

PSCIOC/PSSDC PRIVACY SUBCOMMITTEE
ACTIVITY REPORT
FOR
FEBRUARY 2019

The Privacy Subcommittee - Overview

The PSCIOC / PSSDC Privacy Subcommittee was established in the 1990s. Initially a subcommittee of the Public Sector CIO Council, for the last number of years, it has reported jointly to the Public Sector CIO Council and the Public Sector Service Delivery Council.

Membership ideally includes representation from all levels of government including federal, provincial, territorial and municipal. Members of the subcommittee are typically from government bodies that provide central access and privacy services (advice, policy, legislative support, etc.) for government, along with several major federal government departments.

Mandate

The Mandate, described in the Terms of Reference, is threefold:

- To provide a national forum for the exchange of information relating to access to information/Freedom of Information and privacy research, best practices, training, IT products, and other resources, in support of public sector programs and objectives;
- To support the mission of the PSCIOC "to enable enhanced service to the Canadian public through collaboration across governments and demonstrated leadership in the management of information and technology"; and
- To support the mandate of the PSSDC to "share information, develop partnerships and facilitate potential solutions that can be used to improve public sector service delivery" by playing a leadership and coordination role in matters related to access to information and privacy protection.

Meetings, Conference Calls and Other Communications

The Subcommittee Terms of Reference notes that at least one formal meeting will be held each year. Where practical, these meetings will be held in conjunction with access and privacy conferences or other similar events held throughout the country.

The group had a very productive meeting in Toronto in October 2018. This meeting was well attended with representation from almost every jurisdiction in-person and by teleconference. Some of the topics discussed included GDPR, centralized access and

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privacy services, case management solutions, prominent legal cases, privacy training, and amendments to legislation. There were in-person presentations from federal government representatives, Ontario's Information and Privacy Commissioner, and several members of the Ontario government.

The next meeting will be scheduled for Fall 2019.

The Subcommittee supplements the face to face meeting with regular conference calls. Working groups, project groups and other sub-groups of the Subcommittee will hold additional calls as required to conduct business. The subcommittee received approval from the Joint Councils to move forward with a new working group on GDPR. This group has been meeting on a regular basis and more information is included in the update that follows. It is co-chaired by BC and the federal government. The purpose of the working group is to come to a consistent understanding of a complex piece of legislation with a significant compliance regime and to share information that will impact all jurisdictions.

Members also regularly use e-mail to ask questions of other members, to learn from the experience of others, and to share information about activities within their jurisdiction.

Over the past six months, there has continued to be an active dialogue on issues such as privacy breach protocol/reporting, open government, shared services models, legislation, fee structures and common FOI requests.

Workplan - Updated to January 2019

Over the past few in-person meetings, the subcommittee has discussed major objectives to add to the work plan. Some of these items are still ongoing. In addition, the group has been tasked with some deliverables from the Joint Councils that has been added to this list. It focuses on the following areas:

1. Identify common metrics (e.g., fees, privacy breach reporting, access requests, and proactive disclosure) and develop a reporting schedule. Once we have developed a set of consistent metrics, this information can be readily available to all jurisdictions to assist with access and privacy planning.
 - a. Status Update – the group has identified a number of common metrics for privacy and access across jurisdictions. Some of these include on-time percentage for access requests, number of access requests, number of reported privacy breaches, cost to complete an access request. Some statistics, such as the number of requests received per capita,

number of processing days for each jurisdiction and access request response types have now been compiled. Further discussion on this topic will occur during monthly conference calls and in-person meetings.

2. Develop a shared document library. This could be in the form of a SharePoint or like site that can be accessed by all members of the subcommittee. Members currently spend a large amount of time canvassing the group with similar or duplicative issues because there is not a shared document library. This is essential once common metrics have been developed (as per above) to help streamline information sharing.
 - a. Status Update – the group has struggled to find a reliable and secure method for storing, sharing and updating documents. There are two options that need to be explored further – the repository hosted by the Joint Councils and a sharing and collaboration space hosted by the federal government.
3. Streamline privacy impact assessments. This group was asked by the Joint Councils to look into options for streamlining privacy impact assessments.
 - a. Status Update below.
4. GDPR working group. The privacy subcommittee will be leading a group to discuss the impacts of the new regulations on Canada.
 - a. Status Update below.
5. More closely align the work of the subcommittee with the Joint Council initiatives. The group is working with the recommendations from the Framework working group, and will continue to report in to the Joint Councils as well as take on work as recommended by the group.

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	Action Item	Assigned	Status	Update
#2B	The GDPR Group is currently focussed on analyzing guidance on extraterritorial scope from the European Commission to help determine which public sector activities may fall within scope of the GDPR, which will not and where further analysis is required.	2018-07-30	Pending	<ul style="list-style-type: none"> • Terms of Reference have been finalized with the group, as has the Work Plan. • The working group meets bi-weekly meetings with active participation. • Our first two deliverables are complete: <ul style="list-style-type: none"> • A “GDPR 101” presentation by Charles Taillefer (ISED, GDPR WG Co-Chair) • Jurisdictions that have previously developed materials on GDPR have shared those with the group. <p>The other deliverables in the work plan are in progress, including:</p> <ul style="list-style-type: none"> • Debriefs on the federal government’s engagement activities with the European Commission; and, • Identifying existing legal advice as well as mechanisms for sharing advice and/or policy guidance that reflect jurisdictional position on key questions. • We’ve set up a space to collaborate and share materials on GC Collab and have established a practice of bi-weekly “Share & Tells” whereby each week a different jurisdiction shares a news item related to GDPR of note to help us stay abreast of how implementation is unfolding and to encourage group participation. • <i>Multipurpose Messaging</i> and a <i>Decision Tree</i> tool is still being developed and updated. These tools will help to work through different use cases and sort them into the following categories: “Out of Scope from direct application of GDPR”, “Possible application of GDPR”, “Likely application of GDPR”. • This work will help us to determine in what circumstances: <ul style="list-style-type: none"> • Information that is already known can help us to answer questions we have; • Work will likely be required by public bodies to come

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				<p>into compliance with GDPR; or,</p> <ul style="list-style-type: none"> We will need to await further guidance from the European Commission and/or legal advice. The working group is on track with the Work Plan that has been reviewed by the group and submitted to JC. Any items that have not been actioned or are not already in progress are pending dependencies with actions that are currently in progress.
#7	Privacy Sub-Committee to report back to the Joint Councils on request related to information on streamlining privacy impact assessment and connecting the work of this group to the digital identity priority and the work around cybersecurity and cloud working group.	2018-02-21	Pending	<p>1) PIA streamlining was discussed at the recent in-person meeting of the privacy subcommittee in Toronto last week. The group has committed to exploring options for this work internally. Once the group has been established and meet, we plan to report back on expected timelines and deliverables. <u>January update</u> – PIA group has set up space on GC Collaboration for future work and established a list of topics for the next discussion.</p> <p>2) We have attended, met with and/or briefed each of the Cloud and Digital Identity groups and made sure they were aware of the work of the Privacy & Access Subcommittee and that we are open to and available for collaboration or consultation. In <u>January</u> we met with the co-chair for the subcommittee for Information Protection and have established a schedule to on-going quarterly meetings.</p>

Watching Brief / Information Sharing / Face to Face Meetings

Since the Privacy Subcommittee also plays an advisory and community of experts' role, there is significant time spent in keeping abreast of any new legislation, policies, breaches and issues such as the emergence of Open Government initiatives and their impact on government.

Next Meeting

Next in-person meeting will take place in Fall 2019 with location TBD. Monthly conference calls continue on a monthly basis on the second Tuesday of each month.

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