

# PRIVACY IMPACT ASSESSMENT

## I. BASIC INFORMATION - SurveyMonkey

### 1. Ministry/Public Body and Program Area.

Ministry	Labour, Citizens' Services, and Open Government
Division	Office of the Chief Information Officer
Branch/Section	Knowledge and Information Services
Initiative Title	General SurveyMonkey PIA

### 2. Contact Position and/or Name, Telephone Number and E-Mail Address. (This should be the name of the individual most qualified to respond to questions regarding the PIA).

Name, Title	Jeannette Van Den Bulk
Branch/Section	Knowledge and Information Services
Phone Number	250 356 0378
E-Mail	Jeannette.vandenbulk@gov.bc.ca

### 3. Description of the Program/System/Legislation (Initiative) being assessed. (Please note here if the initiative does not collect, use or disclose personal information). If this is a change to an existing legislation, system or program, describe the current system or program and the proposed changes.

This General SurveyMonkey Privacy Impact Assessment (PIA) is intended as a guide to assist ministries in the use of SurveyMonkey as an online survey tool and to ensure that any personal information is collected, used, and disclosed in a way consistent with the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

Based on this General SurveyMonkey PIA, a checklist has been created that will serve as a quick and efficient means for ministries to determine if their survey falls under this General PIA. See Appendix A. If the site meets all of the requirements in the checklist a new PIA will not be required. Conversely, if it does not meet the requirements in the checklist, a new PIA must be completed.

Ministries should complete the checklist before moving forward with their use of SurveyMonkey. Knowledge and Information Services Branch (KIS) will require a copy of the signed checklist prior to their survey going live, as per section 69(5.1) of FOIPPA. The ministry should retain a copy of the signed checklist to satisfy the requirement for a privacy impact assessment under section 69(5) of FOIPPA.

**A separate PIA must be completed for SurveyMonkey surveys where there is potential for collection, use, and disclosure of personal information.**

***\*This Privacy Impact Assessment addresses Freedom of Information and Protection of Privacy Act requirements while using SurveyMonkey in the manner described in Appendix A. The program area using SurveyMonkey is responsible for ensuring they have reviewed and complied with all obligations created by provincial legislation and policy, including but not limited to Legal Services Branch review of, and Risk Management Branch approvals for indemnities created by, SurveyMonkey's Terms of Use.\****

## Background

SurveyMonkey is a web-based tool that enables users to create their own web-based surveys while also managing and analyzing data. The company offers a number of paid-for services however, the main draw and focus of this General PIA is their free-service that allows small, simple surveys to be put together easily with no cost.

SurveyMonkey is an American company with all information collected and stored on servers located in the United States. Despite having a robust security and privacy policy, ministries should not use SurveyMonkey to collect personal information because of section 30.1 of the FOIPP Act, which requires personal information be stored and accessed inside Canada (with limited, generally inapplicable exceptions).

A government body may choose to use SurveyMonkey if they are **not collecting personal information**. For example, the survey does not collect names, addresses, or multiple demographic data points that could through the mosaic effect identify an individual. Surveys may collect data that is aggregated and cannot be traced back to an identifiable individual.

As well a note, like the one below (and in Appendix B), must be visible to all participants, either as part of an email or on the webpage that contains the link to the survey:

*"The Government of BC will not collect, use, or disclose personal information using SurveyMonkey. Please be aware however that IP addresses are collected by SurveyMonkey itself, and these IP addresses and other information collected will be stored on SurveyMonkey's servers located outside of Canada. This survey is voluntary and a response is encouraged, not required."*

Attached to this PIA:

- Appendix A – Checklist/Signoff Page for a ministry SurveyMonkey survey
- Appendix B – Required notification

#### 4. Purpose/Objectives of the Initiative (If statutory, provide citation).

The purpose of this PIA is to outline a standard way to use SurveyMonkey, whereby any ministry or program area using this site within the prescribed parameters will not be required to fill out an additional PIA. However, if ministries decide to use SurveyMonkey in ways not described here, they will be required to complete a separate PIA.

#### 5. What are the potential impacts of this proposal? (Include privacy impacts in this description).

SurveyMonkey can be a useful internal tool for gaining feedback from colleagues and employees. It can also be a useful external tool to gain simple, quick feedback from citizens and clients. It is not a replacement for in-depth surveying and analysis or for any surveys that collect personal information.

Ministries must ensure their surveys do not collect personal information in order to use the SurveyMonkey tool.

#### 6. Provide details of any previous PIA or other form of personal information assessment done on this Initiative (in whole or in part).

No General PIA has previously been completed for SurveyMonkey. A General Fluidsurvey PIA is also available from Knowledge and Information Services.

