

Office of the
Privacy Commissioner
of Canada

Commissariat
à la protection de
la vie privée du Canada



February 14, 2013

File: [REDACTED]

Dear [REDACTED]

I am writing in response to the complaint you filed with the Privacy Commissioner of Canada regarding the loss of unprotected electronic files stored on an electronic storage device (USB) containing information from Human Resources and Skills Development Canada (HRSDC).

I wish to advise you that it has come to our attention that an employee from the Department of Justice Canada may also have been involved in the incident which resulted in the loss of the USB device. On January 28, 2013, the Privacy Commissioner initiated a complaint against Justice Canada in relation to the loss of the information stored on the USB device.

Our Office is therefore investigating both HRSDC and Justice Canada regarding this incident.

We note that your complaint is solely against HRSDC. In order to ensure that you are given a meaningful opportunity to make representations to our Office in relation to this incident, we would like to amend your complaint to include both HRSDC and Justice Canada as respondents. Our Office will then be able to receive from you information or comments which you feel are relevant to HRSDC's involvement and Justice Canada's involvement in this incident.

If you consent to the amendment of your complaint to include both HRSDC and Justice Canada as respondents, **no action is required on your part.**

Please note that limited personal information, such as your name, may be shared with HRSDC and Justice Canada. A copy of the Office of the Privacy Commissioner of Canada's Privacy Statement is enclosed which explains how we handle your personal information. By filing a complaint with our Office, you agree to the Privacy Statement.

.../2

If you do not consent to the amendment of your complaint to include Justice Canada as a respondent, **please advise our Office in writing within 20 days of receiving this letter** by sending a letter to the address below. Our Office will then continue to investigate your complaint with respect to HRSDC only.

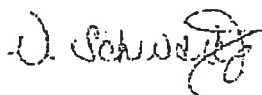
Once the investigation is concluded, you will receive a copy of a report detailing the findings of the investigation.

Under subsection 33(2) of the *Privacy Act*, you have the right to make representations to the Privacy Commissioner before a finding is made in this matter. This means that you may, at any time prior to the completion of the investigation, provide to me any additional information or comments which you feel are relevant to your complaint.

The Privacy Commissioner is mandated by Parliament to act as an ombudsman, advocate and guardian of privacy rights of Canadians. Our Office has a number of resources available on its web site to help individuals protect their personal information, including a section specifically about Identity Theft. Please visit our web site at www.priv.gc.ca for more information.

Should you have any questions about this letter, please contact our Office in writing by quoting the above-noted file number, or at toll free 1-800-280-8755.

Sincerely,



Virginia Schwartz
Senior Advisor, Investigations

Office of the Privacy Commissioner of Canada
112 Kent Street
Ottawa ON K1A 1H3

Attachment

Privacy Statement

How do we handle your personal information?

If you file a complaint, you provide the Office of the Privacy Commissioner of Canada with personal information. The following questions and answers explain how we handle your personal information.

Why is this information collected?

The information you provide when you file a complaint to our Office is collected in order to allow us to process your complaint. The information is collected under the authority of the *Privacy Act*.

How will this information be used?

Any personal information we receive from you when you file a complaint is only provided to those members of our staff who require it in order to respond to your complaint. The information will be used to allow us to process your complaint and administer the *Privacy Act*.

The information may also be used for the following purposes:

- Statistical analyses for reporting and management purposes;
- Reporting to Parliament (for example, the Privacy Commissioner submits annual reports to Parliament which may include select, anonymized case summaries of investigations);
- Anonymized reports of investigative findings may be published on our website;
- Conducting audits and identifying and addressing systemic privacy issues;
- Quality control to ensure consistency in the investigative process;
- Training of investigators;
- Research and litigation.

Will personal information be disclosed?

In accordance with section 64 of the *Privacy Act*, limited personal information may be shared with the organization that is the subject of the complaint (e.g. your name, nature of your allegations).

The OPC does not otherwise disclose the information you provide unless such a disclosure is in accordance with the *Privacy Act*, which permits disclosure in limited situations. In the case of such a disclosure, the OPC will only disclose the information that is required and, wherever possible, will inform you.

Will I be able to access the information provided? And can I correct any errors?

You have the right to request access to your personal information and also to request corrections if you believe that your personal information is erroneous or incomplete.

Where will the information be stored?

The information will be stored in our Office's complaint processing system in the personal information bank number OPC PPU 005. A description of this and other banks of personal information held by federal government departments and agencies can be found in: Info Source, a public directory which is available online at www.infosource.gc.ca.

How will the information be protected?

The Office of the Privacy Commissioner of Canada is committed to protecting the privacy of individuals. All personal information provided when you file a complaint is protected under the *Privacy Act*.

Because we cannot guarantee the security of electronic mail, we do not recommend sending sensitive personal information or complaints via e-mail.

If you are concerned about the confidentiality of information, including your personal information, in transit, you should send it to us by secure means. You can do that by using our secure online complaint form or by sending your documents by mail.

How long will the information be retained?

Information provided in order to file a complaint about time delays under the *Privacy Act* is retained for two years after a file is completed (including any court action) and then destroyed; information provided in order to file all other types of complaints under the *Privacy Act* is retained for five years after a file is completed and then destroyed.

Who can I contact if I have any questions?

Questions about privacy issues may be directed to our Chief Privacy Officer, who is also the Director of our Access to Information and Privacy Unit. You can contact the Chief Privacy Officer on our toll-free line at 1-800-282-1376, or by postal mail at

112 Kent Street
Ottawa, Ontario
K1A 1H3

Please visit our website for our online Privacy Statement and corporate Privacy Policy for our overall information management practices at www.priv.gc.ca.