



City of Victoria - Privacy Impact Assessment

FOI Request Process

PIA# 2013-002

Why do I need to do a PIA?

Section 69(5.3) of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) requires the head of a public body to conduct a privacy impact assessment (PIA) in accordance with the directions of the minister responsible for FOIPPA. Public bodies should contact the privacy office(r) for their public body to determine internal policies for review and sign-off of the PIA. Public bodies may submit PIAs to the Office of the Information and Privacy Commissioner for BC (OIPC) for review and comment.

What if my initiative does not include personal information?

Public bodies still need to complete Part 1 of the PIA and submit it along with the signatures pages to their privacy office(r) even if it is thought that no personal information is involved. This ensures that the initiative has been accurately assessed.

Part 1 – General

Name of Department/Branch:	Archives and Records Management Division, Legislative and Regulatory Services Dept.		
PIA Drafter:	Rob Gordon		
Email:	rgordon@victoria.ca	Phone:	250 361-1347
Program Manager:	Julie Luckevich		
Email:	jluckevich@victoria.ca	Phone:	250 361-1303

1. Description of the Initiative

Under the *Freedom of Information and Protection of Privacy Act* (FIPPA), staff in the Archives and Records Management Division process access to information requests submitted to the City of Victoria including the Victoria Fire Department and Victoria Animal Control Services. The Victoria Police Department processes its own access to information requests.

This PIA excludes the review and complaint process when applicants appeal to the Office of the Information and Privacy Commissioner.

Between 2010 and 2013 the City averaged 93 requests a year. The most frequent types of applicants to request City records are: individuals, media outlets, businesses and law firms. Individuals may submit requests for their own personal information, because they were attacked by a dog or their dog attacked someone, a third party submitted a bylaw complaint against them, or they want to know what the City is doing about issues that affect them personally (e.g. their neighbourhood park) or they have concerns about capital projects like the Johnson Street Bridge.



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Media outlets (e.g. Times Colonist, Focus Magazine) want information about issues of public interest (e.g. The Crystal Pool, Johnson Street Bridge). Businesses want to know why they didn't win a contract, whether the City is processing their development proposal properly or whether the City will approve a proposal (e.g. the new harbour seaplane terminal). Law firms request records affecting their clients' interests (e.g. individuals with claims against the City, developers, landlords whose house caught on fire). Insurance adjusters also submit requests for fire investigation records on behalf of their clients.

2. Scope of this PIA

This PIA reviews the case management process for managing access to information requests. Specifically, this PIA describes each activity that goes into processing requests including those activities (e.g. fee estimates, time extensions) that do not always occur with each request.

The activities are:

A. Receiving a request:

- i. Confirming the request is properly submitted under FIPPA.
- ii. Entering the request into the CivicWeb FOI Request Tracking List.
- iii. Notifying key staff of a new request.
- iv. Sending the applicant an acknowledgement letter.
- v. Creating an FOI request file folder.

B. Gathering the records

- i. Sending program areas, employees the wording of the request.
- ii. Asking staff to gather records that are "responsive" to the request.
- iii. Providing advice to staff to ensure compliance with FIPPA.
- iv. Receiving the records from staff and reviewing them for completeness.

C. Reviewing the records

- i. Staff who process requests review the records to identify information that must/may be withheld under one or more of FIPPA's exceptions to disclosure.
- ii. Staff may require assistance with step one from the staff who provided the records.
- iii. A copy of the records is created that redlines information that must/may be withheld.

D. Responding to applicants

- i. A sign off form is completed to demonstrate that the request was processed in accordance with FIPPA.



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- ii. The “Head of the Public Body” reviews the redlined records and the sign off form and decides whether or not to accept the recommendations to release information not redlined and withhold information that is redlined.
- iii. Once a decision has been made, key staff are notified that the records are ready for release to the applicant.
- iv. A redacted copy of the records, along with a response letter, is sent to the applicant.
- v. All the records pertaining to the processing of the request are gathered into the request’s file folder and the request is closed in CivicWeb’s FOI Request Tracking List.

3. Related Privacy Impact Assessments

There are no related PIAs or previous PIAs that this PIA will supersede.

4. Elements of Information or Data

Personal information is present in all four activities of the FOI request process. Personal information comes from these sources:

- The applicant
- The records
- Third parties (i.e. individuals contacted for consultation purposes or individuals who are acting on behalf of applicants)

The types of personal information collected are organized according to the activity in which it is collected. This will help put the information in context with regard to why it is collected and how it is used and disclosed.