## II DESCRIPTIVE INFORMATION

1. **Describe the elements of personal information that will be collected, used and/or disclosed and the nature and sensitivity of the personal information.** [See note above about the definition of personal information.]  
*For example: Name, home address, gender, age/birthdate, SIN, Employee#, race/national, ethnic origin.*

No personal information should be collected by the ministry as part of the survey.

2. **Provide a description (either a narrative or flow chart) of the linkages and flows of personal information collected, used and/or disclosed.**

No personal information will be collected by government. However, IP addresses will be collected by SurveyMonkey, and survey participants will be informed of this before taking the survey.

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**PERSONAL INFORMATION COLLECTION**  
 (Section 26 and section 27 of the *Freedom of Information and Protection of Privacy Act* "FOIPP Act")

**\*\*IMPORTANT NOTE:** Recent amendments to the FOIPP Act have clarified when personal information has *not* been collected by a public body. See section 27.1 or contact Knowledge and Information Services for further details.

	Yes	No	n/a
Is personal information being collected? No personal information will be collected by a ministry. *However, IP addresses are collected by SurveyMonkey and survey participants will be informed of this before they take the survey. A ministry will not have custody or control of IP addresses.	X*	X	

**1) Authorization for Collection:**

A public body may collect personal information as authorized by one of the following provisions:

s. 26	Yes	No	n/a
(a) Is the collection of personal information specifically authorized by, or under, an Act, other than the FOIPP Act?			X
If yes, please specify the name of the Act and relevant section			
(b) Is the personal information being collected for law enforcement purposes?			X
(c) Is the personal information directly related to, and necessary for, a program or activity of the public body?			X
(d) Is the personal information being collected for a prescribed purpose (where there is a regulation defining that purpose)?			X
If yes, please specify the prescribed purpose.			
(i) Has the individual whose personal information is being collected consented, in the prescribed manner, to that collection? and			X
(ii) Would a reasonable person consider that collection appropriate in the circumstances?			
(e) Is the collection of personal information necessary for the purposes of planning or evaluating a program or activity of a public body?			X
(f) Is the collection of personal information necessary for the purpose of reducing the risk that an individual will be a victim of domestic violence, if domestic violence is reasonably likely to occur?			X
(g) Is the personal information being collected at a presentation, ceremony, performance, sports meet, or similar event where the individual voluntarily appears and that is open to the public?			X
(h) Is personal identity information being collected by:			

s. 26	Yes	No	n/a
A designated provincial identity information services provider and the collection of the information is necessary to enable it to provide services under section 69.2, or			X
A public body from a designated provincial identity information services provider and the collection of the information is necessary to enable the public body to identify an individual for the purposes of providing a service to the individual or the provincial identity information services provider to provide services under section 69.2.			X

If none of the above questions has been answered "yes", your office does not have the authority under the FOIPP Act to collect the personal information in question. If you have any questions or require clarification please contact Knowledge and Information Services.

**2) How will the personal information be collected?**

A public body must collect personal information directly from the individual the information is about, with certain specific exceptions.

	Yes	No	n/a
Will the personal information be collected <u>directly</u> from the individual that the information is about?			X

If the personal information has not been collected directly from the individual it is about, check which of the following authorizes the indirect collection:

s. 27(1)	Yes	No	n/a
(a)(i) Did the individual the information is about authorize another method of collection?			X
(a)(ii) Has indirect collection been authorized by the Information and Privacy Commissioner?			X
(a)(iii) Has indirect collection been authorized by another enactment?			X
<b>If yes, please specify the name of the Act and relevant section(s)</b>			
(a.1)(i) Is the personal information necessary for the medical treatment of an individual and it is not possible to collect the information directly from that individual?			X
(a.1)(ii) Is the personal information necessary for the medical treatment of an individual and it is not possible to obtain authority under (iv) for another method of collection?			X
(b) Is the public body collecting personal information disclosed to it by another public body under an authority within sections 33 to 36 of the FOIPP Act?			X
<b>Specify relevant section(s) or subsections that apply.</b>			
(c)(i) 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?			X

s. 27(1)		Yes	No	n/a
(c)(ii)	Is the personal information being collected for the purpose of a proceeding before a court or a judicial or quasi-judicial tribunal?			X
(c)(iii)	Is the personal information being collected for the purpose of collecting a debt or fine or making a payment?			X
(c)(iv)	Is the personal information being collected for the purpose of law enforcement?			X
(c)(v)	Is the personal information being collected to reduce the risk that an individual will be a victim of domestic violence, if domestic violence is reasonably likely to occur?			X
(d)	Is the personal information being transferred to the public body from another public body in accordance with section 27.1?			X
(e)	Is the personal information being collected necessary for delivering a common or integrated program or activity?			X
(f)	Is the personal information about an employee, other than a service provider, and the collection of the information is necessary for the purposes of managing or terminating an employment relationship between a public body and the employee?			X
(g)	Is the information personal identity information that is collected by the designated provincial identity information service that is necessary to provide services under section 69.2?			X
	Additional details as required (e.g., explanation of method of collection)			

