



Access requests and complaints

Today's webinar will help you handle access requests and complaints.

Let's begin with access requests.

First, PIPA gives individuals the right to request a copy of their own personal information from an organization.

They also have a right to know how the organization has used their personal information AND the names of the individuals or organizations their personal information has been disclosed to. And they don't have to explain why they are requesting either of these things.

What does this mean for you?

Well, your organization has certain obligations or duties when it comes to requests for access to PI. These include the duty to:

- assist individuals,
- respond accurately and completely,
- respond within 30 days, unless otherwise authorized by PIPA,
- include specific things in the response, which we will discuss in a moment, and
- correct or annotate PI where an individual believes there is an error or omission.

You must also inform applicants that they can seek review by the OIPC if they are not satisfied with the response. Your organization must have a process in place to deal with any complaints about how your organization handles PI.

Here are some quick tips on how to manage request for access to PI.

- Ensure open communication with the individual. Open communications also demonstrate that your organization is committed to responding to the applicant.
- Ask the individual to make the request in writing.
- Clarify the specific records sought. This will help you better understand what the applicant is seeking and can also help the applicant to define or narrow their request.
- Complete an adequate search for the requested records. Remember, the requested records may be held by a number of people in your organization and in a various locations. They may also be in different formats (paper, emails, databases, etc.).
- Document your search. It may become necessary to refer back to search documentation to clarify locations staff have searched for responsive records.



- When disclosing personal information to an applicant, ensure your response does not contain information that PIPA requires you to withhold.
- Never disclose PI unless you are sure of the identity of the applicant and the applicant's right of access.

It's important to remember that you have up to 30 business days to respond to the individual who is requesting access to their information. This time period may be extended under specific circumstances.

Your response to an access request should include:

- Details about your search for records
- Whether records were found and if you are withholding any portion of the information
- If you are withholding information, the reasons you are doing so and the section of PIPA that gives you that authority
- The name and contact information for someone in your organization who can answer questions about your response.

Finally, if an individual is unsatisfied with your response, they can ask our office to review it.

If the applicant submits a request for review to the OIPC and we conduct an investigation, you will be notified in writing. The OIPC investigator will speak with you and the applicant about the review, will review PIPA and relevant OIPC orders and case law, and then will make a finding.

Now, let's move along to privacy complaints. Here are some tips for how to handle a complaint. First, be courteous and respectful to the complainant. It is always important to treat privacy complaints seriously **and** carefully.

Second, if the complaint comes in by phone, encourage the individual to make a **written** complaint... Either way you should always document the complaint and your response to complaints in writing. This is particularly important if they later submit a complaint to the OIPC. **All** individuals must make a written complaint to the organization prior to the OIPC investigating the complaint.

Privacy complaints usually fall into one or more categories: collection, use, disclosure, correction, or protection of personal information.

Read the complaint carefully and maintain open communication with the individual to clarify the specific nature of the complaint.



The complaint may be a simple misunderstanding that can potentially be resolved with a phone call or email to the complainant.

Next, investigate the complaint by gathering information and making findings. Be sure to document your investigation and how you made your findings. .

If the complaint is founded, take action!

Provide the complainant with an explanation, preferably in writing. Make sure you communicate:

- What happened with the specific PI of the complainant;
- Your findings;
- A description of any action you have taken to prevent a recurrence;
- Any steps your organization intends to take for improvements to policies or procedures or to better protect the privacy of PI and comply with PIPA; and
- If applicable, how your organization will prevent any recurrence of the privacy invasion over the long term.

You can also refer the individual to the OIPC if they have further questions or would like to make a complaint to our office.

If the individual makes a complaint to the OIPC and we open an investigation, we will notify you in writing.

The investigator will speak with you and the individual about the complaint and then make a finding.

In certain cases the OIPC also may be able to mediate a resolution to your complaint.