# Ministry Incident Lead Guideline

The Office of the Chief Information Officer's *Information Incident Management Policy*[1] (the Policy) assigns a Ministry Incident Lead (MIL) with specific roles and responsibilities, including:

- Acting as the primary decision-maker for incident response and investigative processes;
- Directing employees and supervisors to take immediate action to contain information incidents;
- Consulting and coordinating with the Corporate Information and Records Management Office (CIRMO);
- Approving notifications of privacy breaches to impacted individuals;
- Making decisions regarding the suspension of access to information;
- Receiving CIRMO's investigative reporting materials; and
- Ensuring that the ministry's response to information incidents is adequately documented.

The MIL will, in most cases, represent the program area whose information is involved in the information incident.[2] However, the seniority and duties required of the MIL will vary based on the severity and complexity of the incident. The table below describes, by incident tier:

- The process for identifying the MIL;
- The party responsible for identifying the MIL;
- The appropriate level for the MIL based on incident tier; and,
- The duties of the MIL.

For questions regarding the identification or duties of an MIL, please consult the assigned CIRMO investigator or the Director, Investigations.

[1] www.gov.bc.ca/privacy_breaches

[2] At the ministry's discretion, the Ministry Privacy Officer, Ministry Information Security Officer, Ministry Chief Information Officer, or other corporate employee may be identified as the MIL on a case-by-case basis.

| TIER | PROCESS | PARTY RESPONSIBLE FOR IDENTIFYING MIL | MINISTRY INCIDENT LEAD DUTIES |
|---|---|---|---|
| **1** | • CIRMO considers the reporter to be the MIL unless reporter identifies a more appropriate contact<br>• No documentation required | • Reporter<br>• MIL may be at any level | • Act as the primary decision-maker for incident response and investigative processes |
| **2** | • The reporter must explicitly verify to CIRMO if they will act as MIL<br>• The reporter consults with program area, if unclear, before verifying with CIRMO who MIL will be<br>• CIRMO ensures decision is documented (email or notes to file) | • Reporter, in consultation with program area<br>• Program area is responsible for determining who makes the decision<br>• MIL may be at any level | • Act as the primary decision-maker for incident response and investigative processes<br>• Approve notifications of privacy breaches to impacted individuals, including withholding notification on the basis of a balance of harms test<br>• Facilitate the implementation of preventative measures |
| **3** | • The reporter must explicitly verify to CIRMO the Executive Director (or equivalent) who will act as MIL<br>• CIRMO documents decision through Preliminary Assessment Report and Recommendations, and Terms of Reference (where required) | • Reporter, in consultation with program area<br>• MIL is at Executive Director level (or equivalent)<br>• May be assigned at a higher level | • Act as the primary decision-maker for incident response and investigative processes, including approving preliminary assessments, Terms of Reference/Workplans, and decisions to conduct investigative interviews<br>• Approve notifications of privacy breaches to impacted individuals, including withholding notification on the basis of a balance of harms test<br>• Make decisions to suspend access to information, unless these decisions have been assigned to another party by the ministry<br>• Where necessary, and in consultation with CIRMO wherever possible, direct employees and supervisors to take immediate action to contain an incident and recover any information exposed<br>• Act as a liaison and point of contact for issues within the ministry that may arise during an information incident investigation<br>• Ensure that the ministry's response to an information incident is adequately documented |

| TIER | PROCESS | PARTY RESPONSIBLE FOR IDENTIFYING MIL | MINISTRY INCIDENT LEAD DUTIES |
|---|---|---|---|
| **4 – 5** | • The reporter must explicitly verify to CIRMO the ADM or equivalent (for tier 4)/the DM or equivalent (for tier 5) who will act as MIL, or CIRMO consults with ADM/DM responsible for program area, as appropriate<br>• CIRMO documents decision through Preliminary Assessment Report and Recommendations, and Terms of Reference (where required) | • ADM or DM responsible for program whose information is involved<br>• For tier 4, MIL is at ADM level (or equivalent)<br>• For tier 5, MIL is at DM level (or equivalent)<br>• May be assigned at a higher level | • Act as the primary decision-maker for incident response and investigative processes, including approving preliminary assessments, Terms of Reference/Workplans, and decisions to conduct investigative interviews<br>• Where necessary, and in consultation with CIRMO wherever possible, direct employees and supervisors to take immediate action to contain an incident and recover any information exposed<br>• Consult and coordinate with CIRMO throughout the incident response and investigation processes, including assigning appropriate resources to facilitate an effective response and ensuring CIRMO is provided with sufficient information to formulate appropriate recommendations in a timely manner<br>• Approve notifications of privacy breaches to impacted individuals, including withholding notification on the basis of a balance of harms test<br>• Make decisions to suspend access to information, unless these decisions have been assigned to another party by the ministry<br>• Receive and accept CIRMO's investigative reporting materials<br>• Ensure that the ministry's response to an information incident is adequately documented |