City of St. John's Corporate and Operational Policy Manual

Policy Title: Privacy Management Policy	**Policy #:** 01-04-02
Last Revision Date: November 3, 2026	**Policy Section:** Organization > Records and Information Management
Policy Owner: City Manager	

1. Policy Statement

As a public body, the City of St. John's (**"City"**) is governed by the **Access to Information and Protection of Privacy Act, 2015** (**"ATIPPA"**). All Personal Information may only be collected, used, and/or disclosed in accordance with the provisions of ATIPPA.

The purpose of this policy is (i) to establish controls for Personal Information, (ii) to protect the Personal Information in the custody and/or under the control of the City and (iii) to protect the privacy of individuals, including the right of individuals to determine for themselves when, how and to what extent information about them is communicated to others.

2. Definitions

"Access to Information and Protection of Privacy Office" (**"ATIPP Office"**) means the Access to Information and Protection of Privacy Office, Newfoundland and Labrador .

"Department Head" means any Employee reporting directly to the City Manager and/or Council.

"Employee" means any person employed by the City of St. John's as a permanent, term, part-time, casual, contract, seasonal, temporary or student worker.

“Information Sharing Agreement” means a written agreement between parties that outlines the terms and conditions under which Personal Information is shared.

“Office of the Information and Privacy Commissioner” (**“OIPC”**) means the Office of the Information and Privacy Commissioner of Newfoundland and Labrador.

“Personal Information” shall have the same meaning as defined by Section 2(u) of ATIPPA, that is, “Recorded information about an identifiable individual, including:

i. the individual's name, address or telephone number,
ii. the individual's race, national or ethnic origin, colour, or religious or political beliefs or associations,
iii. the individual's age, sex, sexual orientation, marital status or family status,
iv. an identifying number, symbol or other particular assigned to the individual,
v. the individual's fingerprints, blood type or inheritable characteristics,
vi. information about the individual's health care status or history, including a physical or mental disability,
vii. information about the individual's educational, financial, criminal or employment status or history,
viii. the opinions of a person about the individual, and
ix. the individual's personal views or opinions, except where they are about someone else.”

“Personal Information Bank” (**“PIB”**) means Personal Information that is organized or retrievable by the name of an individual or by an identifying number, symbol, or other particular assigned to an individual.

“Personal Information Inventory” (**“PII”**) means an inventory of all of the City’s Personal Information Banks.

“Preliminary Privacy Impact Assessment” (**“PPIA”**) means a preliminary assessment to identify the privacy implications of a City project, and to determine whether a Privacy Impact Assessment should be completed for a project.

“Privacy Breach” means unauthorized access, collection, use, disclosure or disposal of Personal Information.

“Privacy Impact Assessment” (**“PIA”**) means an assessment to determine if a current or proposed project meets or will meet the requirements of ATIPPA.

“Record” shall have the same meaning as defined by Section 2(y) of the ATIPPA, that is, “a record of information in any form, including a dataset, information that is machine readable, written, photographed, recorded, or stored in any manner, but does not include a computer program or a mechanism that produced records on any storage medium.”

3. Policy Requirements

3.1 Education and Training

All Members of Council and all Employees who have access to Personal Information shall complete training about ATIPPA, this policy and applicable Procedures, as directed by the Access to Information and Protection of Privacy Coordinator for the City (**“ATIPP Coordinator”**).

3.2 Transparent Communication

3.2.1 Consent for Collection, Use and Disclosure of Information

The City shall not collect, use, or disclose Personal Information except in accordance with ATIPPA and the **Personal Information and Record Protection Procedures**, including obtaining appropriate consent from individuals as required by ATIPPA (unless legislation permits otherwise).

3.2.2 Changes to Personal Information

a) Should Employees receive requests to change or correct Personal Information, and they are lawfully able to make such changes, no

further action is required. Otherwise, Employees shall direct the individual requesting the change to the ATIPP Coordinator.

b) Should Members of Council receive requests to change information, they shall direct the individual requesting the change to the ATIPP Coordinator.
c) The ATIPP Coordinator shall work with the individual and the appropriate department to address the issue.

3.3 Personal Information Protection, Retention and Disposal

a) Department Heads shall ensure appropriate safeguards are in place for Personal Information protection in accordance with the **Personal Information and Record Protection Procedures**.
b) Records containing Personal Information shall be retained and disposed of in accordance with all applicable legislation and the **Records and Information Management Policy (01-04-01)**.