Receiving Requests from:

- Individuals: FIPPA does not require applicants to provide their personal information with their requests for records. The City also does not request applicants’ personal information or have them complete an access to information form that requests their personal information. However, virtually all applicants provide their name and some method of contacting them. Occasionally applicants will describe some event that happened to them that caused them to submit their request. This information is not used or disclosed beyond FOI staff because it is needed to identify and gather responsive records.
- Media, businesses, law firms: Typically provide names, title, addresses, contact information. Under FIPPA this information is specifically excluded from its definition of personal information and is not considered personal information. It falls under the definition of non-personal contact information.



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Gathering the Records:

- Staff who gather the records are not given the name of the applicant unless the applicant is seeking their own personal information.
- Staff can gather records containing the applicant's personal information and the personal information of third parties. Staff have already gathered this personal information or obtained it as part of their job duties.
- The staff that process requests need to review all personal information to determine what can and cannot be released.
- Typical personal information contained in City records responsive to FOI requests includes:
 - Name, address and contact information
 - Employment history
 - Financial history
 - Details provided by witnesses to a bylaw infraction or dog attack
 - Details provided by persons affected by a fire, or witness to a fire

Reviewing the records:

- There is no use of the records except to review them for the application of one or more of the exceptions to disclosure. This may include sending them back to staff for comment or consulting with the individuals the personal information belongs to.

Responding to Applicants:

- The Manager, Archives and Records Management, reviews responsive records that will be released to applicants to evaluate whether the recommendations to release or withhold the records are supported by FIPPA. The "Head of the Public Body" then reviews the records for the same purpose because he is the designated decision-maker under FIPPA with regard to records applicants receive or do not receive.

Part 2 – Protection of Personal Information

5. Storage or Access outside Canada

- All iCompass data is stored in the cloud, storage is in a data centre in Ontario and you can access the data from anywhere but you will require the user name and password required when accessing FOI information from the City of Victoria office
- The data is backed up in the Ontario data centre but not outside of Canada

6. Data-linking Initiative*

Answer the following questions to determine whether your initiative qualifies as a “data-linking initiative” under the Act.	
1. Personal information from one database is linked or combined with personal information from another database;	no
2. The purpose for the linkage is different from those for which the personal information in each database was originally obtained or compiled;	no
3. The data linking is occurring between either (1) two or more public bodies or (2) one or more public bodies and one or more agencies.	no
If you have answered “yes” to all three questions, please contact your privacy office(r) to discuss the requirements of a data-linking initiative.	

7. Common or Integrated Program or Activity*

Answer the following questions to determine whether your initiative qualifies as “a common or integrated program or activity” under the Act.	
1. This initiative involves a program or activity that provides a service (or services);	no
2. Those services are provided through: (a) a public body and at least one other public body or agency working collaboratively to provide that service; or (b) one public body working on behalf of one or more other public bodies or agencies;	no
3. The common or integrated program/activity is confirmed by written documentation that meets the requirements set out in the FOIPP regulation.	no

