



Office of the Information and
Privacy Commissioner of Alberta

**STRATEGIC
BUSINESS PLAN**
— 2020-23 —

Introduction

The mission of the Office of the Information and Privacy Commissioner (OIPC) includes:

- Advocating for the access and privacy rights of Albertans
- Ensuring public bodies, health custodians and private sector organizations uphold the access and privacy rights contained in the laws of Alberta
- Providing fair, independent and impartial reviews in a timely and efficient manner

This business plan addresses the OIPC's mission by focusing on the following three goals:

- Enhance access to information and protection of personal and health information by government and other regulated stakeholders
- Increase awareness of access and privacy rights through engagement with Albertans
- Fulfill the OIPC's legislated mandate efficiently, effectively and fairly

The ability to fulfill the OIPC's legislated mandate in a timely and efficient manner continues to be strained as caseload increases persist.

The OIPC has laudably increased its output over the past six years by closing 108% more files annually between 2013-14 and 2018-19 (from 1,159 closed files to 2,405).

Despite these efforts, a caseload backlog continues to build as during the same period the OIPC opened 128% more files (from 1,436 opened files to 3,273).

Simply put, the OIPC is not able to keep up. The caseload backlog has unfortunately resulted in increased delays for Albertans and regulated stakeholders when files go through the OIPC's processes.

Part of the increased volume of files, particularly over the past year, can be attributed to new legislated responsibilities, namely mandatory breach reporting requirements under the *Health Information Act* (HIA). Only two years ago, the "new normal" for opened files annually was more than 2,000. Now the OIPC anticipates more than 3,000 opened files annually.

Other external factors are contributing too. The ubiquity of digital information has heightened the public's awareness of access to information and privacy rights, and introduced a myriad of additional privacy and security considerations for regulated stakeholders that safeguard personal and health information.

The OIPC has made significant strides in closing more files during a time of fiscal restraint. The Commissioner is aware and been respectful of the budgeting pressures the Government of Alberta has been experiencing. Over several years, efforts to constrain spending have included:

- Reducing expenses for speaking engagements and hosting
- Reducing reliance on external legal counsel
- Reducing effort duplication by streamlining certain files where appropriate
- Restructuring and reclassifying positions

The Commissioner repeatedly mentioned that when mandatory breach reporting under HIA came into force the OIPC would be entering "unacceptable territory" in providing reviews in a timely manner. This prediction has come to fruition. Process improvements and streamlining certain files now have limited impacts on timelines, backlogs and case closures. The only way to maintain the backlog without falling further behind is to fill the vacancies that remain, while attempting to achieve the OIPC's other goals.

Goal 1: Enhance access to information and protection of personal and health information by government and other regulated stakeholders

The OIPC recognizes its role in providing guidance to regulated stakeholders.

The access and privacy landscape is constantly shifting. Whether enhanced regulatory frameworks are being introduced globally that affect how business is done in Alberta, new ways to collect, use or disclose personal or health information using technology are introduced, or events in the media raise citizens' awareness of access and privacy laws, government and other regulated stakeholders want direction from the OIPC to help ensure they are effectively navigating access and privacy issues.

To assist government and other regulated stakeholders in enhancing access to information and protection of personal and health information, the OIPC is committed to:

1.1 Advocating for open, transparent and accountable government through legislative reform, compliance reviews and promotion of proactive disclosure of government records.

- The OIPC has focused extensively on effective records management for public bodies to support access to information systems, and other business, legal and regulatory purposes. By extension, records management efficiencies save time and money in the day-to-day operations of public bodies.

Since 2015-16, four public OIPC investigation reports have reinforced the message that records management is central to finding responsive information for business, legal, regulatory or FOIP Act responsibilities.

- The OIPC will continue to call for the modernization of access and privacy laws to keep pace with global regulatory and technological developments.

- The OIPC will continue to support a thoughtful approach to proactive disclosure of certain types of government records.

