



ABOVE BOARD

A quarterly newsletter published by
the Office of the Information and Privacy Commissioner

Volume 16, Issue 4

October 2024

Contact Information

Office of the Information
and Privacy Commissioner

Mailing Address:
P.O. Box 13004, Station A
St. John's, NL
A1B 3V8

Telephone:

709-729-6309

Fax:

709-729-6500

Toll Free in Newfoundland
and Labrador:

1-877-729-6309

Email:

commissioner@oipc.nl.ca

Website:

www.oipc.nl.ca

Follow us on social media!

LinkedIn:

[https://LinkedIn.com/
pany/oipc-nl](https://LinkedIn.com/company/oipc-nl)

This Issue:

- Right to Know Week 2024
- APSIM Conference – November 28-29, 2024
- Virtual Municipal Workshop Webinar – November 26, 2024
- Municipal Guidance - UPDATED
- OIPC Annual Report 2023-2024
- ATIPPA, 2015 Privacy Breach Statistics July 1 – September 30, 2024

Right to Know Week 2024

Right to Know Week 2024 (September 23-29, 2024)



Right to Know Day is on September 28th every year. It is an internationally recognized day dedicated to creating awareness about the importance of people's right to access government information, while promoting freedom of information as essential to both democracy and good governance.

Right to Know Day now extends to a week of celebrations, known as Right to Know Week, which took place from September 23-29, 2024.

In celebration of this year's Right to Know Week, three of the Atlantic Offices of Information and Privacy Commissioners and the Centre for Law and Democracy came together for a live virtual panel discussion on September 25th and invited everyone to attend.

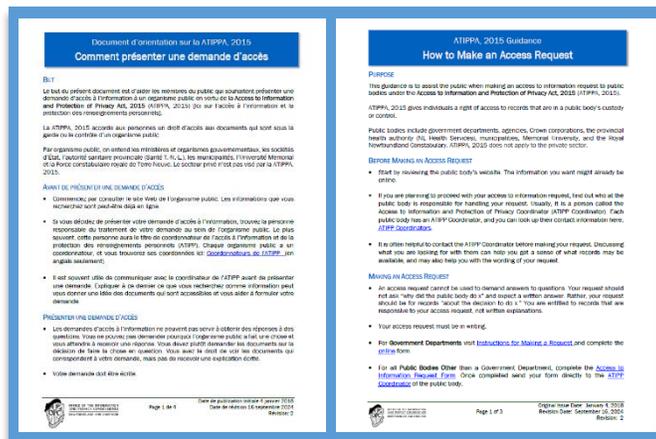
Nova Scotia's Commissioner, Tricia Ralph, Prince Edward Island's Deputy Commissioner, Maria MacDonald, the Centre for Law and Democracy's Legal Officer, Raphael Vagliano, and Sean Murray from our Office, engaged in a live virtual panel discussion that explored why access rights are foundational to democratic governance, and discussed some of the current and pressing challenges to the right of access to information.

We are happy to report that the event was a success! Attendees included a mix of people from all over Canada, from the general public, to professionals, including representatives from government, public bodies, private businesses, and regulatory bodies.

Our Office is delighted to have hosted and participated in this virtual event!

During Right to Know Week our Office also:

- issued two news releases: a [general Right to Know Week News Release](#) and another [Right to Know Week News Release promoting the Atlantic Panel Discussion Event](#);
- spoke about Right to Know Week on VOCM's Radio Morning Show; and
- released guidance to assist the general public, in both English and French, titled [How to Make an Access Request/Comment présenter une demande d'accès](#).



APSIM Conference – November 28-29, 2024

Access, Privacy, Security, Information Management (APSIM) Conference

The APSIM Conference is scheduled for **November 28th and 29th** and will be an **in-person** conference taking place at the Health Innovation Acceleration Centre (HIAC) in St. John's, Newfoundland and Labrador. There is **no cost** to attend this event!



What is APSIM?

The Access, Privacy, Security, and Information Management (APSIM) Conference is a conference that brings together members of the Newfoundland and Labrador access, privacy, information security, and information management communities to undertake professional development, promote collaboration, and build awareness of the overlap and interplay between these various disciplines. The goal is to facilitate the ability to assist each other in managing, protecting, and securing information.

Who should attend APSIM?

APSIM is intended for individuals working within the public sector, health care community, and others with a professional interest in access, privacy, security, and information management. This conference aims to help attendees improve their knowledge on the subject matter, network, and learn about the interconnectivity of the disciplines.