8. Personal Information Flow Diagram and/or Personal Information Flow Table

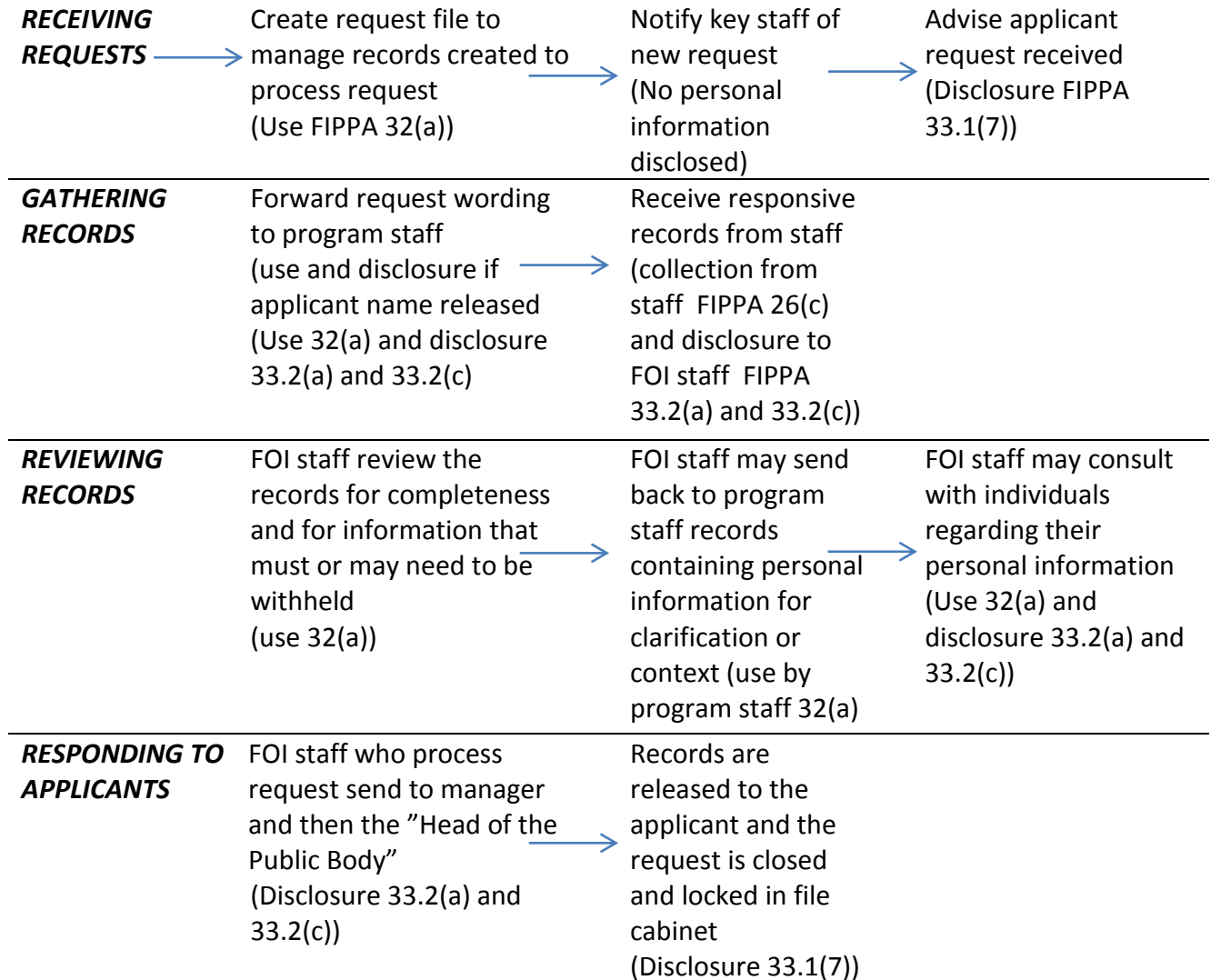
This is a simple flow diagram to provide a visual representation of the collection, use and disclosure of personal information as it travels through the typical process to complete an FOI request for general, non-sensitive, information.



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Personal Information Flow Table			
	Description/Purpose	Type	FOIPPA Authority
1.	Applicant submits an access to information request and provides her personal contact information	Collection	26(c)
2.	FOI staff send applicant an acknowledgement letter	Disclosure	33.1(7)
3.	Dept. staff gather responsive records	Use	32(a)&(b)
4.	Dept. staff provide FOI staff with responsive records	Disclosure	33.1(1)(e)(i) 33.2(c)
5.	FOI staff collect responsive records	Collection	26(a)
6.	FOI staff review responsive records for the purpose of	Use	



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	responding to the access to information request		
7.	Review of responsive records by the Head of the Public Body	Disclosure	33.1(1)(e)(i) 33.2(c)
8.	Release to the applicant in response to her access to information request	Use	32(a)
	Disclosure to the applicant	Disclosure	33.1(1)(a) & (c)

9. Risk Mitigation Table

Risk Mitigation Table				
	Risk	Mitigation Strategy	Likelihood	Impact
1.	Applicants may not be who they say they are	Requests are carefully reviewed and applicants' identities confirmed if necessary	Low	Medium
2.	Inherent risks in sending personal information to a client via email	Applicants will advise if they want to pick up their personal information and/or advised that email is not secure	Medium	Medium
3.	Personal information may not be identified in records	Responsive records are reviewed multiple times and by at least two different people. Also, records do not typically contain a lot of personal information	Low	Medium
4.	Responsive records may not be protected sufficiently	FOI staff are trained to protect records and they have lockable cabinets	Low	Medium
5.	The wrong or un-redacted records can be released	File naming conventions associate responsive records to their specific request and distinguish redlined records from redacted records	Low	Medium

10. Collection Notice

FIPPA does not require applicants to identify themselves, although they must provide their name if they are requesting their personal information to enable staff to gather the responsive records. Also, in virtually all instances, applicants provide their name and some method of being contacted.



