

Sample Privacy Breach Report

BREACH REPORT # _____

Take immediate action when you have been advised of a suspected privacy breach. Many of the steps outlined below have to be carried out simultaneously or in quick succession. Steps 1 and 2 are completed based on the information received either directly from an employee, or verbally through their immediate supervisor (e.g., phone call), or in written form (e.g., email).

STEP 1 – Respond, and STEP 2 – Contain

1. Person Reporting Suspected Breach:

First name: _____ Last name: _____

Job title: _____ Location (school/department): _____

Name of immediate supervisor: _____

Phone number: _____

2. When Incident Occurred: Date: _____ Time: _____
(mm/dd/yyyy) (Indicate A.M. or P.M.)

3. Incident Details:

Number of individuals whose information was accessed without consent or authorization:

Type of personal information that was accessed without consent or authorization, e.g., health/medical information, student marks, biographical information (such as home address, phone numbers, names and contact information of family members), behaviour concerns, etc.

Whom the personal information belongs to and how many individuals were affected (e.g., student, employee, third party [someone who is neither a student nor employee of the board, such as a parent/ guardian or volunteer]):

Who had unauthorized access to the personal information, and how that access was made:

Efforts made, if any, to contain the privacy breach (e.g., suspending the process/activity that caused the breach)

STEP 3 – Investigate

Following a report of a suspected privacy breach, ensure that the activity/process has been contained if possible. Conduct an investigation of the information supplied in Steps 1 and 2 of this report in conjunction with current privacy legislation (MFIPPA, PHIPA, PIPEDA) and with local privacy policies and procedures to determine if the incident is, in fact, a breach. Note: You may wish to consult legal counsel to assist you in your investigation.

If a breach **HAS NOT** occurred:

Contact the person who reported the suspected breach **and** their immediate supervisor to advise them of your determination. No further action is required by the employee or supervisor.

STEP 4 – Notify

If a breach **HAS** occurred, notify the following individuals as appropriate:

- | | |
|--|---|
| <input type="checkbox"/> Individuals whose privacy was breached | <input type="checkbox"/> Accountable decision maker (Director of Education) |
| <input type="checkbox"/> Senior administration/managers/principals | <input type="checkbox"/> Legal counsel |
| <input type="checkbox"/> IPC* | <input type="checkbox"/> Other: _____ |

* Note: The type and extent of the breach will influence your decision to notify the Information and Privacy Commissioner's Office, Toronto (1-800-387-0073) 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8.

STEP 5 – Implement Change

Steps taken to correct the problem:

- Develop, change, or enhance policies and procedures
- Ensure strengthening of security and privacy controls
- Advise IPC of investigation findings and corrective action
- Other:

Provide additional notices (as deemed appropriate):

- Relevant third parties
- Consider public announcement (e.g., statement and/or apology)
- Other Ontario school boards/authorities (where shared responsibilities exist)

Prevent future breaches:

- Arrange employee training on privacy and security
- Recommend appropriate and necessary security safeguards
- Consider having an outside party review processes and make recommendations (e.g., auditing company)
- Evaluate the effectiveness of remedial actions

The Privacy Officer/FOI Coordinator may wish to review school board/authority policies, procedures, practices, and training materials to ascertain whether any revisions are required to ensure a clearer understanding of what constitutes a privacy breach.

Sign-off

The Director of Education or designate (e.g., Privacy Officer/FOI Coordinator) is required to sign below to formally acknowledge that the breach was handled in accordance with privacy legislation and with the school board's/authority's policies and procedures:

Print Name/Title

Signature

Sign-Off Date: _____

(mm/dd/yyyy)

Resources

AICA/CICA Privacy Taskforce, *Incident Response Plan 2003*
(American Institute of Certified Public Accountants and Canadian Institute of Chartered Accountants)

Government of Ontario, Ontario Shared Services, *Privacy Review 2005*

Information and Privacy Commissioner/Ontario, *Breach Notification Assessment Tool*, December 2006

Information and Privacy Commissioner/Ontario, *What to do if a Privacy Breach Occurs: Guidelines for Government Organizations*, May 2003

The Office of the Chief Information and Privacy Officer, *Taking the Right Steps - A Guide to Managing Privacy and Privacy Breaches*, revised April 18, 2007

Information and Privacy Commissioner, *Online Educational Services, What Educators Need to Know*, November 2016

<https://www.priv.gc.ca/en/privacy-topics/privacy-breaches/>