

Privacy Impact Assessment

Basic Information

A. *Program, System, Legislation or initiative being assessed*

_____.

B. *Public Body* _____.

C. *Division* _____.

D. *Section* _____.

E. *Reviewing Official* _____.

F. *Position Title* _____.

G. *Work Phone #* _____.

H. *Date* _____.

1. What personal information do you presently collect, use or disclose. (Section 31). List in detail, i.e. name, address, etc.

(a) Collection: _____

(b) Use: _____

(c) Disclosure: _____

2. What is your authority for collecting the personal information? (Section 31)

(a) Legislation - please cite Act/Regs and specific section(s).

(b) For purposes of law enforcement. (Explain)

(c) Operating Program or activity (please specify how information relates directly to and is necessary for operating program or activity)

If your authority does not fall under 2(a),(b) or (c) above, then your office does not have authority under the FOIPP Act to collect the personal information in question. Please contact your FOIPP Coordinator.

Collection of Personal Information

If no personal information is collected, please move to question #8.

3. Do you collect the personal information directly from the individual _____ and/or from another source (indirectly) _____? If you collect some information directly from the individual, and some indirectly, please describe.

4. If personal information is being collected indirectly (section 32(1); see attached appendix A), check which of the following authorizes the indirect collection:

- i. Did the individual the information is about authorize another method of collection?

Yes ____ No ____

- ii. Has indirect collection been authorized by another enactment or regulation?

Yes ____ No ____

Specify the name of Act and relevant section(s).

- iii. Is the public body collecting personal information disclosed to it under sections 37, 38, 39 or 40 of the FOIPP Act?

Yes ____ No ____

- iv. Is the personal information necessary for the medical treatment of an individual and is it not possible to collect the information directly from that individual?

Yes ____ No ____

- v. Is the personal information being collected for the purpose of determining

suitability for an honour or award including an honorary degree, scholarship, prize or bursary?

Yes ____ No ____

vi. Is the personal information being collected for use in the provisions of legal services?

Yes ____ No ____

vii. Is the personal information being collected for the purpose of collecting a fine or a debt?

Yes ____ No ____

viii. Is the personal information being collected for the purpose of law enforcement?

Yes ____ No ____

ix. Does the collection satisfy the requirements of subsection 32(1)(e),(g),(h),(i),(j),(k),(l)(ii), (m) or (o)?

Yes ____ No ____

If none of the above questions has been answered "yes", your office does not have authority under the FOIPP Act to collect the personal information. Please contact your FOIPP Coordinator.

5. When collecting information directly, are you informing the individual of

- | | | | |
|--|-----|----|--------------|
| (i) the purpose for which the information is collected? | Yes | No | (circle one) |
| (ii) the specific legal authority for the collection? | Yes | No | (circle one) |
| (iii) the name/address/phone number of someone who can answer the individual's questions about the collection? (Section 32(2)) | Yes | No | (circle one) |

6. For each "Yes" response in question #5, please describe how the individual is informed.

7. How long do you retain the individual’s personal information? (Section 33)

What is the method of retention?

If a public body uses an individual’s personal information to make a decision that directly affects the individual, the public body must retain that information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it. (Section 33)

Use of Personal Information

If no personal information is being used, please move to question #10.

8. Do you use personal information for a purpose(s) other than for which it was collected? (Section 36) Yes No (Circle one)

If “Yes”, please describe. _____

Is the use consistent with the original purpose? Yes No (Circle one)

9. Do you have the individual’s consent to use the personal information for a purpose(s) other than for which it was collected? (Section 36) Yes No (Circle one)

If “Yes”, please describe how consent is obtained. _____

Disclosure of Personal Information

- 10. If your authority to collect personal information is an Act or Regulations, does the Act/Regs. prohibit or restrict the disclosure of information? Yes No (Circle one)
- 11. Do you presently disclose personal information to other parties (including other public bodies)? (Section 37) Yes No (Circle one)

If “Yes”, please describe the terms of this disclosure (who, why, how?)

Complete #12, #13 and #14 only if the response to #11 was “Yes”.

- 12. Do you have the individual’s consent to make such disclosure? (Section 37) Yes No (Circle one)

If “Yes”, please describe the method of consent.

- 13. Is there a written agreement with the third party(s) to whom personal information is disclosed?

(Section 37)

Yes No (Circle one)

If "Yes", please describe the details of the written agreement as it pertains to protection of personal information.

14. Is your Public Body authorized under any other provisions of section 37(1) (see attached appendix B) to disclose personal information? Yes No (Circle one)

15. Is personal information disclosed for the purpose of research? (Sections 39 or 40) Yes No (Circle one)

Security Arrangements

16. In what form is the personal information kept?

Hard copy _____ Electronic _____ Other (please specify)

17. How do you provide reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal? (Section 35)

Please describe. _____

18. Are security measures commensurate with the sensitivity of information? Please detail.

Accuracy and Correction of Personal Information

19. Describe the process you now use to correct, annotate or add to the information if an individual believes there is an error or omission in his/her personal information. (Section 34)

20. Are procedures in place to accommodate access requests by individuals seeking information about themselves? (Section 34)

21. How do you notify third parties (to whom the personal information was previously sent) of any corrections, additions or annotations? (Section 34)

Signatures:

Reviewing Official

Date

FOIPP Coordinator

Date

Director of Division

Date

Access and Privacy Coordinator

Date

“Appendix A”