1.2 Continuing to help stakeholders mitigate the risks of privacy breaches and offences occurring in Alberta.

- Leveraging previously established relationships with Alberta Health Services, Alberta Health and professional colleges for regulated health professionals is central to the OIPC's work in assisting the health sector with mandatory breach reporting and notification provisions, breach risk mitigation, and identifying areas in which working together proactively could help to stem certain types of breaches from occurring.

1.3 Providing guidance on access and privacy implications of information sharing for service delivery and data analytics.

- Privacy laws are often seen as a barrier to information sharing for effective service delivery among the public, health and private sectors. The OIPC is committed to exploring opportunities with stakeholders to ensure information sharing initiatives respect the access and privacy rights of Albertans while allowing for effective service delivery.
- The use of data analytics has introduced a number of innovations that can help reduce costs and focus employees' efforts on value-added activities for public bodies, health custodians and private sector organizations. However, society is recognizing how integral privacy and ethical considerations are to the success of these technologies. The OIPC continues to follow with interest ways to assist organizations in all sectors to assess and mitigate the privacy and ethical risks of data driven projects.

- The OIPC encourages public bodies, health custodians and private sector organizations to consult on information sharing and data analytics initiatives. Advice and recommendations can be given in confidence.

1.4 Providing training, education and guidance to government and other regulated stakeholders on responsibilities to ensure compliance with access and privacy laws.

- The OIPC’s education and outreach plan is focused on leveraging the resources or events of other entities in order to provide training and awareness on access and privacy issues. The OIPC often asks to be part of annual general meeting agendas or other professional development events hosted by a variety of associations in all sectors. When requested to travel to certain events, the OIPC asks for expenses to be reimbursed by the host organization or association.
- The OIPC keeps apprised of trends and issues that are affecting regulated stakeholders.

The OIPC will regularly issue guidance and advisories to assist regulated stakeholders, such as recent advisories on disclosing a student’s participation in a school club (e.g. gay-straight alliances) and managing emails, as well as a practice note to assist public bodies, health custodians and organizations in reporting breaches to the Commissioner.

- When possible, the OIPC will continue to target certain types of health professions for training on breach response and reporting and privacy impact assessments. These events are only undertaken when training space is provided for free, and when staff time is limited in arranging the events to maximize cost-effectiveness. The OIPC will also offer to host workshops on these topics at other conferences and events.
- Efforts will also be undertaken to identify and communicate types of breaches that may not need to be reported but, out of an abundance of caution, certain health custodians are reporting as they adapt to the breach reporting and notification requirements.

Goal 2: Increase awareness of access and privacy rights through engagement with Albertans

Access and privacy issues that the office analyzes daily – from hacking, malware and phishing, to access to government information – remain very important to the public. However, citizens often struggle to understand how these issues impact their lives, or how they can exercise their legal rights under Alberta’s access and privacy laws.

The OIPC will continue to advocate for the access and privacy rights of Albertans, and search for opportunities to educate the public on emerging trends and issues.

To increase Albertans’ awareness of access and privacy rights, the OIPC is committed to:

2.1 Enhancing awareness of the OIPC’s role and responsibilities.

- The OIPC has undertaken several efforts to better and more clearly explain its role and responsibilities to the public.

These efforts have included updating website content and publications related to the request a review or file a complaint process.

Prior to submitting a request for review or privacy complaint, individuals are notified about what the OIPC cannot do (e.g. discipline employees), what they should consider prior to engaging in the review process, and are given approximate timelines for the process. In addition, after their file is opened, they are provided with a document that describes what to expect during the review process.

2.2 Continuing to identify, facilitate and support opportunities to enhance access and privacy education for children and youth.

- The OIPC continues to support The eQuality Project. The eQuality Project is a seven-year

research project with a number of objectives, including to create new knowledge about commercial data practices and their impact on youth as well as the ways in which young people conceptualize privacy, to share this new knowledge with policymakers and the public, and to create educational materials to help young Canadians make the most of their digital media experiences.