*If none of the above authorities have been checked, your office does not have the authority under the FOIPP Act to collect the personal information in question. If you have any questions or require clarification please contact Knowledge and Information Services.*

### 3) Notification to collect information

A public body must ensure that an individual from whom it collects personal information is notified of the collection as outlined below.

27(2)		Yes	No	n/a
	Has the individual from whom personal information is being collected, been informed of:			
	(a) the purpose for collection?			X
	(b) the legal authority for collection?			X
	(c) the contact information of the person who can answer questions regarding the collection?			X
	Additional details as required (e.g., method of notification)			

Notification is not required if the answer is "yes" to any of the following:

27(3)		Yes	No	n/a
(a)	Is the personal information about law enforcement or anything referred to in section 15(1) or section 15(2) of the FOIPP Act?			X
(b)	Has the Minister responsible for the FOIPP Act excused your public body from complying because it would			
	(a) result in the collection of inaccurate information?			X
	or (b) defeat the purpose or prejudice the use for which the personal information is collected?			X
(c)	The information (a) is not required, under subsection 27(1), to be collected directly from the individual the information is about, and (b) is not collected directly from the individual the information is about			X
(d)	Is the information collected by observation at a presentation, ceremony, performance, sports meet or similar event at which the individual voluntarily appears and that is open to the public.			X
27 (4)	Is it reasonable to expect that notifying an employee of collection under subsection 27 (1) (f) would compromise (a) the availability or accuracy of the information, or (b) an investigation or a proceeding related to the employment of the employee?			X
	Additional details as required			

*If you have not provided the required notification as outlined above, please contact Knowledge and Information Services.*

**IV USE OF PERSONAL INFORMATION - (Section 32 of the FOIPP Act)**

	Yes	No	n/a
Is personal information being used?		X	

**IF THERE IS NO PERSONAL INFORMATION BEING USED, GO TO V. DISCLOSURE OF PERSONAL INFORMATION**

**V DISCLOSURE OF PERSONAL INFORMATION**

(Section 33, section 33.1, section 33.2, section 33.3, section 34, section 35 and section 36 of the FOIPP Act)

	Yes	No	n/a
Is personal information being disclosed?		X	

**IF THERE IS NO PERSONAL INFORMATION BEING DISCLOSED, GO TO VI. ACCURACY AND CORRECTION OF PERSONAL INFORMATION,**

**VI ACCURACY AND CORRECTION OF PERSONAL INFORMATION**

(Section 28 and section 29 of the FOIPP Act)

If an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body must make every reasonable effort to ensure that the information is accurate and complete. An individual must also have the ability to access, or have corrected or annotated, their personal information for a period of one year after a decision has been made based upon the personal information.

	Yes	No	n/a
1. Are there procedures in place to enable an individual to request/review a copy of their own personal information?			X
2. Are there procedures in place to correct or annotate an individual's personal information if requested, including what source was used to update the file?			X
3. If personal information is corrected, are there procedures in place to notify other holders of this information?			X
<b>If yes, please provide the name of the policy and/or procedures, a contact person and phone number.</b>			
Policy/procedure:			
Contact person:			
Phone number:			
<b>Additional details as required</b>			



If any of the questions above have been answered "no", please contact Knowledge and Information Services for further clarification.

**VII SECURITY AND STORAGE FOR THE PROTECTION OF PERSONAL INFORMATION**  
(Sections 30 and 30.1 of the FOIPP Act)

**Note:** For PIAs related to new or existing systems, this section should be completed by the Branch of the ministry responsible for systems maintenance and security, and signed off by this branch, in the Signatures section.

For PIAs that do not involve systems initiatives, this section should be completed by the program area completing the PIA. In this case, the signature of the systems representative is not required.

