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| <b>PRIVACY MANAGEMENT POLICY</b> |                                     |
| <b>DM Approval:</b>              | <b>Effective Date: May 23, 2018</b> |

## **GENERAL INFORMATION**

The purpose of the *Access to Information and Protection of Privacy Act (ATIPP Act)* is to make public bodies more accountable to the public and to protect personal privacy by preventing the unauthorized collection, use, and disclosure of personal information by public bodies.

G.A.M. Policy 2.27 ('Privacy Management Policy') sets out the government's responsibilities arising from the ATIPP Act, and applies authorities and responsibilities to departments in the management and protection of personal information.

G.A.M. Policy 2.24 ('Access to Information and Protection of Privacy Roles and Responsibilities') promotes the adoption of consistent practices regarding the interpretation and application of the ATIPP Act by assigning roles and responsibilities toward ensuring compliance in the fulfillment of formal requests for records.

Under these policies, the Government of Yukon recognizes the benefit of openness and accountability and of having all departments adopt reasonably consistent practices regarding the interpretation and application of the ATIPP Act.

## **PURPOSE**

The purpose of this policy is to clearly identify the roles and responsibilities of Department of Education ('Education') staff in collecting, using, and disposing of personal information and in effectively managing the department's responsibilities under Part 3 of the ATIPP Act ('Protection of Privacy').

## **DEFINITIONS**

'Personal Information', as defined under the ATIPP Act, means recorded information about an identifiable individual including:

- the individual's name, address, or telephone number;
- the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations;

- the individual's age, sex, sexual orientation, marital status, or family status;
- an identifying number, symbol, or other particular assigned to the individual;
- the individual's fingerprints, blood type, or inheritable characteristics;
- information about the individual's health care history, including a physical or mental disability;
- information about the individual's educational, financial, criminal, or employment history;
- anyone else's opinions about the individual; and
- the individual's personal views or opinions, except if they are about someone else.

## **POLICY STATEMENT**

Education is committed to a planned and integrated approach to privacy management within the Yukon government's broader privacy management framework. Education employees are required to perform their job duties in accordance with all legislative, corporate, and departmental requirements.

Education will establish and maintain an effective framework for the review of formal and informal practices and procedures used by work units within Education to collect, manage, and disclose personal information.

Education will also ensure that appropriate privacy management policies and guidelines are in place within the department. These policies and guidelines will direct privacy management activities within Education.

Education will further ensure that it maintains a Privacy Management Framework to provide direction to units regarding their obligations under the corporate Privacy Management Policy (G.A.M. Policy 2.27). These include carrying out 1) privacy impact assessments on new or significantly revised programs or systems; 2) personal information maps for all department programs; 3) incident management for privacy breaches; and, 4) on-going training for employees.

## **ROLES AND RESPONSIBILITIES**

The Deputy Minister of Education is responsible and accountable for ensuring that Education staff are aware of and meet their responsibilities under the ATIPP Act and Education's privacy management policies and guidelines, and for ensuring that sufficient resources and support are available to meet those responsibilities.

The Privacy Officer's responsibilities are those as laid out in G.A.M Policy 2.27. The Privacy Officer is responsible for general oversight of Education's compliance with the requirements of the ATIPP Act and Education's privacy management policies.

The Privacy Management Coordinator (PMC) is responsible for providing leadership in the development, implementation and continuous improvement of Education's privacy management program, including for Yukon schools. The PMC is also responsible for coordinating department responses to requests made under the ATIPP Act.

All Education staff are responsible for understanding and fulfilling the privacy management requirements and responsibilities that relate to their job duties.

Contractors working for Education who collect or use personal information on behalf of Education are responsible for understanding and fulfilling Education's privacy management requirements and responsibilities.

## **APPLICATION**

This policy applies to all staff of Education.

## **EXCEPTIONAL CIRCUMSTANCES**

In situations where the individual circumstances of a case are such that the provisions of this policy cannot be applied or to do so would result in an unfair or an unintended result, the decision may be based on the individual merits and justice of the situation. Such a decision will be considered for that specific case only and will not be precedent setting.

## **EFFECTIVE DATE**

This policy is effective May 23, 2018

## **LEGISLATIVE AND POLICY REFERENCES**

Access to Information and Protection of Privacy Act, Part 3.

G.A.M. Policy 2.27 'Privacy Management Policy'

G.A.M. Policy 2.24 'Access to Information and Protection of Privacy Roles and Responsibilities'.

## **HISTORY**

Privacy Management Roles and Responsibilities Policy, effective January 1, 2015; amended by Privacy Management Policy, effective May 23, 2018.