



EXECUTIVE AND INTERGOVERNMENTAL AFFAIRS

PRIVACY IMPACT ASSESSMENT POLICY

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 undertake preliminary privacy impact assessments and comprehensive privacy impact assessments when warranted to ensure privacy vulnerabilities are addressed before they become 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.

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

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.

Privacy Impact Assessments

According to the Act, during the development of a program or service by a public body or the redesign of an existing program or service by a public body, the project lead must complete a preliminary privacy impact assessment (Pre-PIA) for the purposes of determining whether a comprehensive Privacy Impact Assessment (PIA) is required.

Preliminary Privacy Impact Assessment

The Project lead will fill out the appropriate form for Preliminary Privacy Impact Assessments in section 7 of the Privacy Management Manual to the best of their ability. Once completed, the ATIPP coordinator of the department will review the Pre-PIA and determine whether or not a full PIA is warranted, and provide their reason, in writing, in the appropriate place on the form.

Submission to Territorial ATIPP Office

Once a Pre-PIA is completed, it must be provided to the Territorial ATIPP Office for review and comment. They will either:

1. Review the Pre-PIA and confirm the ATIPP Coordinator's determination regarding whether a PIA is needed, or,
2. Recommend an alternative decision.

Privacy Impact Assessment (PIA)

Should the Pre-PIA determine that a PIA is required, the project lead will initiate work on a PIA as soon as reasonably practicable, and must be completed before an initiative, program or service begins and or substantively changes. Directions and forms for the creation of a PIA are available in section 7 of the Privacy Management Manual. The creation of the PIA should involve the departmental ATIPP Coordinator and the appropriate subject matter experts to ensure that the document is appropriately drafted.

The Territorial ATIPP Office will provide advice and support as required and appropriate.

Review by the Territorial ATIPP Office

Once a Privacy Impact Assessment is received by the Territorial ATIPP Office they will review the document and determine:

1. Whether the findings of the Privacy Impact Assessment are appropriate given the circumstances;
2. Whether or not the Information and Privacy Commissioner should be consulted;
3. If there are additional recommendations that should be made to mitigate any privacy concerns raised in the PIA.

Review by the Information and Privacy Commissioner

When appropriate, the Territorial ATIPP Office may recommend that a Privacy Impact Assessment or Preliminary Privacy Impact Assessment be forwarded to the Information and Privacy Commissioner for review and comment.

Disagreement between departments and the Territorial ATIPP Office

When there is disagreement between the Territorial ATIPP Office and the department providing a Pre-PIA or PIA, the matter will be provided to the Deputy Head of the public body responsible for the new program or service and the Deputy Head of the Department of Executive and Intergovernmental Affairs for review and decision.

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 complete preliminary privacy impact assessments and privacy impact assessments
- 2) Compile statistical information pertaining to preliminary privacy impact assessments and privacy impact assessments.
- 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.