



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Audit, Finance & Administration Committee
<b>COMMITTEE DATE:</b>	November 5, 2020
<b>SUBJECT/REPORT NO:</b>	A Privacy Breach Review (FCS20097)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Lisa Barroso (905) 546-2424 Ext. 2743
<b>SUBMITTED BY:</b>	Mike Zegarac General Manager, Corporate Services
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

Not applicable.

## INFORMATION

The purpose of this report is to provide Audit, Finance & Administration Committee with the results of a Privacy Breach Review, requested by the City Manager on October 1, 2020, to investigate personal information of identifiable individuals found to be on the City's website.

This Privacy Breach Review will provide:

- 1) Timelines and Discovery of the privacy breach
- 2) City's Privacy Breach Response Plan
- 3) Summary of Privacy Investigation
- 4) Corrective Actions/Recommendations resulting from the Investigation

### 1) Timelines and Discovery of the privacy breach

- On October 10, 2019, the Hamilton Police Services (HPS) Board considered a request for a deputation to the Board regarding a motion that was passed by the LGBTQ Advisory Committee. Submitted with request for deputation, was a copy

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of LGBTQ Advisory Committee motion from its meeting minutes dated May 15, 2019. The motion contained personal information of identifiable individuals, as defined in the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), and was published in the HPS Board Agenda unredacted.

- On February 20, 2020, the City's Audit, Finance and Administration Committee received minutes of LGBTQ Advisory Committee meetings. Under the authority of the MFIPPA, the City Clerk redacted personal information of identifiable individuals, a mandatory exemption under the legislation, contained in the LGBTQ Committee minutes dated May 15, 2019, and informed Committee of the redaction. The redacted minutes were published in the AF&A meeting Agenda.
- During the discussion of an Integrity Commissioner report at Council on September 30, 2020, the City's Senior Communications Officer, responsible for the City's social media accounts, received a tweet @cityofhamilton that provided a link to an unredacted document on the City of Hamilton's website. The unredacted document was published in the HPS Board Agenda dated October 10, 2019.
- Upon receiving the tweet, the Senior Communications Officer forwarded the information to the City Clerk and Deputy Clerk to verify. Once verified, the Clerk directed the Legislative Coordinator of Audit, Finance & Administration Committee, to notify the HPS Board Administrator that an unredacted record was published in their agenda dated October 10, 2019. The Manager of Corporate Records and FOI was notified at the same time.
- Later in the day on September 30, 2020, the Administrator of the HPS Board confirmed that they exercised their authority under MFIPPA and replaced the record containing personal information with a redacted version.
- On October 1, 2020, The City Manager directed the Manager of Corporate Records and FOI to conduct a Privacy Breach Review with a report due to Committee in 30 days.
- On October 1, 2020, the Manager of Corporate Records and FOI executed the City's Privacy Breach Response Plan.

## **2) City's Privacy Breach Response Plan**

The following provides a brief outline of the process followed by Privacy staff upon being notified of a privacy breach:

*Step 1 – Immediately Alert Appropriate Parties*

- Alert all relevant staff of the breach, including the Privacy Officer, and determine who else within your organization should be involved in addressing the breach.

*Step 2 – Contain the Breach*

- Identify the nature and scope of the breach and the action required to contain the breach (i.e. determine what personal information is involved and take corrective action).

*Step 3 – Notify those affected by the Breach*

Notify those affected as soon as reasonably possible. Notification should include:

- details of the extent of the breach and the specifics of the personal information that was compromised;
- the steps taken and planned to address the breach, both immediate and long-term;
- contact information for someone within your organization who can provide additional information and assistance, and answer questions;
- a statement that those affected have a right to make a complaint to the IPC and how to do so.

*Step 4 – Investigate the Breach and Remediation*

- Identify and analyze the events that led to the breach
- Review your policies and practices in protecting personal information, privacy breach response plans and staff training to determine whether changes are needed;
- Determine whether the breach was a result of a systemic issue and if so, review your program-wide or institution-wide procedures;
- Take corrective action to prevent similar breaches in the future and ensure staff are adequately trained.

***NOTIFYING THE INFORMATION and PRIVACY COMMISSIONER (IPC)***

Assess the need to notify the IPC. The IPC should be notified of significant breaches such as those that may involve sensitive personal information or large numbers of individuals, or when there are matters of public interest, or when there are difficulties containing the breach.

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### **3) Summary of Privacy Investigation**

- In January 2018, the City of Hamilton began using eSCRIBE Agenda Management software, as a meeting management software solution. The HPS Board was included as a user in the City's contract of this solution. The hosted solution was provided through the City's eSCRIBE account. The HPS Board Agendas appeared on both the Police Services Board website and the City of Hamilton's website through this account.
- The investigation confirmed that personal information of identifiable individuals, was available on the City's web site, through a HPS Board Agenda, without the consent of the identifiable individuals. This constituted a privacy breach.
- The privacy breach revealed issues of accountability and custody and control over HPS Board records which were available through the shared City eSCRIBE account. Information contained in HPS Board Agendas was under the control of the HPS Board, having authority over the creation, use, disclosure and disposal of the information, but in the custody of the City, hosted on the City's website.
- Once alerted to the breach, City staff notified the Administrator of the HPS Board who took immediate steps to contain the breach and have the record replaced with a redacted version. The City did not have control over the record.
- The Manager of Corporate Records and FOI took responsibility for conducting the privacy investigation, for notifying affected parties to the breach, in writing, in accordance with the City's Privacy Breach Response Plan, and for determining corrective actions to prevent a future breach.
- The results of the Privacy Breach Investigation were shared with the Administrator of the HPS Board.
- Given the public interest in this matter, the Manager of Corporate Records and FOI has reported the breach to the Information & Privacy Commissioner's Office (IPC). All information relating to this matter will be shared with the IPC in the event they conduct their own investigation.

### **4) Corrective Actions/Recommendations resulting from the Investigation**

That Management review the following recommendations and prepare responses to the Audit, Finance and Administration Committee:

- Set up a new dedicated account for HPS Board Agendas to be embedded directly on the Hamilton Police Services website and remove the Hamilton Police Services Board Agendas from the City's website.

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- Review and update the privacy statement on the City's website to ensure it governs the collection, use, storage and protection of personal data provided by users of the City's website.
- Develop a web policy to ensure all software integration on the City's website is vetted by the Digital Communications Team prior to implementation.
- Develop a web content strategy to guide the planning, creation, delivery and governance of web content.
- Review procurement policies and by-law as it relates to vendor requirements to comply with MFIPPA.
- Conduct Privacy Impact Assessments on new software applications and processes to support the Information & Privacy Commissioner of Ontario's Privacy By Design Principles.
- Implement a Privacy Policy that establishes clear accountability statements, including roles and responsibilities for the protection of personal information collected, used, disclosed and disposed by the City of Hamilton, to foster greater public trust. This includes ensuring staff are adequately trained.

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