

# Public Prosecution Service Privacy Policy

## I. POLICY STATEMENT

The Public Prosecution Service is committed to ensuring that the Service adheres to the privacy protection provisions of the *Freedom of Information and Protection of Privacy Act*, the *Personal Information International Disclosure Protection Act*, and other applicable privacy legislation. The Information Access and Privacy (IAP) Administrator, who is designated by the Department Head, is responsible for ensuring that the policies and processes are in place to manage and protect personal information.

## II. PRINCIPLES

**Transparency** The Public Prosecution Service shall have clear policies and practices relating to the management of personal information and shall make these policies and practices readily available.

**Custodianship** The Public Prosecution Service is a custodian of an individual's personal information and shall treat the information with due care and attention to the privacy rights and interests of the individual the information is about.

**Shared Responsibility** All employees of the Public Prosecution Service involved with the handling of an individual's personal information share in the responsibility for protecting personal privacy in accordance with applicable privacy laws and the Public Prosecution Service's policies and practices.

## III. DEFINITIONS

For the purposes of this policy, the following definitions shall apply.

**Deputy Head** Is the Director of Public Prosecutions.

**Disposition** Occurs at the final stages of the information life cycle when a record becomes inactive and is authorized to be either securely destroyed, transferred to a public archive, or otherwise addressed in accordance with government legislation and policy.

**Employee** A person retained under any form of employment contract or agreement with the Public Prosecution Service, including but not limited to consultants, researchers, students, article clerks, support staff and Crown Attorneys and others who have access to records of the Public Prosecution Service.

## **IAP**

**Administrator** One or more officers of the public body who have been delegated by the Head, pursuant to Section 44(1) of the *Freedom of Information and Protection of Privacy Act*, to perform specific duties related to the Act.

**FOIPOP (Act)** Freedom of Information and Protection of Privacy Act (NS).

**Information Life Cycle** All stages through which information passes between its creation and final disposition, including receipt, creation, collection, maintenance, use, dissemination, and final disposition. Functions and activities performed during the life cycle include such things as access, retrieval, use, modification and storage.

**Personal Information** As defined in clause 3(1)(l) of the FOIPOP Act, "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 healthcare history, including a physical or mental disability,
- (vii) information about the individual's educational, financial, criminal or employment history,
- (viii) anyone else's opinions about the individual, and
- (ix) the individual's personal views or opinions, except if they are about someone else"

**Privacy Breach** Unauthorized collection, access, use, disclosure, storage, or alteration of personal information.

**Privacy Impact Assessment (PIA)** A due diligence process that identifies and addresses potential privacy risks that may occur in the course of the operations of a government entity.

**Record** As defined in clause 3(1)(k) of the FOIPOP Act, includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

**Research Agreement**

A signed agreement between the Public Prosecution Service and the Researcher in the context of an approval for the project and its scope including but not limited to details regarding the methodologies for the access, collection, format, use, protection, dissemination, retention and final disposition of the data.

**IV. POLICY OBJECTIVES**

The policy is designed to ensure that the Public Prosecution Service meets its legislated obligations in the management of personal information throughout its life cycle. This includes ensuring the protection of personal information by making reasonable security arrangements against such risks as unauthorized collection, storage, access, use, disclosure or disposition.

**V. APPLICATION**

The policy applies to all personal information in the custody or under the control of the Public Prosecution Service.

**VI. POLICY DIRECTIVES**

1. This privacy policy is consistent with the Government wide privacy policy.
2. This policy and all privacy policies pursuant to it shall be made available to the public through the Public Prosecution Service's website.
3. The Public Prosecution Service shall have a process for an individual to request access to their personal information, which will enable them to make a request to correct their personal information by submitting a copy of Form 2 pursuant to Section 25(1) of the *Freedom of Information and Protection of Privacy Act*.
4. The Public Prosecution Service shall establish a process for an individual to express concerns about compliance with the privacy policy of the Public Body.
5. All privacy complaints and requests to correct personal information will be directed to the attention of the IAP Administrator and dealt with solely by the Administrator.
6. The Public Prosecution Service shall ensure that personal information is managed throughout its life cycle only as authorized by law.
7. The Public Prosecution Service may collect, store, access, use, and disclose aggregate information about individuals. Aggregate information shall be compiled and used in a manner that individuals cannot be readily identified.
8. The Public Prosecution Service shall have a privacy breach protocol.

9. The Public Prosecution Service shall complete a privacy impact assessment (PIA) for any new program or service, or for a significant change to a program or service, that involves personal information.
10. A privacy impact assessment shall contain a privacy risk prevention strategy, the implementation of which shall be monitored by the Public Prosecution Service.
11. Research Agreements shall be contingent upon the Privacy Impact Assessment.
12. The IAP Administrator will ensure that all employees of the Public Prosecution Service are aware of this Privacy Policy.
13. The Head of the Public Prosecution Service shall ensure that all staff make reasonable security arrangements for the protection of personal information in keeping with the provisions of applicable privacy legislation.
14. Nothing in this policy will override any obligations of the Crown to provide disclosure to an accused person or their counsel. This policy shall be applied in accordance with any legislation to which the Public Prosecution Service is subject, including, but not limited to, the *Youth Criminal Justice Act*, the *Criminal Code*, the *Canada Evidence Act*, and the *Criminal Records Act*.

## **VII. POLICY GUIDELINES**

1. The IAP Administrator of the Public Prosecution Service will ensure the delivery of privacy awareness training to all employees.
2. Any new or changed initiative, program, procedure, or activity that will involve collection, use or disclosure of or access to personal information shall be reviewed by the Public Prosecution Service's IAP Administrator.
3. Upon receiving a complaint the Administrator will send a written acknowledgment to the complainant within 14 business days.
4. The Public Prosecution Service will follow the Privacy Breach Protocol and Privacy Complaint Procedure when responding to complaints of a privacy breach.
5. Within 60 business days, of receiving a complaint the *IAP* Administrator will respond to the complainant in writing to provide the result of the investigation of the complaint, subject to operational requirements.

## **VIII. ACCOUNTABILITY & SECURITY**

1. The head of the Public Prosecution Service shall be accountable for compliance with this policy.
2. Each employee is responsible for complying with this policy and the privacy policies of the Government of Nova Scotia.

## **IX. MONITORING**

1. The IAP Administrator is responsible for monitoring the implementation of this policy for the Public Prosecution Service.

## **REFERENCES**

- *Freedom of Information & Protection of Privacy Act and Regulations*
- *Personal Information International Disclosure Protection Act*
- *Government Records Act*
- Management Manual 300: Common Services, Chapter 4, Policy 4.7 Web Site Privacy Policy
- Management Manual 100: Management Guide, Chapter 1, Policy 1.2 Management Manuals Policy
- Privacy Impact Assessment Template
- Privacy Breach Protocol and Complaint Procedure Template
- *Canada Evidence Act* R.S., c. E-10, s.1
- *Youth Criminal Justice Act* S.C. 2002, c.1 in force April 1, 2003
- *Criminal Code* R.S., c. C-34, s.1
- *Criminal Records Act* R.S., c.12(1st Supp.), s.1

## **ENQUIRIES**

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