



City of Victoria - Privacy Impact Assessment

City of Victoria Hiring Process

PIA# 2015-002

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.

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.

Part 1 – General

Name of Department/Branch:	Department of Human Resources		
PIA Drafter:	Rob Gordon, Information Access and Privacy Analyst		
Email:	rgordon@victoria.ca	Phone:	250.361.1347
Program Manager:	Elaine Smith, HR Consultant, Client Services		
Email:	esmith@victoria.ca	Phone:	250.361.1349

1. Description of the Initiative

This PIA reviews the City's hiring process for internal and external job postings for compliance with FIPPA's privacy provisions.

2. Scope of this PIA

It begins with advertising job vacancies and ends with the new hire's employment confirmation letter. In general terms, the PIA reviews:

1. The hiring process between advertising the position and the closing date
2. Evaluating the applications to create an interview list
3. The interview process
4. Choosing the successful applicant to offering the position, including reference checks
5. Wrapping up and closing the job competition

The PIA does not review electronic systems that helps manage the job competition process, or how the personal information is managed by outside of HR (e.g. the department of Finance).

3. Related Privacy Impact Assessments

There are no related PIAs

4. Elements of Information or Data

There are separate job application forms for external and internal applicants. They differ only in that the external one requests educational history and the internal application differentiates between previously held internal positions and positions held before becoming a City employee.

Applications can be submitted in person, by email, fax or online in response to active job postings. Applicants submitting application through the applicant tracking system are stored in a database accessed only by HR staff.

The printer/fax machine is located in a walkway to washrooms and other business areas. Staff check fairly often for newly sent messages and then distribute appropriately. Applications that are emailed in, or that have been received online are printed out to be placed in the appropriate competition folder.

Collection of personal information:

- The shortlist for internal competitions just contains information collected on the application form (name, seniority, hours worked already in job being applied for).
- Personal information is only collected using the application forms and reference checks. Applications are received by the HR front counter person or another employee providing coverage. Electronically received applications are printed off in hard copy and filed in the lockable cabinet behind the front counter.
- An automated receipt confirmation email is sent when an online application is received from internal or external applicants. Receipts let applicants know their applications went to the right place and the City confirms that the application came from the individual applying for the position. Applications submitted by email also receive an automated email confirming application was received.
- Credentials (e.g. training completed, education attainment) are not collected until an applicant is identified as the one that will be offered employment.
- Notes documenting contact with interviewees are kept in the competition file.
- Interview panel member notes are held by HR except when the hiring manager wants to review their notes for purposes of providing feedback to unsuccessful candidates. HR does follow-up to re-collect the notes and place them in the competition file.

Use of personal information:

- Copies of applications are given to the supervisor or manager and the interview panel members for the purpose of identifying a shortlist of applicants to interview.
- Criminal record checks and reference checks. We do not use personal information to obtain a criminal record check – the candidates provide those to us upon request.
- To create an employment file for the successful applicant (e.g. health benefits, direct deposit of paycheque, update tax status with the CRA).
- Personnel files of internal applicants are reviewed by direct supervisor/manager or HR. If approved by employee, the union may also access.

Disclosure of personal information:

- **The Union:** employee appointment letters, successful applicant notices and employee membership lists (contains employee names, address and phone numbers). Or, in the event of a grievance the union may review information in the job competition file
- **Department of Finance:** Finance manages disclosures to the third parties below
- **Financial Institution:** New hire's direct deposit information,
- **Canada Revenue Agency:** CRA TD1 form (Personal Tax Credits Return).
- **Pension Corporation:** Person's name, age, address, contact information, wage etc. to create a Municipal Employee pension file.
- **Pacific Blue Cross:** to create an extended benefits file.
- **Great West Life:** to create an extended benefits file.
- **Third Parties:** Previous employers for reference checks, criminal record checks with the Province of BC.
- **Applicant:** Applicants who are interviewed, but are not offered the position receive personal opinions about themselves if they request feedback.

If personal information is involved in your initiative, please continue to the next page to complete your PIA.

If no personal information is involved, please submit Parts 1, 6, and 7 to your privacy office(r). They will guide you through the completion of your PIA.

