

The Roles of Intake Officers and Analysts at the IPC

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Office of the
Saskatchewan Information
and Privacy Commissioner

Jurisdiction & Mandate of the IPC

- The IPC is an office of last resort and an independent office of the Saskatchewan Legislative Assembly.
- The IPC oversees three Saskatchewan statutes: *The Freedom of Information and Protection of Privacy Act* (FOIP), *The Local Authority Freedom of Information and Protection of Privacy Act* (LA FOIP) and *The Health Information Protection Act* (HIPA).
- FOIP, LAFOIP and HIPA establish the access to information and privacy rights of citizens.

Disclaimer

- This material is presented by the IPC to assist viewers in understanding the roles and legislation under discussion.
- It is offered as non-binding, general advice, as we cannot provide advanced rulings.
- We are unable to discuss specific past or present cases, unless a Report has been issued or the details are otherwise publicly known.

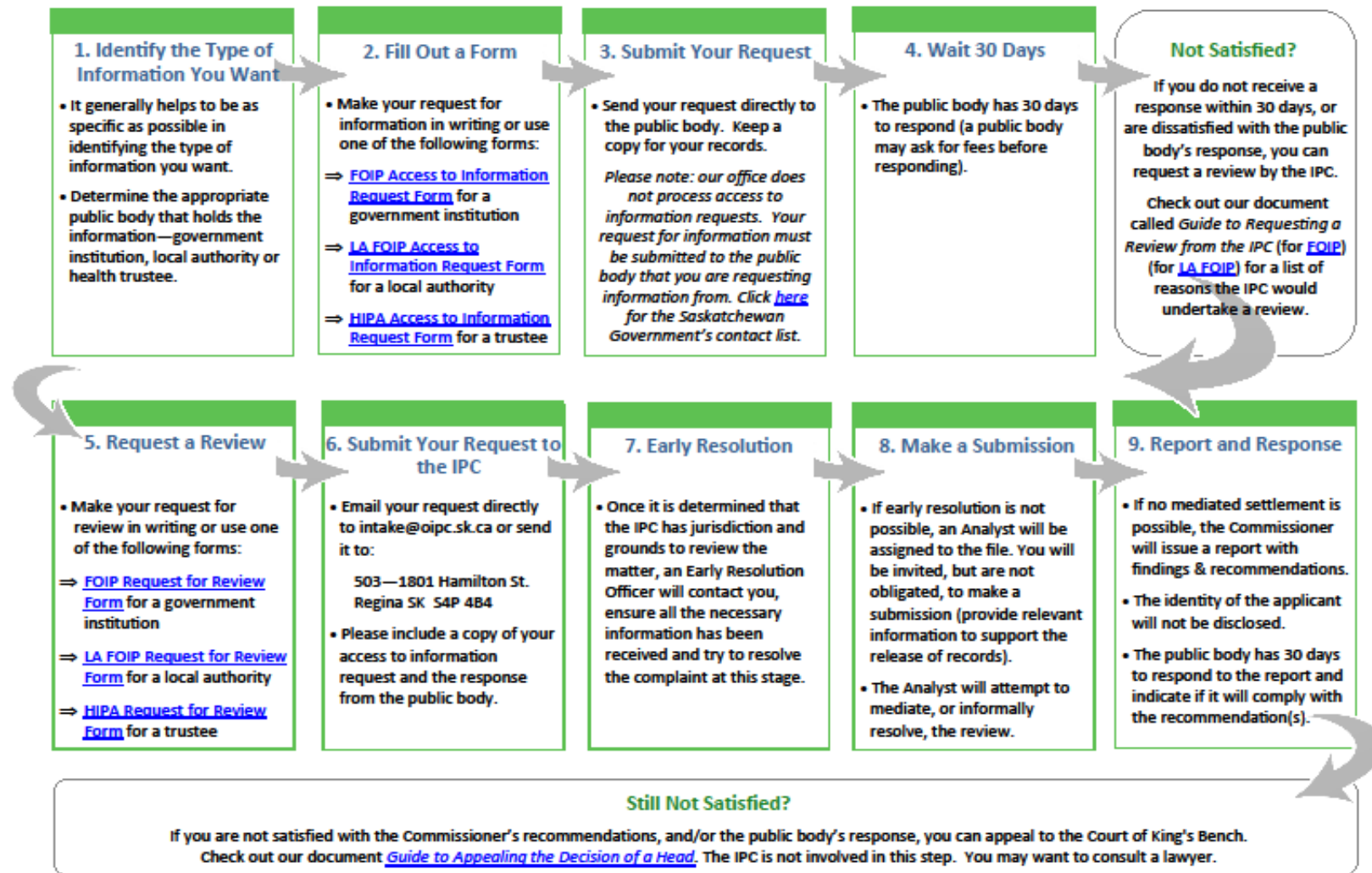
Intake Officer's Roles

- Summary Advice
- Open case files for:
 - Requests for Reviews
 - Including deemed refusals, in which a request has exceeded its legislated timelines
 - Including Correction of Personal Information (CPI)
 - Breaches of Privacy
- Facilitate early resolution

