

Metro privacy practices violated provincial law

Stanley Tromp, Vancouver Courier, 23 Aug. 2013

An audit of Metro Vancouver's privacy practices has found 13 areas of non-compliance that need to be fixed. Metro says no privacy breaches were found so far, but the report says the potentials for these exist.

"These are the most basic privacy requirements," said Vincent Gogolek, executive-director of the B.C. Freedom of Information and Privacy Association. "They are in violation of the B.C. privacy law."

Metro says it is working to resolve all the problems. Metro Vancouver Housing Corporation (MVHC) stores personal information on 10,000 tenants in the 50 affordable rental housing sites that it owns and operates across the Lower Mainland. A dozen sites are located in Vancouver, such as Heather Place, Habitat Villa, the Regal Place Hotel, Hemlock Court and Kelly Court. Metro's information and privacy director Chris Plagnol told the Courier that each tenant has a tenant file which can include a tenancy agreement, data on income verification, repairs, and complaints on behaviour. He believes no medical data is kept.

Metro also stores personal data on its 1,400 employees, such as their social insurance numbers for payroll, resumes, reports on discipline and promotion, and sometimes medical records for those with injuries and disabilities. The April 2013 report from Metro's internal audit branch - marked confidential and for internal use only - was obtained by the Courier under the freedom of information law. Some problems, which were noted in the "high priority" red category, include: The audit noted a risk of "the potential for personal identifiable information to be stored outside of Canada given the use of "cloud computing" services."

Plagnol said that Metro now stores only one personal database in a cloud - about worker recruitment - in Montreal. It won't store any such data outside the country, for that would be a violation of the B.C. privacy law. (An RCMP report in 2011 noted that any cloud storage system, which many governments now use to save money, can pose higher risks of privacy violations and hacking.) Metro needs an up-to-date directory of "personal information banks," to conform to the B.C. Freedom of Information and Protection of Privacy Act. Plagnol said Metro had a directory of records once but did not update it because it lacked resources for this task.

Metro needs a formal privacy impact assessment process, as per the privacy law. Plagnol said this rule was passed for ministries in 2002, but to other public bodies only in 2011, and Metro is now working to create such a process.

"Examples of personal information not restricted on a need to know employee basis were noted." Plagnol said he believed that some documents were moved to another department and should have been locked down more securely, but it was no serious breach.

"The fact there haven't been major breaches according to Metro is more attributable to good luck than good information practices, judging by the results of this audit," said Gogolek. "It makes you wonder how many other public bodies are similarly delinquent in what is a legal duty, not just good practice."