

Suzanne Brocklehurst  
Registrar  
Information and Privacy Commission/Ontario  
2 Bloor Street East, Suite 1400  
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By Email and Regular Mail

December 15, 2016

Dear Ms. Brocklehurst:

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I am writing on behalf of the City of Greater Sudbury to advise the Information and Privacy Commissioner of two apparent privacy breaches by the City of Greater Sudbury. These apparent breaches came to my attention in my roles as the City Clerk and as the Privacy Officer under City policy (By-Law 2011-101, 2007-16 and 2011-106) when the first apparent breach was reported to me personally by an individual on Monday, December 5, 2016.

The first apparent privacy breach relates to the public release of the City of Greater Sudbury's Freedom of Information Request Tracking List current to FOI2016-229. That document included the name and date of birth of an individual who was identified as being a client of Ontario Works.

Subsequently, as part of our containment strategy related to the first apparent privacy breach, staff was tasked with searching the City's website for any other copies of the Tracking Lists to ensure that all were compliant to the legislation. As a result of this search, it was found that the Freedom of Information Tracking List, current to FOI2016-86 which was posted publically on May 3, 2016 and linked from the City's FOI webpage between May 3, 2016 and May 9, 2016 included detailed personal information including the identity of requestors and the specific nature of each request, including in some instances names, dates of birth and other personally identifying information related to those 86 requests.

Both documents were removed from the City of Greater Sudbury's website on December 5, 2016.

### ***Implementation of Protocol and Containment***

The City of Greater Sudbury has adopted the Information and Privacy Commissioner's document entitled "*What to do When Faced with a Privacy Breach: Guidelines for the Health Sector*" to guide our response protocol in both these circumstances as described in the subsequent sections of this letter. The breach was contained when the two documents were removed and purged from the City's website.

## **Notification**

Parallel to the investigative process, staff unconnected with the apparent breach was tasked with finding contact information for all those individuals whose privacy may have been breached by the release of incorrect versions of the Tracking Lists. A team of four staff made initial contact with those individuals on the tracking list whose privacy may have been breached and for whom we could find contact information. In most instances, the individual was called, or if a telephone number was not available, individuals were sent an email or letter asking them to contact a specific staff person in regards to this matter.

## **Investigation and Remediation**

As City Clerk I have led the implementation of the City of Greater Sudbury's Privacy Breach Protocol, assisted by Meredith McNeil, Human Resources Co-Ordinator and Paul Baskcomb, General Manager.

The investigative team reviewed a series of documents, including the FOI tracking lists, and the instructions developed in regards to the process for public release of data extracted from those lists. The team met individually with three employees, each of whom was involved in the handling of the FOI Tracking Lists and all of whom cooperated fully with the investigation.

The investigation revealed that the process designed for the public release of portions of the FOI tracking lists, was built without sufficient and appropriate safeguards to check the data, ensure that privacy was protected and that no breaches occurred.

Two employees have been disciplined in accordance with City of Greater Sudbury policies. A third employee has left the organization.

The City recognizes the value of continuing to publically report data regarding the City's FOI program as part of our Open Government initiative and in support of open, accountable and transparent government. Initial changes to the process for building the FOI Tracking List for public release, as recommended by the Investigative Team include, the actions below. Further review of the findings could result in additional changes:

1. Change the frequency of the public data release from weekly to monthly, so as to allow more time for checks and balances to review the quality of data released.
2. Redesign of the FOI Tracking List so as remove the need for employees to cut, move and paste columns of information.

3. Developing a glossary of standard descriptions for FOI request types to be used as the starting point for the public facing description of what is being requested.
4. Assigning formal responsibility for the production of each month's list to one employee, with a second employee assigned to quality control and data review prior to submission of the list to the supervisor in jurisdiction for final sign off and release for public posting so as to ensure a three step verification that the information released meets all the requirements of the legislation.
5. Existing training will be reviewed and additional training provided for the staff who provide support to the FOI process.

The City of Greater Sudbury deeply regrets these circumstances and has promptly undertaken steps to ensure containment, notification, investigation and remediation.

Please do not hesitate to contact me directly, should you have any questions, or wish to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Hallsworth', written in a cursive style.

Caroline Hallsworth  
Executive Director Legislative Services/City Clerk