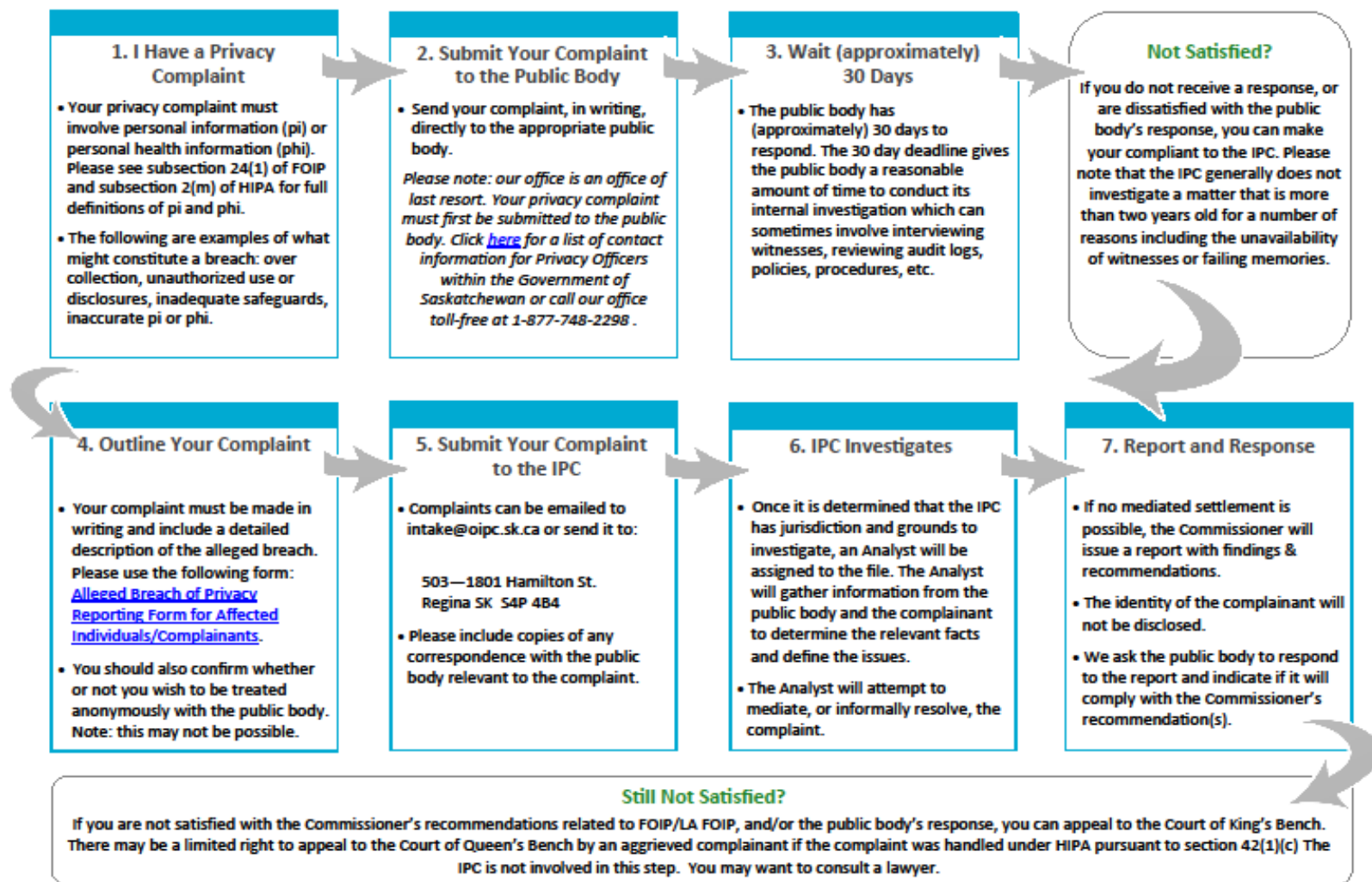
Jurisdiction of Legislation

FOIP Government Institutions	LA FOIP Local Authorities	HIPA Trustees of Personal Health Information
Examples:	Examples:	Examples:
<ul style="list-style-type: none">• Ministries• eHealth Saskatchewan• Water Security Agency• SGI• Office of Residential Tenancies	<ul