

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

Procedure Title: Privacy Complaint Procedures	
Authorizing Policy: Privacy Management Policy	
Procedure #: 01-04-02-02	
Last Revision Date: N/A	Procedure Sponsor: City Clerk

1. Procedure Statement

Any individual who believes that there has been unauthorized access, collection, use, disclosure, or disposal of their Personal Information in the custody or under the control of the City may file a privacy complaint. This procedure outlines the privacy complaint process.

Note: This relates to individuals making a complaint about their own Personal Information. Any Member of Council or Employee who becomes aware of a Privacy Breach (unauthorized access, collection, use, disclosure, or disposal of Personal Information) or potential Privacy Breach, shall consult Section 3.5 (Privacy Breaches) of the Privacy Management Policy for appropriate direction.

2. Definitions

“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.

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

“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.”

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

3. Procedure Requirements

All privacy complaints shall be directed to the Access to Information and Protection of Privacy Coordinator (“ATIPP Coordinator”). The person making the complaint (“the complainant”) may contact the ATIPP Coordinator directly in person, by phone, or email, or by submitting a written complaint using the Privacy Complaint Form, available on the City’s website or via the Citizen Service Centre.

Following receipt of a privacy complaint, the ATIPP Coordinator shall:

- a) Send an acknowledgment letter to the complainant.
- b) Communicate with the complainant to obtain clarification/additional information, as required.
- c) Conduct a review of the complaint and investigate the complaint, where necessary. The complainant's name will be held in confidence

and disclosed only if necessary to investigate and/or resolve the complaint.

- d) Respond to the complainant detailing a resolution within 30 business days of receipt of the privacy complaint.
- e) Advise the complainant that if they are unsatisfied with the resolution, they may file a complaint with the OIPC.
- f) Follow up with the department(s) involved to ensure any corrective or remedial measures are in place, as required.

4. Application

This procedure applies to (i) all individuals who have Personal Information collected, used, retained, disclosed, and/or disposed of by the City and are making a privacy complaint, (ii) all Members of Council, and (iii) all Employees.

5. Responsibilities

5.1 ATIPP Coordinator is responsible for:

- a) Managing the Privacy complaint process;
- b) Working with department(s) involved to ensure corrective or remedial measures are in place, where necessary; and
- c) Advising complainants of their right to file a complaint with the OIPC.

5.2 Members of Council and Employees are responsible for:

- a) Providing any necessary information to the ATIPP Coordinator to aid any privacy complaint investigation.

5.3 Department Heads are responsible for:

- a) Ensuring corrective or remedial measures to address privacy complaints are in place, where necessary.

6. References

- [Access to Information and Protection of Privacy Act, 2015](#)
- 01-04-02 Privacy Management Policy

7. Approval

- Procedure Sponsor: ATIPP Coordinator
- Procedure Writer: ATIPP Coordinator / Policy Analyst
- Date of Approval from:
 - Corporate Policy Committee: November 13, 2018
 - Senior Executive Committee: May 24, 2019

8. Monitoring and Contravention

The ATIPP Coordinator shall monitor the application of this procedure.

Any contravention of these procedures shall be brought to the attention of 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 3 years