



PRIVACY MANAGEMENT PROGRAM DIRECTION

TO: HEADS OF ALL PUBLIC BODIES

DIRECTION: 02/2022

SUBJECT: Direction to heads of public bodies on developing a privacy management program

AUTHORITY: This direction is issued under section 36.2 of the *Freedom of Information and Protection of Privacy Act*.

APPLICATION: This direction applies to heads of public bodies

EFFECTIVE DATE: February 1, 2023

A handwritten signature in black ink, appearing to read "Lisa Beare".

Honourable Lisa Beare
Minister of Citizens' Services

Minister of Citizens' Services

Directions to Heads of Public Bodies issued under Section 36.2 of the *Freedom of Information and Protection of Privacy Act*

I, Lisa Beare, Minister of Citizens' Services (the Minister), issue the following direction to heads of public bodies under section 36.2 of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165 (FOIPPA).

A. Preamble

Relevant Legislative Requirements

Section 36.2 of FOIPPA requires the head of a public body to develop a privacy management program for the public body and to do so in accordance with the directions of the minister responsible for FOIPPA.

Context

Privacy management programs are vital to ensuring public bodies are accountable and transparent with respect to their management of personal information. They promote trust by assuring information sharing partners and the public that the public body is protecting the personal information in its custody or under its control. The requirement for a privacy management program is not intended to be burdensome and may comprise a public body's pre-existing privacy policies and practices.

The amount or sensitivity of personal information in the care of public bodies can vary substantially. This document is intended to provide scalable directions that can be applied to all public bodies.

Purpose

The following directions are intended to provide public bodies with a framework that outlines the key components of a privacy management program. Implementing these key components will assist public bodies in:

- setting expectations for privacy accountability; and
- supporting compliance with the privacy requirements of FOIPPA.

B. Definitions

In these directions:

“employee” has the same meaning as in FOIPPA;

“head” has the same meaning as in FOIPPA;

“privacy breach” has the same meaning as in FOIPPA;

“personal information” has the same meaning as in FOIPPA;

“public body” has the same meaning as in FOIPPA;

“service provider” has the same meaning as in FOIPPA.

C. Components of a privacy management program

Components of a privacy management program should be reasonable and scaled commensurate with the volume and sensitivity of the personal information in the public body’s custody or under its control and must include at least the following:

1. The designation, by the head of a public body, of an individual(s) to be responsible for the following:
 - a. being a point of contact for privacy-related matters such as privacy questions or concerns;
 - b. supporting the development, implementation, and maintenance of privacy policies and/ or procedures; and
 - c. supporting the public body’s compliance with FOIPPA.
2. A process for completing and documenting privacy impact assessments as required and information-sharing agreements as appropriate under FOIPPA.
3. A documented process for responding to privacy complaints and privacy breaches.

4. Privacy awareness and education activities to ensure employees are aware of their privacy obligations. These activities may be scaled to meet the volume and sensitivity of personal information in the custody or under the control of the of the public body and should be undertaken at timely and reasonable intervals.
5. Privacy policies and any documented privacy processes or practices available to employees and where practicable, to the public.
6. Method(s) to ensure that service providers are informed of their privacy obligations (e.g., awareness activities, contractual terms that address privacy obligations).
7. A process for regularly monitoring the privacy management program and updating as required, to ensure it remains appropriate to the public body's activities and is compliant with FOIPPA.

Other obligations

This Direction does not affect any statutory or other legal obligation for a public body to protect or secure personal information.

This Direction remains in effect until rescinded or superseded.