- 32.** (1) A public body shall collect personal information directly from the individual the information is about unless
- (a) another method of collection is authorized by
 - (i) that individual, or
 - (ii) another Act or a regulation under another Act;
 - (b) the information may be disclosed to the public body under Division 2 of this Part;
 - (c) the information is collected for the purpose of law enforcement;
 - (d) the information is collected for the purpose of collecting a fine or a debt owed to the Government of Prince Edward Island or a public body;
 - (e) the information concerns the history, release or supervision of an individual under the control or supervision of a correctional authority;
 - (f) the information is collected for use in the provision of legal services to the Government of Prince Edward Island or a public body;
 - (g) the information is necessary
 - (i) to determine the eligibility of an individual to participate in a program of or receive a benefit, product or service from the Government of Prince Edward Island or a public body and is collected in the course of processing an application made by or on behalf of the individual the information is about, or
 - (ii) to verify the eligibility of an individual who is participating in a program of or receiving a benefit, product or service from the Government of Prince Edward Island or a public body and is collected for that purpose;
 - (h) the information is collected for the purpose of informing the Public Trustee or a person exercising public guardianship functions about potential clients;
 - (i) the information is collected for the purpose of enforcing a maintenance order under the *Maintenance Enforcement Act* R.S.P.E.I. 1988, Cap. M-1;
 - (j) the information is collected for the purpose of managing or administering personnel of the Government of Prince Edward Island or a public body;
 - (k) the information is collected for the purpose of assisting in researching or validating the claims, disputes or grievances of aboriginal people;
 - (l) the information is collected in a health or safety emergency where
 - (i) the individual is not able to provide the information directly, or
 - (ii) direct collection could reasonably be expected to endanger the mental or physical health or safety of the individual or another person;
 - (m) the information concerns an individual who is designated as a person to be contacted in an emergency, or other specified circumstances;
 - (n) the information is collected for the purpose of determining suitability for an honour or award, including an honorary degree, scholarship, prize or bursary; or
 - (o) the information is collected from published or other public sources for the purpose of fundraising.

“Appendix B”

- 37. (1)** A public body may disclose personal information only
- (a) in accordance with Part I;
 - (a.1) if the disclosure would not be an unreasonable invasion of a third party’s personal privacy under section 15;
 - (b) for the purpose for which the information was collected or compiled or for a use consistent with that purpose;
 - (c) if the individual the information is about has identified the information and consented, in the prescribed manner, to the disclosure;
 - (d) for the purpose of complying with an enactment of Prince Edward Island or Canada or with a treaty, arrangement or agreement made under an enactment of Prince Edward Island or Canada;
 - (e) for any purpose in accordance with an enactment of Prince Edward Island or Canada that authorizes or requires the disclosure;
 - (f) for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body having jurisdiction to compel the production of information or with a rule of court that relates to the production of information;
 - (g) to an officer or employee of the public body or to a member of the Executive Council, if the information is necessary for the performance of the duties of the officer, employee or member;
 - (g.1) to an officer or employee of the public body or to a member of the Executive Council, if the disclosure is necessary for the delivery of a common or integrated program or service and for the performance of the duties of the officer or employee or member to whom the information is disclosed;
 - (h) for the purpose of enforcing a legal right that the Government of Prince Edward Island or a public body has against any person;
 - (i) for the purpose of
 - (i) collecting a fine or debt owing by an individual to the Government of Prince Edward Island or to a public body or to an assignee of either of them, or
 - (ii) making a payment owing by the Government of Prince Edward Island or by a public body to an individual;
 - (j) for the purpose of determining an individual’s suitability or eligibility for a program or benefit, including determining if an individual remains eligible or suitable for a program or benefit that individual is already participating in;
 - (k) to the Auditor General or any other prescribed person or body for audit purposes;
 - (l) to a member of the Legislative Assembly who has been requested by the individual the information is about to assist in resolving a problem;
 - (m) to a representative of a bargaining agent who has been authorized in writing by the employee the information is about to make an inquiry;
 - (n) to the Public Archives and Records Office or to the archives of a public body for

permanent preservation;

(o) to a public body or a law enforcement agency in Canada to assist in an investigation

(i) undertaken with a view to a law enforcement proceeding, or

(ii) from which a law enforcement proceeding is likely to result;

(p) if the public body is a law enforcement agency and the information is disclosed

(i) to another law enforcement agency in Canada, or

(ii) to a law enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority;

(q) so that a spouse, relative or a friend of an injured, ill or deceased individual may be contacted;

(r) in accordance with section 39 or 40;

(s) to an expert for the purposes of section 16(2);

(t) for use in a proceeding before a court or quasi-judicial body to which the Government of Prince Edward Island or a public body is a party;

(u) when disclosure is by the Attorney General or an agent or lawyer of the Attorney General to a place of lawful detention;

(v) for the purpose of managing or administering personnel of the Government of Prince Edward Island or a public body;

(w) to the Director of Maintenance Enforcement for the purpose of enforcing a maintenance order under the *Maintenance Enforcement Act* R.S.P.E.I. 1988, Cap. M-1;

(x) to an officer of the Legislative Assembly, if the information is necessary for the performance of the duties of that officer;

(y) for the purpose of supervising an individual under the control or supervision of a correctional authority;

(z) when the information is available to the public;

(aa) to a relative of a deceased individual if, in the opinion of the head of a public body, the disclosure is not an unreasonable invasion of the deceased's personal privacy;

(bb) to a lawyer or articled clerk acting for an inmate under the control or supervision of a correctional authority; or

(cc) if the head of the public body believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person.