

Effective __ _____ 2021

<p>POLICY CIRCULAR PROCEDURE FOR ADDRESSING AND CONTAINING PRIVACY BREACHES</p>

At its meeting of __ _____ 2021 the NL Labour Relations Board (“Board”) adopted the below Policy in relation to the procedure for addressing and containing privacy breaches.

PURPOSE

The purpose of this Policy and Procedure is to provide a consistent and effective approach to the investigation, management and containment of privacy breaches involving personal information.

INTRODUCTION

A privacy breach involves the collection, use, or disclosure of personal information in contravention of the *Access to Information and Protection of Privacy Act, 2015* (the “Act”).

A privacy breach occurs when personal information is inappropriately collected, used or disclosed. A privacy breach also occurs when information is lost, stolen, mistakenly disclosed or accessed without a legitimate work purpose.

The *Act* makes it mandatory for all public bodies, including the Labour Relations Board (the “Board”) to report all privacy breaches to the Office of the Information and Privacy Commissioner (the “OIPC”).

This Policy and Procedure will be applied by the Board when a privacy breach occurs.

PROCEDURE: STEP 1 (PRELIMINARY ASSESSMENT AND CONTAINMENT)

A staff member of the Board who becomes aware of a possible breach of privacy involving personal information in the custody or control of the Board will immediately inform the C.E.O. of the Board, the Deputy C.E.O. and the Board’s ATIPP Coordinator.

Once a breach of personal information has been confirmed the C.E.O. or designate will identify the cause, extent and risks associated with the privacy breach. The C.E.O. or designate will also take immediate action to retrieve the personal information, contain the privacy breach and prevent any further privacy breaches of a similar nature.

PROCEDURE: STEP 2 (NOTIFICATION)

The C.E.O. or designate will notify the Chairperson of the Board (the “Chairperson”) and the Deputy Minister of the Department of the privacy breach.

The Chairperson of the Board will provide notification of the privacy breach to the OIPC and the Access to Information and Protection of Privacy Office in accordance with the *Act*, using the Privacy Breach Reporting Form (<https://www.oipc.nl.ca/pdfs/PrivacyBreachReportingForm.pdf>).

The Chairperson, in consultation with the C.E.O., will make a decision about notification to the affected individual(s) concerning the privacy breach, in accordance with the *Act*. If notification is given to the affected individual(s) then the Chairperson, in consultation with the C.E.O., will provide direction with respect to the timing of the notification and the level of information to be disclosed during the notification (i.e. date of breach, manner of breach, information disclosed, steps taken to eliminate or contain the harm, contact information for the OIPC).

PROCEDURE: STEP 3 (EVALUATE THE RISK)

The Board’s ATIPP Coordinator, in consultation with the C.E.O., will evaluate the risks associated with the privacy breach. The following factors will be considered in assessing the risks:

- (i) Personal Information - identify the personal information that has been breached; the more sensitive and confidential the information the higher the risk;
- (ii) Cause and Extent of the Breach – identify the cause and extent of the breach and whether there is a risk of ongoing or further disclosure of any personal information; any further steps to minimize the potential harm should be put in place;
- (iii) Number of Individuals – identify the number of individuals affected by the privacy breach;
- (iv) Foreseeable Harm from the Privacy Breach – identify what potential harm will result to affected individuals from the privacy breach (i.e. security risks, identity theft or fraud, loss of business or employment, damage to reputation);
- (v) Harm to the Board and Department – identify the potential for reputational and financial damage to the Board and the Department (i.e. loss of confidence in Board operations, loss of assets and possible financial exposure); and

- (vi) Harm to the Others – identify the harm that could result to third parties or the public resulting from the privacy breach.

PROCEDURE: STEP 4 (MITIGATION AND PREVENTION)

The Board's ATIPP Coordinator, in consultation with the C.E.O., will review the circumstances that caused the privacy breach and the Board's follow-up to the privacy breach.

The ATIPP Coordinator, in consultation with the C.E.O., will identify any steps that can be taken in the future to improve the Board's investigation, management and containment of privacy breaches.

The ATIPP Coordinator, in consultation with the C.E.O., will also identify any potential training or education that the Board could use in the future to better prevent or manage privacy breaches.

PROCEDURE: STEP 5 (PRIVACY BREACH REPORTING)

The ATIPP Coordinator, in conjunction with the C.E.O., will confirm that the OIPC has been given proper notice of the privacy breach, in accordance with the *Act*.

The ATIPP Coordinator, in conjunction with the C.E.O., will also ensure that reporting of the privacy breach is provided in the Board's Annual Report. This will be coordinated, as necessary, through the Public Engagement and Planning Division.

PROCEDURE: STEP 6 (TREND ANALYSIS AND PROCESS/POLICY REVIEW)

The ATIPP Coordinator will track and analyze all privacy breaches involving the Board, and determine if there are any trends with respect to that.

The C.E.O., in consultation with the ATIPP Coordinator and the Chairperson, will review the Board's policies and procedures concerning personal information and privacy breaches on an ongoing basis. Any necessary changes to the Board's policies and procedures will be made on an ongoing basis, as needed, in accordance with the applicable legislation.