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Part 3 – Security of Personal Information

11. Please describe the physical security measures related to the initiative (if applicable).

Once completed FOI request files are stored in lockable file cabinets in the Archives and Records Management office. Access to the office is restricted to City employees whose access pass opens the building entrance door and the office door. The keys to the file cabinets are held by the Manager and the two FOI staff.

12. Please describe the technical security measures related to the initiative (if applicable).

The portion of the LAN used for FOI requests has access protocols and CivicWeb, the FOI case management system, also has access protocols. There are also the technical measures in place protecting the City network.

iCompass protects data flowing from the data centre using SSL (Secure Socket Layers) which is the industry standard in terms of secure data transmission. The only place with direct access to the data centre servers containing the City's FOI data is from the iCompass head office in Kamloops

Data is security controlled by means of a user name and password.

13. Does your branch/department rely on any security policies?

There are no written security policies. There is a FOI staff of four that know how to effectively protect the personal information in the approximately 100 FOI requests received each year.

14. Please describe any access controls and/or ways in which you will limit or restrict unauthorized changes (such as additions or deletions) to personal information.

Each FOI staff is responsible for their own FOI requests and they document when they disclose records to other staff for review to identify possible harms if the records are released.

15. Please describe how you track who has access to the personal information.

FOI staff keep their request files until completed. They do not share access to their files or give them to other staff. If FOI staff seek each other's advice on files, the files remain with the person who is processing the request. Lastly, access to personal information on CivicWeb logs who accessed the system, what they accessed, changed or deleted.

The FOI folder is protected by user groups containing just the people who need access and the permissions they have (e.g. modify, read and execute, write, but not special permissions). The folder does not audit and keep a log of who accessed the folder.



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Part 4 – Accuracy/Correction/Retention of Personal Information

- 16. How is an individual's information updated or corrected? If information is not updated or corrected (for physical, procedural or other reasons) please explain how it will be annotated? If personal information will be disclosed to others, how will the public body notify them of the update, correction or annotation?**

Applicants who request and receive their personal information and believe it is not correct can advise the FOI staff that processed the request. The applicant will need to submit proof that their personal information is not correct (e.g. provide their birth certificate if their DOB is wrong in the records). The change will be noted in the FOI request file and FOI staff will notify staff that provided copies of the records. The same process will occur if the personal information cannot be confirmed as inaccurate but an annotation in the FOI request file and original file is necessary.

- 17. Does your initiative use personal information to make decisions that directly affect an individual(s)? If yes, please explain.**

Yes. Decisions determine whether applicants receive some, all or none of the records they requested.

- 18. If you answered "yes" to question 17, please explain the efforts that will be made to ensure that the personal information is accurate and complete.**

Applicants provide their own personal contact information which is confirmed by sending acknowledgement letters. If the records responsive to their request contain their personal information that is not correct, they can advise the FOI staff member who processed the request.

- 19. If you answered "yes" to question 17, do you have a records retention and/or disposition schedule that will ensure that personal information is kept for at least one year after it is used in making a decision directly affecting an individual?**

Schedule Number: 1131

CY+2/7/SR

Part 5 – Further Information

- 20. Does the initiative involve systematic disclosures of personal information? If yes, please explain.**

No

- 21. Does the program involve access to personally identifiable information for research or statistical purposes? If yes, please explain.**

No



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Please ensure Parts 6 and 7 are attached to your submitted PIA.

Part 6 – Information Access and Privacy Analyst’s Recommendations

1. Request ICompass provide the ability to create our own Notification template to avoid the need to manually delete personal information from notifications.



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Part 7 – Program Area Signatures

Rob Gordon		October 3, 2014
_____ Privacy Officer/Privacy Office Representative	_____ Signature	_____ Date
Julie Luckevich		December 22 2014
_____ Program/Department Manager	_____ Signature	_____ Date
_____ Head of Public Body, or designate	_____ Signature	_____ Date

A final copy of this PIA (with all signatures) must be kept on record.