- The OIPC is part of the Digital Education Working Group of the International Conference of Data Protection and Privacy Commissioners. This work allows the office to leverage the expertise and research of international regulators that have the capacity to undertake such efforts, and to support and communicate this work within Alberta. One of the examples included co-authoring a resolution on e-learning platforms to help ensure student privacy rights are respected and upheld in the development and deployment of digital apps in classrooms.
- The OIPC was engaged with the curriculum review process, and will continue to advocate for the inclusion of privacy education as a component of digital literacy. The Commissioner has made several presentations to education groups and associations in Alberta, and engaged with the Minister of Education, school division superintendents and the Association of Independent Schools & Colleges in Alberta.
- The OIPC will continue to collaborate with federal, provincial and territorial colleagues in developing resources for K-12 education, including research projects, lesson plans and activity sheets.

2.3 Informing Albertans about emerging access and privacy issues, such as the impacts of new technologies.

- To effectively respond to public concerns about access and privacy issues, the OIPC recognizes its role in providing guidance about how technology affects access and privacy rights, where possible. This has included developing advisories on topics such as phishing or ransomware.
- The OIPC also collaborates with federal, provincial and territorial colleagues to issue guidance on a variety of topics, which has included genetic testing kits, facial recognition and video surveillance.

Goal 3: Fulfill the legislated mandate of the office effectively, efficiently and fairly

The majority of the OIPC's time and resources is spent on complaint investigations, requests for review, privacy impact assessments, self-reported breaches and inquiries. Burgeoning caseloads and status quo resources have been the reality, which has impacted the office's ability to fulfill its legislated mandate in a timely manner. New mandatory breach reporting responsibilities under HIA have further strained an already untenable situation in reviewing files in a timely and efficient manner.

Improving processes internally have helped to ensure the OIPC can continue to fulfill its legislated mandate effectively and fairly. Continued staff education is essential in the dynamic and complex access and privacy regulatory environment.

To improve the effectiveness and efficiency of office functions, the OIPC is committed to:

3.1 Facilitating opportunities for staff learning, collaboration and knowledge sharing.

- The OIPC is committed to ensuring staff are aware of and can respond effectively to emerging access and privacy issues, such as the impact of new technologies. Staff development opportunities are often hosted in-house or presented by subject matter experts internally to limit professional development expenses.
- The OIPC supports membership in professional associations that are close to home to ensure that staff development costs are contained.

3.2 Internal business process enhancement.

- The OIPC is committed to continuous process improvement. Examples of this work include reviews and updates of internal policies and procedures, and process mapping and review.
- Restructuring efforts have recently been undertaken. The purposes of the restructuring include improved collaboration within the office for similar types of positions and reclassifying certain positions to better reflect job responsibilities. Having similar positions working within the same unit is also meant to try to keep timelines maintained while file volume increases persist.

3.3 Continuous improvement of the records management program.

- The OIPC is updating its records management program after undertaking a review of how records management was being administered. One of the goals of the project is to reduce reliance on paper records for certain types of files in order to maximize the office's efficiency and to more effectively respond to regulated stakeholders and Albertans.

Overview of the OIPC's Strategic Business Plan 2020-23

Goal 1: Enhance access to information and protection of personal and health information by government and other regulated stakeholders

- 1.1 Advocating for open, transparent and accountable government through legislative reform, compliance reviews and promotion of proactive disclosure of government records.
- 1.2 Continuing to help stakeholders mitigate the risks of privacy breaches and offences occurring in Alberta.
- 1.3 Providing guidance on access and privacy implications of information sharing for service delivery and data analytics.
- 1.4 Providing training, education and guidance to government and other regulated stakeholders on responsibilities to ensure compliance with access and privacy laws.

Goal 2: Increase awareness of access and privacy rights through engagement with Albertans

- 2.1 Enhancing awareness of the OIPC's role and responsibilities.
- 2.2 Continuing to identify, facilitate and support opportunities to enhance access and privacy education for children and youth.
- 2.3 Informing Albertans about emerging access and privacy issues, such as the impacts of new technologies.

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- 3.2 Internal business process enhancement.
- 3.3 Continuous improvement of the records management program.