Section 30 of the Act requires a public body to protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

		Yes	No	n/a
1.	Is there reasonable technical security in place to protect against unauthorized access or disclosure?			X
2.	Is there reasonable physical security in place to protect against unauthorized access or disclosure?			X
3.	Are there branch policies and procedures in place for the security of personal information during routine collection, use and disclosure of the information?			X
<b>If yes, please provide the name of the policy and/or procedures, a contact person and phone number.</b>				
	Policy/procedure:			
	Contact person:			
	Phone number:			
<b>Additional details as required</b>				
4.	Have user access profiles been assigned on a need-to-know basis?			X
5.	Do controls and procedures exist for the authority to add, change or delete personal information?			X
6.	Does your system security include an ongoing audit process that can track use of the system (e.g., when and who accessed and updated the system)?			X
<b>Please explain the audit process and indicate how frequently audits are undertaken and under what circumstances</b>				
7.	Does the audit identify inappropriate accesses to the system?			X
<b>Additional details</b>				

*If any of the questions above have been answered "no", please contact your Ministry's Security Officer. If you have any questions or require clarification please contact Knowledge and Information Services.*

**VII SECURITY ARRANGEMENTS FOR THE PROTECTION OF PERSONAL INFORMATION**  
cont'd

**Section 30.1 requires a public body to ensure that personal information in its custody or under its control is stored only in Canada and accessed only in Canada unless the individual the information is about has consented or the disclosure is otherwise allowable under the Act.**

	Yes	No	n/a
Will the information be stored or accessed only in Canada?			X

**Personal information in a public body's custody or under its control must be stored and accessed only in Canada, unless one of the following applies:**

	Yes	No	n/a
(a) Has the individual the personal information is about identified it and consented, in the prescribed manner, to it being stored in or accessed from another jurisdiction?			
<b>Please explain</b>			
(b) Will the personal information be stored in or accessed from another jurisdiction for the purpose of a disclosure that is authorized under the <i>Freedom of Information and Protection of Privacy Act</i> ?			
<b>Please explain</b>			
(c) Will the personal information be disclosed under section 33.1(1)(l.1)?			
<b>Please explain</b>			

*If you have not answered "yes" to any of the above authorizations for storage or access of personal information outside Canada or if you require clarification, please contact Knowledge and Information Services.*

**VIII RETENTION OF PERSONAL INFORMATION - (Section 31 of the FOI/PP Act)**

**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.**

		Yes	No	n/a
1.	Do you have an approved records retention and disposition schedule?			X
2.	Is there a records retention schedule to ensure information used to make a decision that directly affects an individual is retained for at least one year after use?			X

***If you answered "no" to the above questions, your procedures may need to be revised. Please contact your Records Officer.***

**Note: Records of provincial public bodies and designated organizations/public bodies cannot be destroyed unless approval is granted under the authority of the *Document Disposal Act*. Please consult with your Records Officer to initiate the records scheduling process.**



## Appendix A: Checklist and Confirmation Page for SurveyMonkey Survey

Name of Survey:			
Ministry and Program Area:			
Ministry Survey Administrator:		Phone:	
Email:			
Go- Live Date:			

Please enter an "X" under the appropriate answer to the following questions:

	Yes	No
<b>Purpose</b> The program area needs to use SurveyMonkey to hear users' thoughts and opinions on a subject. Please provide a description of the purpose:		
<b>Notification</b> The Notification (See Appendix B) has been included in all requests for participation in the survey. Example, by email or on the webpage a link to the survey is posted on. Describe where notification will be:		
No personal information is being collected through the Ministry's survey. This includes: <ul style="list-style-type: none"> <li>• No names of survey participants or third parties</li> <li>• No addresses</li> <li>• No demographic information that could be used if put together to identify an individual</li> <li>• No names or information about other people</li> </ul>		
SurveyMonkey is voluntary, participants are not required to take the survey.		
A copy of survey questions are attached to this checklist.		
I understand the information and analysis in this PIA is limited to the interaction between SurveyMonkey and the requirements set out in the FOIPPA. It is the responsibility of our program area to review SurveyMonkey's Terms of Use. We have reviewed and complied with all obligations created by other legislation and policy, including but not limited to Legal Services Branch review of, and Risk Management Branch approvals for indemnities created by, SurveyMonkey's Terms of Use."		

**If you have answered 'No' to any of the above questions a separate PIA will need to be completed before you can use SurveyMonkey.**

Checklist Completed By \_\_\_\_\_ Signature \_\_\_\_\_

Program Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

KIS Signature \_\_\_\_\_ Date \_\_\_\_\_

KIS Comments:

## **Appendix B**

### **Notification**

The Government of BC will not collect, use, or disclose personal information using SurveyMonkey. Please be aware however that IP addresses are collected by SurveyMonkey itself, and these IP addresses and other information collected will be stored on SurveyMonkey's servers located outside of Canada. This survey is voluntary and a response is encouraged, not required.

**Please do not provide any third-party information (i.e. talk about others) in your responses to the survey.**