



OFFICE OF THE INFORMATION
AND PRIVACY COMMISSIONER

NEWFOUNDLAND AND LABRADOR

Report P-2024-003

September 5, 2024

Town of Grand Falls – Windsor

Summary:

The Complainant made a privacy complaint to this Office under the **Access to Information and Protection of Privacy Act, 2015** alleging the Town of Grand Falls - Windsor had breached their privacy through its use of mass emails to employees using their personal email addresses without blind copying those addresses. The Commissioner concluded that the Town's use and disclosure of personal information of employees was contrary to the privacy provisions of the Act, and recommended it cease use of this information for this purpose unless express consent is obtained. Additionally recommendations were made with respect to updated education and training of staff on the Town's privacy obligations under the legislation.

Statutes Cited:

[Access to Information and Protection of Privacy Act, 2015](#), SNL 2015, c A-1.2, sections 64(4), 66, and 69.

BACKGROUND

- [1] The Complainant made a privacy complaint to this Office under **the Access to Information and Protection of Privacy Act, 2015** (ATIPPA, 2015) alleging the Town of Grand Falls – Windsor had breached their privacy through its use of mass emails sent to employees using their personal email addresses without blind copying those addresses.
- [2] As informal resolution was unsuccessful, the complaint proceeded to formal investigation in accordance with section 74(2) of ATIPPA, 2015.

PUBLIC BODY'S POSITION

- [3] The Town acknowledged it had failed to always use the blind copy feature when sending mass emails and thereby had breached the personal email addresses of staff, though noted the breach was contained to just the personal email addresses among staff that know or are familiar with one another.
- [4] The Town explained that it began these mass emails during the COVID-19 pandemic because it needed a way to communicate with public works division staff who do not have Town email addresses.
- [5] The Town noted it had worked with the union representing its employees to obtain their agreement and access to personal email addresses, primarily to convey necessary information during emergent circumstances. It added the union then suggested it use this mass email format to convey job postings and other more general information as well, which it began doing despite acknowledging it had not sought or obtained additional consent to do so from staff. This also increased the number of such emails it sends.
- [6] The Town stated it would impress upon those sending the mass emails that they must be sent using the blind copy feature, and would cease non-emergent communications of this manner (or obtain written consent from staff to continue to do so).

[7] The Town also noted it is working on implementing a human resources information system that would eliminate much of the need for this type of communication entirely. Instead, staff will log into their own account and be able to see any communications from the Town.

COMPLAINANT'S POSITION

[8] The Complainant is an employee of the Town and submitted that on numerous occasions the Manager of Human Resources with the Town has exposed their and others' personal email address.

[9] Their complaint alleged the Town had breached the privacy of public works division staff by its mass emails to these staffers using their personal email addresses without the use of the blind copy feature.

[10] During the course of this Office's review into their complaint, the Complainant has submitted evidence demonstrating that the Town continued its same practice of sending mass emails using personal email addresses without the use of the blind copy feature to protect employee privacy.

[11] Additionally, the Complainant responded to the Town's submission with regard to the HRIS system with skepticism, noting it was supposed to be implemented years ago but there still has not been a timeframe provided for when employees can expected it to be up and running.

[12] Finally, the Complainant indicated it is difficult to believe the Town has taken these breaches or informal recommendations of our Office seriously, confirming there had been no statement to employees informing them of the breach, and the same mass email behavior remained ongoing.

DECISION

[13] The relevant sections of ATIPPA, 2015 are:

2. In this Act

...

(u) "personal information" means recorded information about an identifiable individual, including

(i) the individual's name, address or telephone number,

...

66.(1) A public body may use personal information only

(a) for the purpose for which that information was obtained or compiled, or for a use consistent with that purpose as described in section 69;

...

(2) The use of personal information by a public body shall be limited to the minimum amount of information necessary to accomplish the purpose for which it is used.

...

69. A use of personal information is consistent under section 66 or 68 with the purposes for which the information was obtained or compiled where the use

(a) has a reasonable and direct connection to that purpose; and

(b) is necessary for performing the statutory duties of, or for operating a legally authorized program of, the public body that uses or discloses the information.

[14] By not using the blind copy (or "BCC") feature on an email, all recipients are able to see the email addresses of the other recipients. ATIPPA, 2015 defines personal information as including (but not limited to), an individual's name, address, or telephone number. While email addresses may vary to what extent they reflect the owner's name, an email address is clearly recorded information about an identifiable individual. By disclosing the personal email addresses of Town employees, the Town was disclosing their personal information to other Town employees.

[15] Upon review of the complaint and the Town's own submission, this Office can conclude a breach of privacy via improper disclosure of personal information has occurred whenever the mass emails in question were sent without the use of the blind copy feature. Any use of personal email addresses must utilize the blind copy function so that this personal information (each employee email address) is not improperly disclosed to everyone else who was sent the email.

- [16] The Town originally collected the personal email addresses of employees to facilitate communications with staff during the COVID-19 pandemic. The Town's use of the collected personal email addresses for a new use (to communicate job postings and other non-emergent information) outside the one for which they were obtained (emergent communications), required it to obtain new consent from staff first. Again, the Town has acknowledged it did not do this, therefore we can conclude there was improper use of employee personal information along with improper disclosure of same.
- [17] The Town did commit to ensuring mass emails using personal emails of employees would be done using the blind copy feature on a go forward basis, and offered it is considering obtaining express written consent from employees before further use of their personal email addresses for non-emergent mass emails. Additionally, it has provided that it is working towards implementing a human resources information system that, once implemented, will allow staff to log-in to view a dashboard or portal where news, updates, job competitions, and other information would be posted without sending emails to staff; effectively ending the need for the current mass email process involving personal email addresses.
- [18] While we note that the Town recognized and acknowledged its breach of employee personal information in the course of this complaint process, it must be pointed out that it failed to file a breach report with this Office as required by section 64(4) of ATIPPA, 2015. Additionally, after submitting steps it intended to take to prevent future similar breaches and address the matter, it went on to send additional mass emails without employing the BCC (blind copy) feature, thereby once again breaching employee personal information.

RECOMMENDATIONS

- [19] Under the authority of section 76(1)(a) of **the Access to Information and Protection of Privacy Act, 2015**, this Office recommends the Town of Grand Falls – Windsor cease using personal information in contravention of this Act, in particular, that it stop use of staff personal email addresses unless express consent to do so is obtained.

- [20] Under the authority of section 76(2) of ATIPPA, 2015, this Office recommends the Town:
1. Direct all staff who send mass staff emails to use the blind copy feature;
 2. Instruct all staff that collection of information for one purpose does not give the Town the right to use that information for another purpose;
 3. Communicate to all staff that best practice when using or disclosing any personal information is to keep that use to the minimum amount necessary to accomplish its objective;
 4. Deliver updated ATIPP training to all staff involved in the breaches related to this complaint;
 5. Review all policies and procedures regarding collection, use and disclosure of personal information and revise and update according to legislative requirements;
 6. Develop a policy and procedure for addressing privacy breaches, including the clear requirement to notify this Office; and
 7. Require any future use (with consent) of personal email addresses to mass send information be done using the blind copy feature.
- [21] As set out in section 78 of ATIPPA, 2015, the head of the Town of Grand Falls – Windsor must give written notice of his or her decision with respect to these recommendations to the Commissioner and any person who was sent a copy of this Report within 10 business days of receiving this Report.
- [22] Dated at St. John's, in the Province of Newfoundland and Labrador, this 5th day of September 2024.



Jacqueline Lake Kavanagh
Information and Privacy Commissioner (Acting)
Newfoundland and Labrador