3.4 Privacy-Related Complaints

a) Any Members of Council or Employees receiving complaints regarding an individual's Personal Information use, collection, or disclosure shall immediately direct the individual to the ATIPP Coordinator.
b) The ATIPP Coordinator shall respond to any such complaint in accordance with the **Privacy Complaint Procedures**.

3.5 Privacy Breaches

a) A Member of Council or Employee who becomes aware of a Privacy Breach or potential Privacy Breach shall immediately report it to the ATIPP Coordinator.
b) Where a Privacy Breach occurs, the ATIPP Coordinator shall coordinate the City's response in accordance with the **Privacy Breach Protocol** established by the ATIPP Office, where applicable.

3.6 Privacy Assessment

a) No new or substantially modified project shall commence until a PPIA has been completed and approved in accordance with the **Privacy Assessment Procedures.**
b) Where required by the ATIPP Coordinator, a PIA shall be completed prior to the commencement of the project in accordance with the **Privacy Assessment Procedures**.

3.7 Personal Information Inventory

The ATIPP Coordinator shall develop and maintain a PII in accordance with the **Personal Information Bank and Inventory Procedures**.

3.8 Information Sharing

a) Personal Information shall only be shared where necessary, where required by legislation and/or where written consent has been obtained to share the information.
b) If Employees or departments plan to share Records containing Personal Information with any third parties, including sharing via cloud-based technology, they shall consult with the ATIPP Coordinator **prior to sharing**.
c) No Personal Information in the custody and/or under the control of the City shall be disclosed to a third party unless an **Information Sharing Agreement** has been approved by the ATIPP Coordinator and the Office of the City Solicitor, and entered into between the City and that third party.

4. Application

This policy applies to (i) all Members of Council; (ii) all Employees; and (iii) all Personal Information in the custody and/or under the control of the City of St. John’s.

5. Responsibilities

5.1 The City Manager shall be responsible for:

a) Administration and implementation of this Policy and associated Procedures; and
b) Final approval of completed PIAs.

5.2 The ATIPP Coordinator shall be responsible for:

a) Implementing the policy requirements;
b) Developing and managing procedures, guidelines, and templates;
c) Providing support (including training) to Department Heads and Employees;
d) Monitoring and reviewing policy compliance;
e) Investigating Privacy Breaches; and
f) Consulting with the ATIPP Office and the OIPC when appropriate.

5.3 All Members of Council shall be responsible for:

a) Complying with this policy and associated procedures; and
b) Completing all training related to this policy and associated procedures as directed by the ATIPP Coordinator.

5.4 All Employees shall be responsible for:

a) Complying with this policy and associated procedures;
b) Ensuring that when determining whether to change, collect, use, or disclose Personal Information that they consult with their supervisor or the ATIPP Coordinator as required; and
c) Completing all training related to this policy and associated procedures as directed by the ATIPP Coordinator.

5.5 **All managers who supervise staff** shall be responsible for, in addition to the duties in Section 5.4:

a) Ensuring that Employees under their supervision complete all training related to this policy and associated procedures, as directed by the ATIPP Coordinator; and
b) Ensuring that Employees under their supervision comply with this policy and associated procedures.

5.6 **Department Heads** shall be responsible for, in addition to the duties in sections 5.4 and 5.5:

a) Ensuring that this policy and associated procedures are communicated to all Employees in their respective departments; and
b) Ensuring their departments comply with this policy and associated procedures.

6. References

- Access to Information and Protection of Privacy Act, 2015
- Protection of Privacy Policy and Procedures Manual, (includes Privacy Breach Protocol), ATIPP Office
- 01-04-02-01 Personal Information and Record Protection Procedures
- 01-04-02-02 Privacy Complaint Procedures
- 01-04-02-03 Privacy Assessment Procedures
- 01-04-02-04 Personal Information Bank and Inventory Procedures
- 01-04-01 Records and Information Management Policy

7. Approval

- Policy Owner: City Manager
- Policy Writer: Policy Analyst
- Date of Approval from:
  - Corporate Policy Committee: September 20, 2018
  - Senior Leadership Team: May 24, 2019

    - Committee of the Whole: June 12, 2019
- Date of Approval from Council: June 25, 2019

8. Monitoring and Contravention

a) The Office of the City Solicitor shall monitor the application of this policy.
b) Any contravention of this policy and/or associated procedures shall be reported to the Department of Human Resources, the Office of the City Solicitor, the City Manager, and/or the OIPC for further investigation and appropriate action, which may include, but is not limited to legal action and discipline, including dismissal.

9. Review Date

Every 5 years.