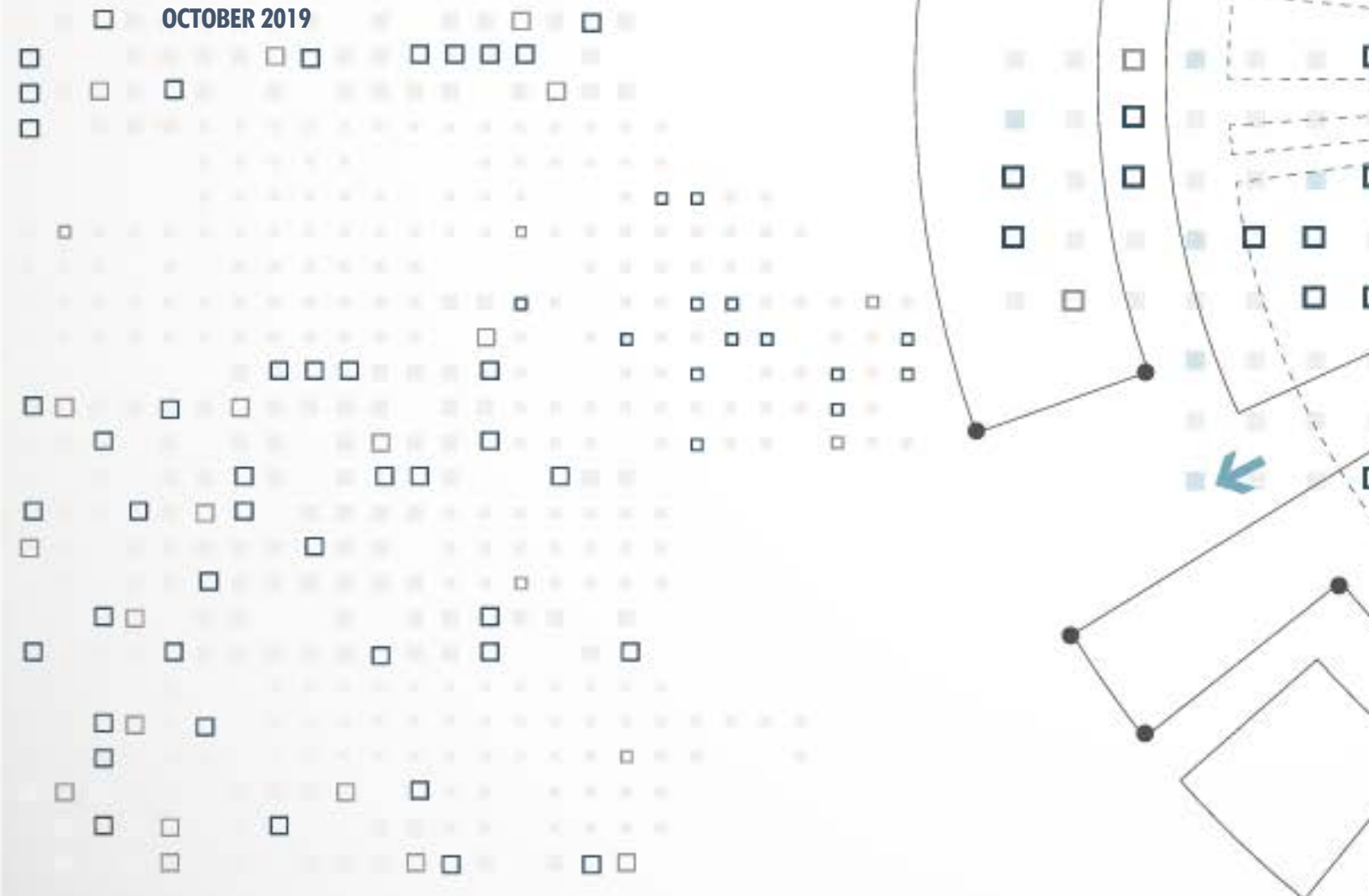


GUIDANCE DOCUMENT

RESPONDING TO PIPA PRIVACY COMPLAINTS

OCTOBER 2019



PURPOSE OF THIS GUIDANCE DOCUMENT

This document offers suggestions for organizations to refer to when investigating a privacy complaint made to them under the *Personal Information Protection Act* (PIPA).

THREE STEPS FOR RESPONDING TO PIPA PRIVACY COMPLAINTS

Step 1: Gather information

- Use “who, what, why, where, when” questions to help clarify the complaint.
- Ensure that the complaint involves personal information as defined in PIPA. For example, is the complaint about an alleged improper collection, use, disclosure, retention, storage, disposal, or correction of personal information? It is possible that the matter is not a PIPA privacy complaint.

Tips:

1. Be aware that individuals can only complain about things that directly affect them or someone they are acting on behalf of (like an adult child complaining on an elderly parent’s behalf with their consent).
2. Designate someone in your organization who will be responsible for receiving and responding to PIPA complaints.

Step 2: Investigate and assess the information

- Tell the complainant you need some time to investigate, unless there is an obvious immediate solution.
- Use the details of the complaint to investigate and determine whether the alleged action occurred – and how it occurred. Discuss with staff in the relevant department. You may need to conduct interviews and ask for written reports.
- Review PIPA to find out whether the alleged action may contravene PIPA.

Tips:

1. Remember that resolving the complaint is not an admission of wrongdoing.
2. If you make an exception in one situation you do not automatically have to make it for everyone. (Example: Exercising your discretion not to require an individual to provide an emergency contact does not mean you have to stop requiring it for other people.)

Step 3: Document then respond in writing

- Document your investigation, including the reasons for your assessment and whether the complaint is substantiated or not.
- Respond in writing to the complainant sooner rather than later. Delaying your response may escalate the matter.

- If you do not agree with the complainant, tell them. State your reasons, even if they are brief, so the complainant understands your position. Include the legislative authority for your organization's actions.
- If you agree with the complainant, tell them. Share your actions to try to remedy the situation. For example, your organization may implement better training, improve security, or tighten policies about accessing personal information.

Tip:

1. Tell the complainant they can raise their complaint with the Office of the Information and Privacy Commissioner (OIPC) if they are not satisfied with your response. Provide the OIPC's contact information and website (www.oipc.bc.ca).

These guidelines are for information purposes only and do not constitute a decision or finding by the Office of the Information and Privacy Commissioner for British Columbia. These guidelines do not affect the powers, duties, or functions of the Information and Privacy Commissioner regarding any complaint, investigation, or other matter under FIPPA or PIPA.



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