

Privacy Complaint Policy

1. About this document

This policy defines rules for the management of privacy complaints.

2. Definitions

“**Approved Privacy Breach Reporting Form**” means the form designed by the ATIPP office.

“**Privacy Breaches**”, or personal information incidents, may include the accidental loss or alteration, as well as unauthorized access, collection, use, disclosure or disposal of personal information or personal health information.

“**Privacy Breach Reporting Protocol**” means the protocol designed by the ATIPP office.

“**Privacy officer**” means the departmental representative for privacy issues.

3. Application

This policy applies to all government departments as listed in GAM 2.1.

4. Authority

This policy is issued under GAM 2.27.

5. Policy Statement

- Departments must provide the ATIPP office with contact information for a departmental representative who can be contacted by members of the public to discuss or file a privacy complaint against the department.
- When a privacy complaint is received, departments must record the date the complaint was received, the contact information of the complainant and the nature of the complaint.
 - Departments should collect the following information about the complaint:
 - What happened?
 - Where did it happen?
 - Who was involved?
 - What personal information was involved?

- How does the complainant believe their personal information was mishandled?
 - What outcome is the expected outcome of the complainant?
- Departments must accept anonymous complaints.
- Departments should only make information about the complaint and the complainant available to the staff resolving the privacy complaint.
- Departments should acknowledge the receipt of a privacy complaint, either by their Privacy officer or delegate, to the complainant within 5 business days.
 - When acknowledging the complaint, departments must notify the complainant of the following:
 - The title and contact information of the individual who is responsible for resolving the complaint.
 - Timelines for how long it will take to resolve the complaint.
 - Note: It is recommended that complaints be resolved within 20 business days, but this timeline depends on the nature and complexity of the complaint.
 - Note: Whenever possible, written notification should be provided.
- When resolving a complaint, departments must:
 - Notify their departmental Privacy Officer.
 - Liaise with the complainant as appropriate to seek any relevant information necessary to resolve the complaint.
 - Impartially assess and investigate the complaint.
 - Document the investigation process.
 - Follow the *Privacy Breach Reporting Protocol* and use the approved *Privacy Breach Reporting Form*, if it is determined a privacy breach has occurred.
- Departments must notify the complainant of the following:
 - The outcome and, if applicable, any steps taken to resolve the issue.
 - The complainant's right, if they are not satisfied with the outcome, to complain to the Office of the Information and Privacy Commissioner (OIPC) and include the OIPC's business contact information.
- Departments must retain any records relating to the privacy complaint for a minimum of one year and follow the retention and disposal schedule as per the Administrative Records Classification System (ARCS) Primary 0252.