



THE PREMIER
HALIFAX, NOVA SCOTIA
B3J 2T3

October 20, 2016

Ms. Catherine Tully
Information and Privacy Commissioner for Nova Scotia
5670 Spring Garden Road, Suite 509
PO Box 181
Halifax, NS B3J 2M4

Dear Ms. Tully:

Re: Investigation Report F16-01 / 15-00285

Further to my letter, dated March 11, 2016, in which I provided the Office of the Premier's response to the recommendations in the above-noted Investigation Report, I am writing to provide an update on progress made under each of the recommendations that were outstanding at the time of my response.

Recommendation #2 – Personal Services Contracts

That the standard personal services contract template be updated to add provisions (privacy-protection schedule) that:

- *clearly state that information obtained by virtue of service to the government is subject to Nova Scotia's access and privacy laws;*
- *require contractors to complete privacy training within one month of signing of contract and,*
- *require contractors to sign confidentiality agreements that clearly reference FOIPOP access and privacy rules.*

Response – March 2016

By Fall 2016, the personal service contract template contained in the *Personal Services Contract Regulations* made under the *Public Service Act*, will be updated to include new language to alert contract employees to their obligations to protect personal information obtained in the course of their work for government. Each personal service contract will include a non-disclosure agreement. (See Recommendation 3)

Status – September 2016

As of November 1, 2016, an updated personal services contract template will be in effect. The new template contains clear language on non-disclosure and privacy obligations. In addition, new contract employees will now be required to complete privacy training within one month of signing their contracts.

Recommendation #3 – Non-Disclosure Agreements

That the Employee Non-Disclosure Agreement template be amended to make specific reference to the requirement to protect personal information.

Response – March 2016

By Fall 2016, the Employee Non-Disclosure Agreement template will be amended to include clear language on privacy obligations under the *Freedom of Information and Protection of Privacy Act*. (See Recommendation #2)

Status – September 2016

Requirements with respect to non-disclosure have now been incorporated directly in the updated personal services contract template and have been clarified to make specific reference to the protection of personal information.

Recommendation #4 – Privacy Policy

That the Office of the Premier's privacy policy including the breach management protocol be updated to:

- *more clearly identify the circumstances in which personal information is collected, used and disclosed by that Office,*
- *modernize any references to reasonable security standards and*
- *update the privacy breach protocol to reflect modern breach management standards.*

Response – March 2016

Information, Access and Privacy Services (IAP Services) Division in the Department of Internal Services is leading the development of a robust and encompassing Privacy Program for all of government. Over the next year, the Program will introduce a modernized Privacy Policy and Procedures for all Departments and Offices.

In January 2016, the Office of the Premier updated its current Privacy Policy including the Privacy Breach Protocol and tools for conducting Privacy Impact Assessments (PIAs).

Status – September 2016

The IAP Services Division in the Department of Internal Services continues to lead the work of modernizing government's Privacy Program. The updated Privacy Policy and procedures are under development and their implementation will begin before the end of Fiscal Year 2016-2017.

Recommendation #5 – Privacy Training

That basic privacy training:

- *be made mandatory for all government employees and that attendance be monitored;*
- *be updated to include core elements of: identifying personal information, understanding the basic rules of when employees are authorized to collect, use or disclose personal information, recognizing a potential privacy issue or breach and knowing exactly to whom employees can address their privacy questions to avoid problems. The training should also include essential modern security requirements including end of day procedures, secure destruction of personal information, travelling with personal information and transmitting personal information;*
- *be periodically refreshed as a mandatory requirement that is monitored and enforced.*

Response – March 2016

A modern privacy training and education program is a critical component of the government wide Privacy Program currently under development. Design of a training program that includes mandatory requirements to meet different stakeholder needs, together with a roll-out plan, is expected to be ready by September 2016. In the short term, IAP Services continues to make privacy training available as needed.

All staff of the Office of the Premier, including the Premier, participated in a customized privacy training session, held on January 8, 2016, delivered by IAP Services.

All Deputy Ministers participated in a Privacy Information Session with the Information and Privacy Commissioner for Nova Scotia on January 11, 2016.

Status – September 2016

IAP Services at the Department of Internal Services is completing the content design of a privacy training program that will include elements that are mandatory for all employees, as well as components that have been designed for specific roles across government. A roll-out plan is being developed for the new training program, which IAP Services will begin implementing in January 2017.

Recommendation #6 – Chief Privacy Officer

That the Office of the Premier and other government public bodies appoint an executive level Chief Privacy Officer to provide strategic privacy leadership.

Response – March 2016

The role of the Chief Access and Privacy Officer for government has been established in the Department of Internal Services and is responsible for providing leadership and a strategic approach to IAP Services. In Spring 2016, each Department and Office will identify a champion at the Executive level that will work with the Chief Access and Privacy Officer in moving forward the government's privacy agenda.

Status – September 2016

Through the coordination of the Department of Internal Services, each department has established an executive lead for privacy-related matters. The "champion" role is being developed and will be defined in the updated Privacy Policy that the Department of Internal Services will begin implementing during this fiscal year.

In conclusion, I would like to acknowledge the collaboration across departments and offices that has resulted in the progress made to date in responding to the Investigation Report's recommendations. This work continues and will further strengthen government's privacy function.

This update has been posted on the Office of the Premier website at www.Premier.novascotia.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen McNeil', with a large, stylized flourish at the end.

Honourable Stephen McNeil, M.L.A.
Premier

Copy to: Ms. Laura Lee Langley, Deputy Minister, Office of the Premier
Mr. Jeff Conrad, Deputy Minister, Internal Services
Ms. Maria Lasheras, Chief Information Access and Privacy Officer, Internal Services