Topics Covered

Speakers will cover topics such as:

- Artificial Intelligence;
- Cyber Threat Landscape;
- The Role of Journalism in Transparency and Accountability;
- Privacy Challenges in Today's Emerging Technologies;
- Privacy Regulation and the Constitution;
- Record Digitization;
- Data Governance;
- Handling Difficult Conversations; and
- Many more exciting topics in the fields of access to information, privacy, security, and information management.

Registration Required

Registration is now open for this event! Please visit our [APSIM Registration Website Page](#) to register. For more information on the Conference, please visit our [APSIM Website](#).

Please note Registration for the Conference is almost full as of release of this Newsletter and tickets for this event may no longer be available.

Virtual Municipal Workshop Webinar - November 26, 2024

As part of our APSIM Conference (described above) we are planning a free municipal focused workshop with a virtual webinar on **November 26, 2024**, from **9am-12pm** (Newfoundland Time).

Who Should Attend?

This Virtual Workshop is intended for municipal staff, ATIPP coordinators, council members, and others with a professional interest in access, privacy, security, and information management issues within the municipal context.



Topics Covered

This webinar will cover three topics: Information Management, Cybersecurity, and Privacy. Workshop speakers will cover strategies to enhance your municipality's information handling practices, safeguard against cyber threats, and advance key privacy principles when using security cameras.

How to Register

Visit our APSIM Conference [Municipal Workshop Website Page](#) to Register!

Municipal Guidance - UPDATED

OIPC has reviewed and updated a number of municipal guidance pieces all of which are posted on our website under the "[Guidance for Municipalities](#)" heading.

Municipal Matters: Designating the Head

This guidance explains that municipalities, as public bodies, must designate a head under the **Access to Information and Protection of Privacy Act, 2015** (ATIPPA, 2015) and identifies some considerations when making this designation.

This guidance covers:

- role of the Head of a Public Body;
- considerations when Designating a Group of Individuals as the Head; and
- consideration when Designating an Individual as the head.

Please review our guidance [Municipal Matters: Designating the Head](#) to understand the importance of having a head of a public body and whether it should be an individual or a group.

Municipal Matters: Tips for Councillors

This is a great guidance piece for councillors since they are responsible under ATIPPA, 2015 for various aspects of personal information as well as other duties.

Councillors are responsible for:

- handling personal information;
- safeguarding personal information;
- designating the Head under ATIPPA, 2015;
- designating a Coordinator under ATIPPA, 2015; and
- records management.

Did you know that your personal information as a Councillor can be disclosed?

- Some personal information about you as a councillor may be disclosed under ATIPPA, 2015. This information includes:
 - your position and functions as a councillor;
 - your salary;
 - your opinions given in your role as councillor; and
 - your expenses incurred while travelling at the expense of the municipality.

Review our guidance piece [Municipal Matters: Tips for Councillors](#) for details on councillor responsibilities and to ensure that if you are a councillor you are following the law!

Municipal Matters: Privacy Breaches

This guidance piece aims to help municipalities understand what a privacy breach is and their obligations to report a privacy breach.

Under ATIPPA, 2015, all towns and cities in Newfoundland and Labrador **must** report all privacy breaches to our Office. Breach reports should be submitted via email by using the OIPC's reporting form found on our website (www.oipc.nl.ca) and be sent to breachreport@oipc.nl.ca.

There are many types of privacy breaches but some realistic scenarios to assist in understanding breaches are:

- privacy breach when using email;
- privacy breach when mailing letters;
- privacy breach when briefcase stolen; and
- privacy breach when unauthorized access.

Our guidance piece [Municipal Matters: Privacy Breaches](#) provides scenarios explaining how each of the common breaches above can happen and steps to take!

OIPC Annual Report 2023-2024

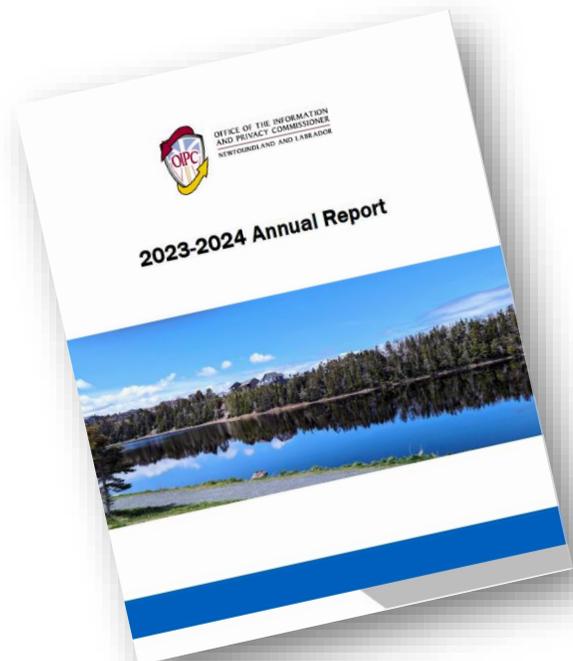
OIPC published its [2023-2024 Annual Report](#) which can be viewed on our website.