Part 2 – Protection of Personal Information

5. Storage or Access outside Canada

All applications collected are initially kept in the locked filing cabinet.

A job competition file is created for every competition and it contains all the records. The electronic job competition file is stored on the City's network.

Access to the records is restricted to City staff that require access. On-line applications are maintained in a database that is part of the City website's content management system. Only HR staff can access them

Storage of specific records:

- All records regarding competitions are stored and accessed inside Canada (e.g. resumes, applications, cover letters, interview notes, job postings and advertisements).
- Storage of competition records are kept in the hard copy job competition file, the electronic competition file, the competition log and the City website's content management system. The hard copy and electronic files contain almost the same records.
- The successful applicant (external or internal) has a copy of his/her appointment letter and application form placed in their hard copy personnel file. Nothing is placed in the hard copy personnel files of unsuccessful internal applicants.
- HR does not retain copies of direct deposit or CRA forms that Finance needs.

6. Data-linking Initiative*

If you answer "yes" to all 3 questions, your initiative may be a data linking initiative and you must comply with specific requirements under the Act related to data-linking initiatives.	
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*

If you answer “yes” to all 3 of these questions, you must comply with requirements under the Act for common or integrated programs and activities.	
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
Please check this box if this program involves a common or integrated program or activity based on your answers to the three questions above.	

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

Personal Information Flow Table			
	Description/Purpose	Type	FOIPPA Authority
1.	Applications received	collection	26(c)
2.	Reference checks	collection	26(c)
3.	Criminal record checks	collection	26(a) & 26(c)
4.	Application reviews to identify qualified applicants	use	32(a) & 32(b)
5.	Applicant interviews	use	32(a) & 32(b)
6.	Reference checks	use	32(a) & 32(b)
7.	Contacting applicants (e.g. sending correspondence, arranging interviews)	use/disclosure	32(a), 32(b) & 33.2(a)
8.	Reference checks	disclosure	33.2(a)

9.	Other City Departments for employing successful applicants	Use/disclosure	32(a), 32(b), 33.2(a), 33.2(c) & 33.2(h)
10.	The Union (CUPE) for internal competitions	disclosure	33.2(a) & 33.2(h)
11.	Other third Parties for employing successful applicants	Use/disclosure	32(a), 32(b) & 33.2(a)

9. Risk Mitigation Table

Risk Mitigation Table				
	Risk	Mitigation Strategy	Likelihood	Impact
1.	Retention of records	Reviewing retention requirements	Low/med	med
2.	Maintaining compliance with FIPPA	The Competition Checklist and recommendations to improve privacy awareness	Low/med	med
3.	Control of record copies	The Competition Checklist and recommendations to improve privacy awareness	Low/med	med

10. Collection Notice

The internal and external application forms will have the following wording added:

“The personal information collected on this application form is used for the purpose of determining your suitability for the position applied for. This includes sharing the information with City employees who will evaluate your qualifications and may include contacting third parties to verify the information provided. Section 26(c) of the Freedom of Information and Protection of Privacy Act is the legislative authority to collect your personal information. If you require further information about the collection of your personal information, put the HR address and main phone line here.”

Part 3 – Security of Personal Information

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

Hard copy applications are kept either in the locked filing cabinet behind the front counter or with the HR staff in his/her locked drawer.

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

The online application is protected by the access and permissions applied by the City website's content management system. Workstations are password protected with lockable screens.

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

HR follows a Competition Check List that ensures applications are shredded when competitions are complete, the electronic job competition file is complete for retention purposes and resumes provided to manager/supervisor and interview panel have all been returned to HR. Only external applications not interviewed are shredded.

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.

HR staff assigned to specific competitions are able to update and/or add information to the competition files.

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

Only HR has access to the hard copy and electronic copy competition file.

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?

Accuracy and Correction:

Applicants are responsible for ensuring the accuracy and correctness of their personal information. If required, they will be asked to verify or clarify information provided. If updates or corrections are required, they will be added to the applicant's application information. There is no disclosure until the personal information is confirmed to be correct.

Retention:

The paper records such as staffing requisitions and internal applicant listings are kept in the competition file and only retained as long as the competition file is kept. Current practice is one year retention unless flagged for a greater retention period.

