

Case Summary

Privacy Complaint under the *Right to Information and Protection of Privacy Act*

Public body: Office of the Premier

File no.: 20/21-AP-163

The Complainant filed a privacy complaint against the Office of the Premier alleging that staff disclosed their personal information, as well as the personal information of another individual, to an external third party without consent. In support of this complaint, the Complainant provided evidence to show that the information in question had been disclosed, thus the question was whether it was an authorized disclosure under the *Act*.

In August 2022, the Ombud delegated the matter to an external party for review due to a conflict of interest. The external delegate reviewed the file and undertook a formal investigation. The external delegate found that the complaint had merit and the disclosure was not authorized under the *Act*.

The external delegate also found that there were gaps in the Office of the Premier's privacy management practices and issued the following recommendations:

1. That the PO's Chief of Staff immediately designate an employee within the office to act as the PO's Privacy Officer with all the responsibilities and powers this position should have as described in the RTIPPA and government's policy on the protection of privacy.
2. That the said Privacy Officer be mandated to immediately conduct a full review of the practices and procedures in the PO and compare them with the requirements of the RTIPPA and the government's policy on the protection of privacy in order to identify the strength and weaknesses in place within the PO.
3. That following this review, the Privacy Officer submit to the Chief of Staff a strategic plan setting out the steps to undertake within the PO to comply fully with the RTIPPA and the government's policy on the protection of privacy.
4. That as part of the said strategic plan, the Privacy Officer design a training program to educate the employees in the PO on their responsibilities and obligations in the areas of access to information and the protection of privacy.
5. That in addition to the training program, the Privacy Officer design and implement a process to ensure that employees in the PO are regularly reminded of their

obligations and kept updated on any developments in the areas of access to information and the protection of privacy.

6. That the PO's Chief of Staff, on or before the first of April 2023, provide the Office of the Ombud of New Brunswick a report on the measures taken to ensure that the PO is fully compliant with the requirements of the RTIPPA and of the government's policy on the protection of privacy.