodies designated under Schedule A of the ATIPP regulations.

It also applies to stakeholders, partners, contractors and other representatives of the GN involved in the collection and handling of personal information or information that may impact individuals' privacy.

#### DEFINITIONS

Act:

The Access to Information and Protection of Privacy Act.

ATIPP Coordinator:

A public servant with appropriate training and delegated authority to process requests made under the ATIPP Act.

ATIPP Coordinators Committee:

A committee comprised of all ATIPP Coordinators of every public body authorized under section 69 of the ATIPP Act, which is chaired by the Manager of the Territorial ATIPP Office

Public Body:

A department, branch or office of the Government of Nunavut, or an agency, board, commission, corporation, office or other body designated under Schedule A of the ATIPP regulations; public bodies do not include the Office of the Legislative Assembly, the office of a member of the Legislative Assembly or Executive Council.

Project Lead:

The main point of contact or subject matter expert for the development or redevelopment of a program, service or initiative for a public body.

Head:

The member of the Executive Council who presides over a public body that is a department, branch or office of the Government of Nunavut, and in relation to any other public body, the person designated in the regulations as the head of the public body.

Information Technology Division

The information and Technology Divisions within the Department of Community and Government Services or any other technical branch that provides support services to a public body.

Deputy Head:

The Deputy Minister or President that is responsible for a public body.

Territorial ATIPP Office:

The office within the Department of Executive and Intergovernmental Affairs designated as the centralized office for the coordination of the ATIPP function across all public bodies

Material Breach of Privacy

A Serious breach of Privacy, as defined in the ATIPP Act and below, that needs to be reported in the appropriate format to the Information and Privacy Commissioner.

Material breach of privacy – factors:

The factors that are relevant in determining whether a breach of privacy with respect to personal information under the control of a public body is material include

- (a) the sensitivity of the personal information;
- (b) the number of individuals whose personal information is involved;
- (c) the likelihood of harm to the individuals whose personal information is involved; and
- (d) an assessment by the public body whether the cause of the breach is a systemic problem.

### Privacy breach

An improper or unauthorized collection, use, modification, disclosure, retention and/or disposition of personal information which may be the result of unintentional errors or malicious actions by employees, third parties, partners in information-sharing agreements or intruders. Privacy breaches may bring serious consequences for the individual and/or the GN, and they may require comprehensive measures to minimize the damage.

### Privacy Management Manual (PMM)

Comprehensive set of instructional materials that outline the standard processes that should be followed by all public bodies in preventing, responding to, and addressing privacy breaches. The PMM is to be maintained and reviewed regularly by the ATIPP office and the ATIPP Coordinators Committee.

## **ROLES AND RESPONSIBILITIES**

### Minister

The Minister responsible for the Act is accountable to the Executive Council for the implementation of this policy.

### Deputy Minister

The Deputy Minister of the Department of Executive and Intergovernmental Affairs is responsible to the Minister for the administration of this policy.

## **PROVISIONS**

All employees are required to comply with the privacy provisions set out in the ATIPP Act and regulations. They must know their obligations as set out in the Privacy Management Manual (PMM) including their obligations to comply with the administrative processes in dealing with personal privacy.

To support the Act and regulations, the PMM will provide the tools, needed to allow for the easy implementation of a standard privacy function that is consistent across all public bodies.

### Reporting of Privacy Breaches

Any Government of Nunavut employee who believes personal information of Nunavummiut has been collected, used or disclosed inappropriately must notify their ATIPP Coordinator as soon as possible.

### Responding to Privacy Breaches

All public bodies are responsible for responding to privacy breaches in accordance with the Act. The ATIPP coordinator within the public body will oversee the investigative process and report all findings to the Territorial ATIPP Office, including recommendations regarding whether or not the breach is

material. The Territorial ATIPP Office will advise, based on the circumstances of the breach, as to whether or not the breach is material and whether or not the Information and Privacy Commissioner's Office must be notified.

All GN employees must cooperate fully with the investigation process and diligently provide all requested information. The circumstances of the breach must be fully documented in a privacy breach report. Templates can be found in the Privacy Management Manual.

Although the public body is responsible for their records and handling a privacy breach, the Information Technology Division may be required to assist in the investigation process, as they are responsible for the information systems.

#### Other Duties and Responsibilities

The ATIPP Coordinators Committee is responsible for developing and reviewing procedures, protocols, guidelines, resource materials, and standards of application and service pertaining to the administration of the privacy provisions of the ATIPP Act and its regulations.

The Territorial ATIPP Office will:

- 1) Monitor the implementation of this policy and related procedures to insure that all public bodies implement adequate measures to prevent and respond to privacy breaches.
- 2) Compile statistical information pertaining to privacy breaches and coordinate centrally, the response to material privacy breaches affecting multiple departments.
- 3) Ensure the accuracy of the PMM and its application across all public bodies.

#### **PREROGATIVE OF CABINET**

Nothing in this directive shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take actions respecting the administration of ATIPP outside the provisions of this policy.

#### **SUNSET CLAUSE**

This Policy will be effective from the date of signature until October 2024.