style="list-style-type: none">• Cities• Towns• Rural Municipalities• Police Departments (municipal)• Libraries• School Boards• Saskatchewan Health Authority	<ul style="list-style-type: none">• Doctors• Clinics• Hospitals• Saskatchewan Health Authority

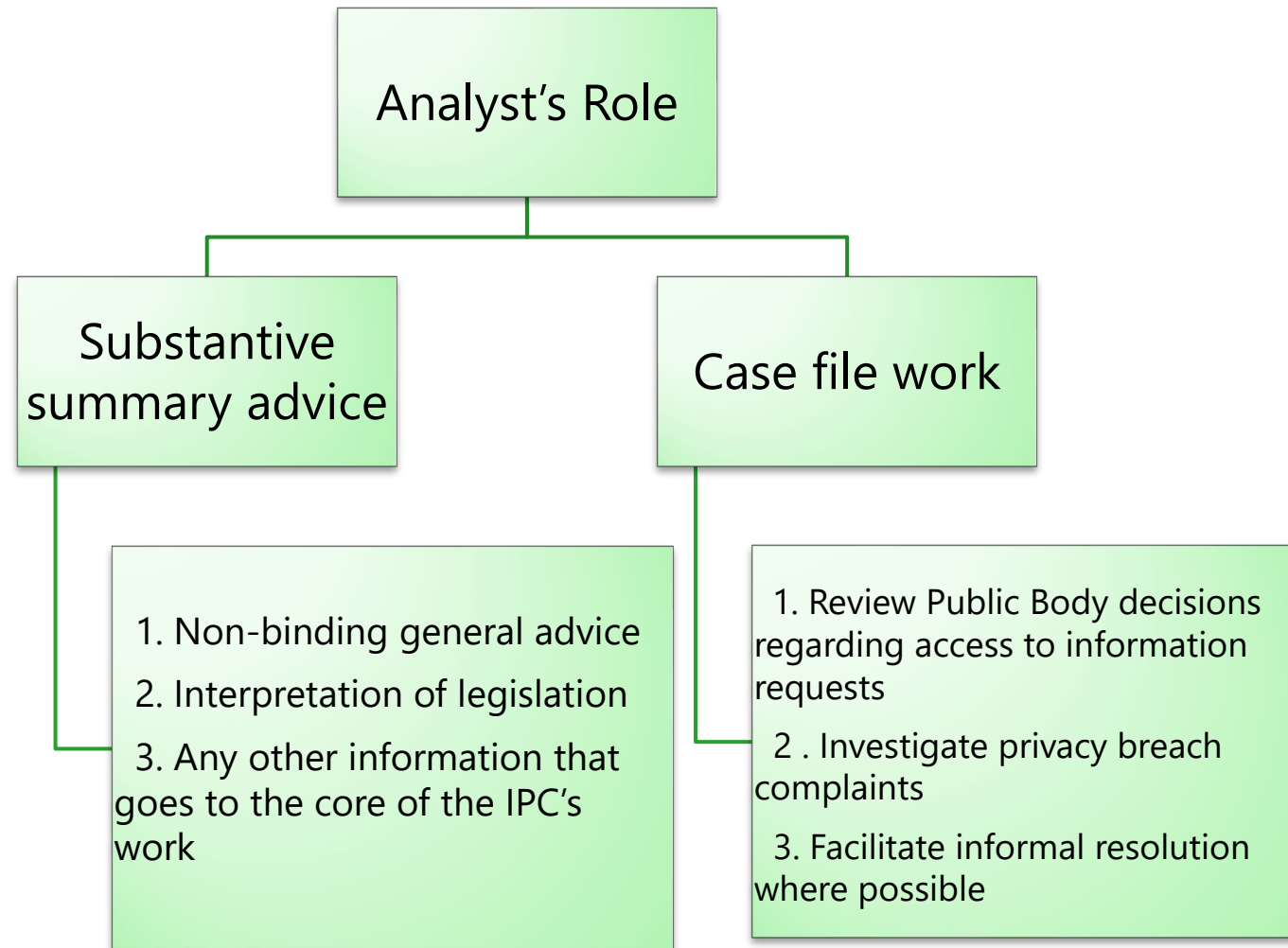
HOW DO I GET ACCESS TO INFORMATION?



