



## PRIVACY IMPACT ASSESSMENT DIRECTIONS

**TO:** HEADS OF GOVERNMENT MINISTRIES

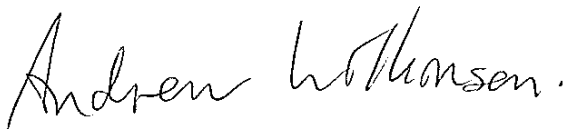
**DIRECTION:** 1/14

**SUBJECT:** Directions to heads of government ministries on conducting Privacy Impact Assessments.

**AUTHORITY:** These directions are issued under section 69 (5) of the *Freedom of Information and Protection of Privacy Act*.

**APPLICATION:** These directions apply to heads of government ministries.

**EFFECTIVE DATE:** May 9, 2014

  
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Honourable Andrew Wilkinson  
Minister of Technology, Innovation and Citizens' Services

# Minister of Technology, Innovation and Citizens' Services

## Directions to Heads of Government Ministries issued under Section 69 (5) of the Freedom of Information and Protection of Privacy Act

I, Andrew Wilkinson, Minister of Technology, Innovation and Citizens' Services, issue the following directions to heads of government ministries under section 69 (5) of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996 c. 165, as amended:

### A. Definitions

For the purposes of these directions:

**“Consultation Summary”** means, with regard to any proposed enactment or any proposed revision(s) to an enactment, a summary completed by the Legislation, Privacy and Policy (LPP) branch of its evaluation of any privacy, access, statutory overrides or other matters relating to the *Freedom of Information and Protection of Privacy Act*.

**“Employee”**, in relation to a Public Body, includes:

- a. a volunteer, and
- b. a service provider.

**“Person”** includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law.

Note: A ministry Employee carrying out research for the ministry at a post-secondary educational body is not considered to be another “person” as contemplated in section 3 (1) (e) (iii) of the *Freedom of Information and Protection of Privacy Act* and must therefore conduct a Privacy Impact Assessment in accordance with sections B, C and D of these directions when applicable.

**“Personal Information”** means recorded information about an identifiable individual other than contact information.

**“Personal Information Directory (PID)”** means a public registry of summaries of British Columbia government holdings with respect to Personal Information Banks, Health Information Banks, Information Sharing Agreements, and Privacy Impact Assessments.

**“Privacy Impact Assessment (PIA)”** means an assessment that is conducted by a Public Body to determine if a current or proposed enactment, system, project, program or activity meets or

will meet the requirements of Part 3 of the *Freedom of Information and Protection of Privacy Act* using an approved Privacy Impact Assessment Template and according to these directions.

**“Privacy Impact Assessment Template”** means the form in which a PIA must be completed that is inclusive of all written elements required in a PIA.

**“Public Body”** means

- a. a ministry of the government of British Columbia,
- b. an agency, board, commission, corporation, office or other body designated in, or added by regulation to, Schedule 2 of the *Freedom of Information and Protection of Privacy Act*, or
- c. a local public body

but does not include

- d. the office of a person who is a member or officer of the Legislative Assembly, or
- e. the Court of Appeal, Supreme Court or Provincial Court.

**“Substantive Revision”** means any revision that affects or causes to affect the collection, use, disclosure, security, storage, accuracy, correction, or retention of Personal Information, or access to records in the custody or under the control of a Public Body.

## **B. General Directions**

In addition to their responsibilities under section 69 (5.1) to submit a PIA during the development of a proposed enactment, system, project, program or activity to the minister responsible for the *Freedom of Information and Protection of Privacy Act*, heads of government ministries are directed under section 69 (5) of the *Freedom of Information and Protection of Privacy Act* to:

1. conduct a PIA with respect to a current or proposed enactment, system, project, program or activity in accordance with sections B, C and D of these directions when applicable;
2. conduct a PIA with respect to any proposed revision(s) to an enactment, system, project, program or activity during the development of the proposed revision(s);
3. conduct a PIA regardless of whether or not Personal Information is involved; and
4. ensure that a final copy of the PIA contains all required signatures.

## **C. Directions on Selecting a Privacy Impact Assessment Template**

Under section 69 (5) of the *Freedom of Information and Protection of Privacy Act*, heads of government ministries are directed to conduct a PIA using one of the following five approved Privacy Impact Assessment Templates:

1. **Legislation PIA (LPIA)**, which assesses any proposed statute or any current statute that is being revised.
2. **Regulation PIA (RPIA)**, which assesses any proposed regulation to a statute or any statute's regulation that is being revised.
3. **Corporate PIA**, which assesses any system, project, program or activity that is:
  - a. proposed;
  - b. current; or
  - c. current and being revised;

and which involves services and applications that are commonly used across government;

- i. for greater clarity, a Corporate PIA is a PIA that has been conducted by LPP for services and applications that are commonly used across government, and which includes appendices to be used by ministries when conducting a Corporate PIA.

4. **Initiative Update PIA**, which assesses any proposed revision(s) to a current system, project, program or activity, and for which a Corporate PIA and/or a General PIA has already been conducted.

5. **General PIA**, which assesses any system, project, program or activity that is:

- a. proposed
- b. current; or
- c. current and being revised;

and does not fall within the scope of the Corporate PIA and/or the Initiative Update PIA.

#### **D. Directions on Conducting a PIA**

Under section 69 (5) of the *Freedom of Information and Protection of Privacy Act*, heads of government ministries are directed to conduct the appropriate PIA(s) using one of the five approved Privacy Impact Assessment Templates in the following manner:

##### 1. LPIA

- a. conduct an LPIA for any proposed statute and for any current statute that is being revised;
- b. follow LPP process for consultation with the Office of the Information and Privacy Commissioner where LPP recommends such consultation;
- c. include as an appendix a copy of each Request for Legislation;
- d. provide a copy of the draft legislation to LPP where LPP has requested a review of that draft legislation, and within LPP's established timeframe;
- e. confirm with LPP that a copy of the Consultation Summary has been received; and
- f. update the LPIA in the event of any Substantive Revision(s) to the proposed statute or to the current statute that is being revised.

##### 2. RPIA

- a. conduct an RPIA for any proposed regulation to a statute and for any current statute's regulation that is being revised;
- b. include a copy of the draft regulation as an appendix; and
- c. update the RPIA in the event of any Substantive Revision(s) to the proposed regulation to a statute or to the current statute's regulation that is being revised.

### 3. Corporate PIA

- a. conduct a Corporate PIA for any system, project, program or activity that involves, or will involve, services and applications that are commonly used across government;
- b. conduct a Corporate PIA for each service or application to be used for the system, project, program or activity; and
- c. conduct an Initiative Update PIA in the event of any revision(s) to a current system, project, program or activity for which a Corporate PIA has been conducted.

### 4. Initiative Update PIA

- a. conduct an Initiative Update PIA for any proposed revision(s) to a current system, project, program or activity for which a Corporate PIA and/or a General PIA has already been conducted.

### 5. General PIA

- a. conduct a General PIA in all circumstances where LPIA, RPIA, Corporate PIA and/or Initiative Update Privacy Impact Assessment Templates are not appropriate for the system, project, program or activity that is:
  - i. current;
  - ii. current and being revised; or iii.  
proposed
- b. conduct an Initiative Update PIA in the event of any revision(s) to a current system, project, program or activity for which a General PIA has been conducted.