Highlights from this year's Annual Report included:

- [Report on the Cyberattack](#) outlining the results of our largest and most complex investigation to date;
- OIPC's [Website Redesign](#); and
- Three [Joint Statements](#) signed with the federal, provincial and territorial (FPT) Information and Privacy Commissioners and Ombudspersons.

The Annual Report also provided updates on OIPC's objectives and actual performance from the three areas outlined in our 2023-2026 Activity Plan:

- Improving Business Practices;
- Digital Privacy Rights of Child and Youth Students; and
- Emerging Technologies.



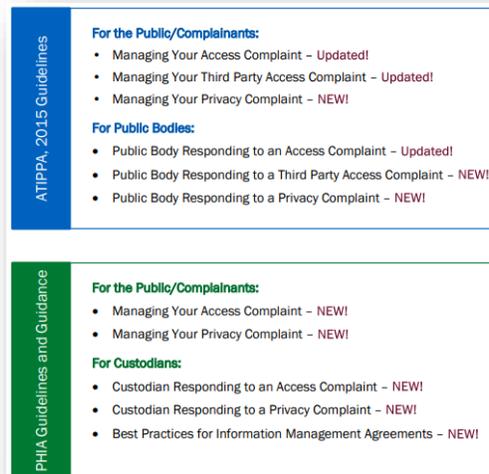
OIPC's work on outreach continued with three of our existing investigation guidelines being updated, seven new guidelines being created to assist complainants, public bodies and custodians, as well as a new guidance document for custodians related to Information Management Agreements. All of OIPC's new guidance is available on our website under our [Resources section](#).

Regarding investigations, OIPC's informal resolution rate was lower with ATIPPA, 2015 Access Complaints, ATIPPA, 2015 Privacy Complaints and PHIA Privacy Complaints in comparison to the previous year, however there was a slight increase in informal resolution of PHIA Access Complaints.

Even with a significant increase in time extension applications (502 applications in 2022-2023 vs. 820 applications in 2023-2024) OIPC still approved approximately 90% of additional time extension requests which was consistent with the previous year's approval rate. Disregard applications were about the same, 57 requests in 2022-2023 vs. 53 requests in 2023-2024.

Privacy breach reporting has continued with a slight decrease in the total breaches reported by public bodies over the 2023-2024 period. However, the majority (61.6%) of breaches continue to involve personal information being sent to the wrong person through email. Another type of email-related breach that may not be as common as the unintended recipient, is a breach resulting from the failure to use an email's blind carbon copy (BCC) field. The BCC field in an email allows the sender to include recipients without revealing their email addresses to other recipients. This feature is useful for protecting the privacy of individuals in a mass email, and the failure to use this function can result in a large breach.

To read the full report please visit our [Annual Reports webpage](#).



ATIPPA, 2015 Privacy Breach Statistics July 1 – September 30, 2024

During the third quarter of 2024 (July 1 – September 30, 2024), OIPC received 29 privacy breach reports from 16 public bodies under ATIPPA, 2015. This is a decrease from the 37 breaches reported during the previous quarter and a significant decrease from the 59 breaches reported during the first quarter this year. Email breaches continue to make up a significant portion of the overall privacy breaches reported.

| Summary by Public Body | |
|---|---|
| City of Mount Pearl | 2 |
| College of the North Atlantic | 1 |
| Department of Children, Seniors and Social Development | 1 |
| Department of Digital Government and Service NL | 6 |
| Department of Education | 2 |
| Department of Municipal and Provincial Affairs | 1 |
| NLHS (Eastern Region) | 1 |
| House of Assembly | 2 |
| Memorial University | 2 |
| Newfoundland and Labrador Housing Corporation | 1 |
| NL Hydro | 1 |
| Royal Newfoundland Constabulary | 5 |
| Town of Conception Bay South | 1 |
| Town of Gander | 1 |
| Workplace Health, Safety and Compensation Review Division | 1 |
| Workplace NL | 1 |

