

PRIVACY BREACH NOTIFICATION FORM

Right to Information and Protection of Privacy Act (RTIPPA)

Instructions

A privacy breach occurs when there is an unauthorized access, use, disclosure, or disposal of personal information in the custody of or under the control of a public body. Under the *Act* and its *Regulation 2010-111*, public bodies are required to notify affected individuals, and the Office of the Ombud, of privacy breaches in certain circumstances.

When you discover a privacy breach

- Step 1: Contain the Breach
- Step 2: Evaluate the Risks
- Step 3: Notification
- Step 4: Prevention

The first three steps should be undertaken immediately upon discovery of the breach or in very quick succession. Regarding Step 3: Notification, sub-section 4.2(4) of *Regulation 2010-111* under the *Act* requires public bodies to notify the individual(s) to whom the information relates and the Office of the Ombud as soon as possible, if it is reasonable in the circumstances to believe that the breach creates a risk of significant harm to the affected individual(s). If a public body is unsure whether it is required to notify the affected individual(s) of a privacy breach, please contact us and we will provide guidance and assistance. Regarding Step 4: Prevention, this is undertaken once the cause of the breach is known with a view to find and implement longer term solutions to prevent the possibility of a similar breach occurring again in the future.

To report a privacy breach to our office

Please send this completed form and supporting documentation to our office:

- by email: ombud@ombudnb.ca
- by fax: 506.453.5963
- by regular mail: OMBUD NB, 230-65 Regent Street, Fredericton, NB E3B 7H8

Should you wish to receive more information or if you have questions relating to this form, please contact our office at (506) 453-5965 or 1-877-755-2811 (toll-free).

CONTACT INFORMATION

| | |
|-----------------------------------|-------------------|
| Public body information | |
| Name of public body: | |
| Name and title of contact person: | |
| Address: | |
| Telephone Number: | Alternate Number: |
| Email: | |

PRIVACY BREACH DETAILS

Attach additional pages as required

| | |
|---|-------------------------------------|
| Information on the privacy breach | |
| What kind of privacy breach occurred? <i>Select all that apply</i> | |
| Unauthorized access to personal information | <input type="radio"/> |
| Unauthorized use of personal information | <input type="radio"/> |
| Unauthorized disclosure of personal information | <input type="radio"/> |
| Unauthorized disposal of personal information | <input type="radio"/> |
| Other <i>Please describe</i> | <input type="radio"/> |
| Date(s) the privacy breach occurred: | |
| Location of privacy breach: | |
| How many individuals are affected by the privacy breach? | |
| Format of information involved: <i>Select all that apply</i> | |
| <input type="radio"/> Electronic records | <input type="radio"/> Paper records |
| <input type="radio"/> Verbal/oral information | |

Type of personal information involved:

Select all that apply

Name, address, date of birth, etc.

Employment information

Information about what programs or benefits a person is participating in or receiving

Payment or financial information

Other

Please specify

Description of the privacy breach

Please provide a brief description of what happened:

Why and how did the breach occur?

How was the breach discovered?

CONTAINMENT MEASURES

Attach additional pages as required

Please list the immediate steps taken to contain the breach:

If the information was lost, misplaced, or misdirected, was the information found or retrieved?

Yes No

Is there any reason to believe that the information was copied or shared?

Yes No

Please explain:

Is there a potential that the breach could lead to further privacy breaches?

Yes No

Please explain:

If applicable, have the police been notified?

Yes No

If yes, who was notified and when? If no, why not?

Which other authorities have you notified, if any, and why?

Other authorities could include professional regulatory bodies, IT professionals, contractual obligations to notify third parties in case of data loss or privacy breach etc.

NOTIFICATION REQUIREMENTS

Attach additional pages as required

| Analysis of harm to the affected individuals and others | |
|--|-----------------------|
| Please identify the types of harm that may result from the breach: <i>Before deciding not to notify the affected individuals, you must consider whether harm to the public body or other individuals could occur.</i> | |
| Bodily harm: when the information places any individual at risk of physical harm, such as stalking or harassment | <input type="radio"/> |
| Hurt, humiliation, damage to reputation or relationships: associated with the loss of information such as employment information or financial information | <input type="radio"/> |
| Loss of employment, business, or professional opportunities: usually because of damage to reputation to an individual | <input type="radio"/> |
| Financial loss, negative effects on a credit record | <input type="radio"/> |
| Identity theft: more likely when the breach includes loss of name, contact information, date of birth, driver's license number, etc. | <input type="radio"/> |
| Damage to or loss of property | <input type="radio"/> |
| What is the level of sensitivity of the information involved in the breach? <i>Please explain:</i> | <input type="radio"/> |
| What is the probability that the personal information involved in the breach has been, is being, or will be misused? <i>Please explain:</i> | <input type="radio"/> |
| Other <i>Please specify:</i> | <input type="radio"/> |



When and how to notify

When: Notification should occur as soon as possible following a breach. If you have contacted law enforcement authorities and have concerns about whether notification should be delayed in order not to impede a criminal investigation, please contact us.

How: The preferred method is direct-by phone, letter, email or in person. Indirect notification via your website, posted notices in your offices, or published in the local media should generally only occur when direct notification could cause further harm, is prohibitive in cost, or contact information for the affected individuals is lacking. Using multiple methods of notification in certain cases may be the most effective approach.

Considerations Favouring Direct Notification:

Check if applicable

- The identities of individuals are known
- Current contact information for the affected individuals is available
- Individuals affected by the breach require detailed information to properly protect themselves from the harm arising from the breach
- Individuals affected by the breach may have difficulty understanding an indirect notification (due to mental capacity, age, language, etc.)

Considerations Favouring Indirect Notification:

Check if applicable

- A very large number of individuals are affected by the breach, such that direct notification could be impractical
- Direct notification could compound the harm resulting from the breach

Decision to notify

Have the affected individuals been notified?

Yes No

If yes, please describe how and when notice was provided. If no, why not?

Have the affected individuals been advised they can contact our office regarding the breach?

Yes No

If yes, please describe how and when notice was provided. If no, why not?

SAFEGUARDS AND CORRECTIVE MEASURES

Attach additional pages as required

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| Safeguards |
| <p>Describe the physical, administrative, and technical safeguards currently in place to protect the personal information in your custody and control relevant to this breach: <i>Select all that apply</i></p> <p> <input type="radio"/> Locked doors <input type="radio"/> Alarm system <input type="radio"/> Locked filing cabinets <input type="radio"/> Passwords <input type="radio"/> Encryption <input type="radio"/> Audit controls/access permissions <input type="radio"/> Policies <i>Please attach copy</i> <input type="radio"/> Procedures <i>Please attach copy</i> <input type="radio"/> Guidelines <i>Please attach copy</i> <input type="radio"/> Information sharing agreement <i>Please attach</i> <input type="radio"/> Training <i>Please describe</i> <input type="radio"/> Other <i>Please describe</i> </p> |
| Corrective Measures |
| <p>Based on the cause of the breach, what corrective measures, if any, have been or will be taken to prevent similar breaches from occurring?</p> |

OTHER INFORMATION

Attach additional pages as required

| |
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| <p>Please provide any other useful information in relation to this breach that may not be included in this form.</p> |
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