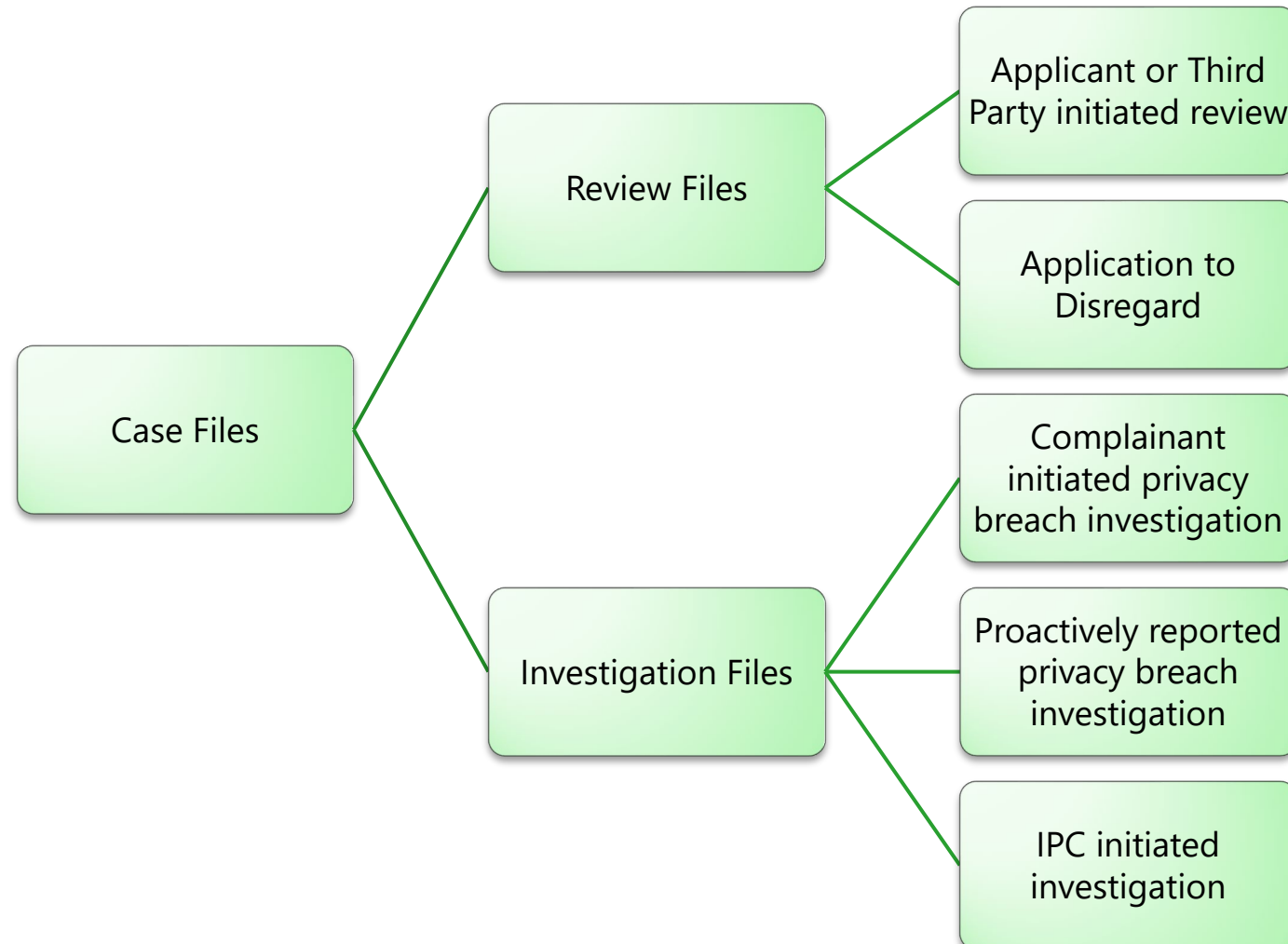
HOW DO I RESOLVE A PRIVACY COMPLAINT?



