



THE PREMIER
HALIFAX, NOVA SCOTIA
B3J 2T3

March 11, 2016

Ms. Catherine Tully
Information and Privacy Commissioner for Nova Scotia
5690 Spring Garden Road, Suite 509
PO Box 181
Halifax, NS B3J 2M4

Dear Ms. Tully:

Re: Investigation Report F16-01 / 15-00285

Please accept this letter as the response of the Office of the Premier to each recommendation made in the above-noted Investigation Report (the Report). As requested in the Report Recommendation #1, this response has been posted on the Office of the Premier website located at www.premier.novascotia.ca.

Recommendation #2 - Personal Services Contracts

That the standard personal services contract template be updated to add provisions (privacy-protection schedule) that:

- *clearly state that information obtained by virtue of service to the government is subject to Nova Scotia's access and privacy laws;*
- *require contractors to complete privacy training within one month of signing of contract and,*
- *require contractors to sign confidentiality agreements that clearly reference FOIPOP access and privacy rules.*

Response

By Fall 2016, the personal service contract template contained in the *Personal Services Contract Regulations* made under the *Public Service Act*, will be updated to include new language to alert contract employees to their obligations to protect personal information obtained in the course of their work for government. Each personal service contract will include a non-disclosure agreement. (See Recommendation 3)

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Recommendation #3 - Non-Disclosure Agreements

That the Employee Non-Disclosure Agreement template be amended to make specific reference to the requirement to protect personal information.

Response

By Fall 2016, the Employee Non-Disclosure Agreement template will be amended to include clear language on privacy obligations under the *Freedom of Information and Protection of Privacy Act*. (See Recommendation #2)

Recommendation #4 - Privacy Policy

That the Office of the Premier's privacy policy including the breach management protocol be updated to:

- *more clearly identify the circumstances in which personal information is collected, used and disclosed by that Office,*
- *modernize any references to reasonable security standards and*
- *update the privacy breach protocol to reflect modern breach management standards.*

Response

Information, Access and Privacy Services (IAP Services) Division in the Department of Internal Services is leading the development of a robust and encompassing Privacy Program for all of government. Over the next year, the Program will introduce a modernized Privacy Policy and Procedures for all Departments and Offices.

In January 2016, the Office of the Premier updated its current Privacy Policy including the Privacy Breach Protocol and tools for conducting Privacy Impact Assessments (PIAs).

Recommendation #5 - Privacy Training

That basic privacy training:

- *be made mandatory for all government employees and that attendance be monitored;*
- *be updated to include core elements of: identifying personal information, understanding the basic rules of when employees are authorized to collect, use or disclose personal information, recognizing a potential privacy issue or breach and knowing exactly to whom employees can address their privacy questions to avoid problems. The training should also include essential modern security requirements including end of day procedures, secure destruction of personal information, travelling with personal information and transmitting personal information;*
- *be periodically refreshed as a mandatory requirement that is monitored and enforced.*

Response

A modern privacy training and education program is a critical component of the government wide Privacy Program currently under development. Design of a training program that includes mandatory requirements to meet different stakeholder needs, together with a roll-out plan, is expected to be ready by September 2016. In the short term, IAP Services continues to make privacy training available as needed.

All staff of the Office of the Premier, including the Premier, participated in a customized privacy training session, held on January 8, 2016, delivered by IAP Services.

All Deputy Ministers participated in a Privacy Information Session with the Information and Privacy Commissioner for Nova Scotia on January 11, 2016.

Recommendation #6 - Chief Privacy Officer

That the Office of the Premier and other government public bodies appoint an executive level Chief Privacy Officer to provide strategic privacy leadership.

Response

The role of the Chief Access and Privacy Officer for government has been established in the Department of Internal Services and is responsible for providing leadership and a strategic approach to IAP Services. In Spring 2016, each Department and Office will identify a champion at the Executive level that will work with the Chief Access and Privacy Officer in moving forward the government's privacy agenda.

In conclusion, work on changes to the government's Privacy Program has been underway since April of 2015, when government consolidated the privacy function within the Department of Internal Services, led by the IAP Services Division. The objective of the new unit is to foster greater efficiencies and consistency in managing the privacy function across government, and to emphasize through executive-level responsibility the importance of privacy in any government decisions involving personal information. I would like to thank you for acknowledging in your Report that this vital work – which includes developing a robust Privacy Training and Education Program – is underway and ongoing.

Sincerely,



Honourable Stephen McNeil, M.L.A.
Premier

Copy to: Catherine Blewett, Deputy Minister, Office of the Premier
Maria Lasheras, Chief Information Access and Privacy Officer, Department of Internal Services