Only the names of previous incumbents and successful candidates are retained in the electronic Competition Log document.

External applications not shortlisted are retained in the competition file until the competition closes and then destroyed.

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

Yes. The personal information provided by applicants determines whether they are the most suitable applicant for the posted job position.

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.

1. Applicants are asked for written confirmation that their information is true and accurate.
2. Applicants must provide documents verifying their education, training etc.
3. Reference checks verify past positions (e.g. job title, length of service, duties).
4. Sometimes shortlisted applicants will be asked to clarify/verify information they provided for the purpose of confirming they are eligible to be shortlisted.

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?

Yes.

Part 5 – Further Information

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

Yes. For each new hire these disclosures occur:

1. **The Union:** employee appointment letters, successful applicant notices and employee membership lists (contains employee names, address and phone numbers). Or, in the event of a grievance the union may review information in the job competition file
2. **Department of Finance:** Finance manages disclosures to the third parties below
3. **Financial Institution:** New hire's direct deposit information,
4. **Canada Revenue Agency:** CRA TD1 form (Personal Tax Credits Return).
5. **Pension Corporation:** Person's name, age, address, contact information, wage etc. to create a Municipal Employee pension file.
6. **Pacific Blue Cross:** to create an extended benefits file.
7. **Great West Life:** to create an extended benefits file.

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

No

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

Part 6 – Information Access and Privacy Analyst’s Recommendations

1. The external hard copy external job competition files also need to be kept for at least a year under section 31 of FIPPA.

“31 If an individual's personal information

- (a) is in the custody or under the control of a public body, and*
- (b) is used by or on behalf of the public body to make a decision that directly affects the individual,*

the public body must ensure that the personal information is retained for at least one year after being used so that the affected individual has a reasonable opportunity to obtain access to that personal information.”

2. Include privacy tasks to the Competition Checklist like:

- Privacy instructions to hiring supervisor and/or manager and interview panel members
 - retaining copies
 - making photocopies of any job competition records
 - keeping records in an unsecure location or taking them home
- Deleted copies of records
- Competition files are complete when competition ends.
- Personnel files are updated with regret letters, appointment letters etc.

3. Create a cover letter containing required privacy language when competition records are sent to the union for grievance issues. I can provide examples used for other situations (e.g. when the police ask for a fire investigation report).

4. File the hard copy competition files together and separately from other HR files.

5. Retention issues:

Personal information is kept as long as there is a required use for it under section 32 of FIPPA (reproduced below).

“A public body may use personal information in its custody or under its control only
(a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose”

Given the requirements of section 32 and the knowledge that the longer personal information is stored and not used, the more the risk of unauthorized access to it resulting in a privacy breach. I recommend that the:

- Delete online applications as soon as hard copies are printed and put in the competition file.
 - Determine how long the Competition log has a continued need and then delete them.
 - It would be better to place regret letters in internal applicants personnel file and not in the hard copy or electronic copy competition file. Employees have a reason to access regret letters at any time, whereas HR would just need a list of names regret letters were sent to and could obtain copies if necessary from the personnel files.
6. Once competitions ended, access to the electronic competition file would require more restrictive access to them. For example, one person would act as a gatekeeper staff would go through to request access and provide a reason to requiring access.
 7. If a grievance occurs, it would be better to keep all job competition records in the grievance file because there is the need to retain the records for a longer period of time. Retaining the entire competition file indefinitely because of a grievance is not supported by FIPPA.
 8. Relocate the fax machine to prevent staff, other than HR staff, from casual access to faxes received. This would provide sufficient protection in accordance with FIPPA's protection of personal information privacy provision.
 9. Having a sign in/sign out log for the hard copy competition file demonstrates that access to the personal information is being monitored with a written record which is a standard practice under FIPPA.



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Part 7 - Program Area Signatures

Rob Gordon

Privacy Officer/Privacy Office
Representative

[Signature]

Signature

Sept 15, 2015

Date

Sherry Slack

Program/Department Manager

[Signature]

Signature

SEPT 9/15

Date

N/A

Contact Responsible for Systems
Maintenance and/or Security
(Signature not required unless they
have been involved in this PIA.)

Signature

Date

Head of Public Body, or designate

Signature

Date

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