General Overview – Analyst's Role



Substantive Case File Work



Applicant/Third Party Initiated Review File

- An Analyst analyses concerns with Access to Information requests made to public bodies in line with provisions of FOIP, LA FOIP, HIPA. Common issues include whether the public body:
 - Complied with legislated timelines in responding to the Applicant
 - Properly applied exemptions in withholding a record in part or in full
 - Or if the public body responded to an Applicant by saying no records exist, whether the public body applied a reasonable standard in searching for the records



Applicant/Third Party Initiated Review File-Analyst's Role

- Manage the submission of documents where applicable
 - Handle requests for extensions regarding deadlines of submissions, records, and index of records-as relate to a file
- Conduct analysis of the issues and present findings and recommendations for the Commissioner's consideration
- Issue a Final Review Report
- Monitor compliance
 - Record responses to the recommendations in the reports issued



Application to Disregard

- An Application to disregard allows public bodies to ask the Commissioner for approval to disregard an Access to Information Request or Request for Correction of Personal Information made under FOIP or LA FOIP.
 - Applications to disregard are expedited
 - Applicant's response to the public body's application to disregard is received and analysis conducted
 - The Commissioner issues his decision with reasons in his Report on the matter



Complainant Initiated Privacy Breach Investigation

- IPC sends out a privacy breach questionnaire inquiring about the alleged breach of privacy
- Based on the responses received an Analyst assesses whether:
 - A breach occurred, or
 - If already determined that a breach occurred, the Public Body appropriately handled the breach by:
 - Containing the breach
 - Notifying the affected individuals
 - Investigating any root causes
 - Taking steps to prevent a similar situation from reoccurring
- Although some circumstances for informally resolving the matter may exist, this is not common with complainant-initiated investigations so in most cases, after an Analyst concludes their analysis, the Commissioner will issue a public Investigation Report.



Proactively Reported Privacy Breach Investigation

- A public Body/trustee reports a breach of privacy on their part
- Analyst assigned monitors the incident and analyses the public body's:
 - Description of the breach
 - Containment
 - Notification measures
 - Investigation and
 - Prevention of future breaches
- Depending on the Analyst's findings, the Commissioner would proceed to close the file by:

Informal resolution

- If appropriate steps have been taken to respond to the incident and prevent future occurrences
- If the Public Body commits to implement recommendations

Issuing a public Investigation Report

- If the matter has not been handled appropriately
- If the matter affected a large number of individuals or is egregious
- If an affected individual makes a formal complaint



IPC Initiated Investigations

- The IPC can learn of a privacy breach and begin an investigation where:
 - A third party who witnesses a breach or is in possession of personal information of another individual notifies the IPC
 - Employees of a government institution or local authority inform the IPC of inappropriate practices within the organization
 - The IPC acts on media reports
- Under these circumstances, an Analyst will review materials received and based on initial assessments, determine the direction of the investigation.
- Depending on the public body/trustee's response, informal resolution may be attempted. If successful, the file will be closed informally, without a report. Otherwise, a Report will be prepared and discussed with the Commissioner which might then be issued.



Resources

- In interactions, Analysts typically refer Applicants and Public Bodies to the following IPC Resources (found at www.oipc.sk.ca)
 - *The Guide to FOIP, Guide to LA FOIP*
 - *The Rules of Procedure*
 - *Privacy Breach Guidelines for Government Institutions and Local Authorities/Trustees*
 - + blog, reports and more



Contact Information

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