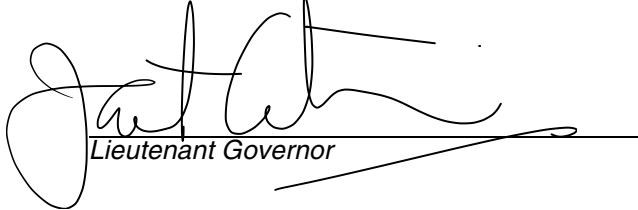


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 638

, Approved and Ordered November 28, 2022



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective February 1, 2023,

- (a) section 25 of the *Freedom of Information and Protection of Privacy Amendment Act, 2021*, S.B.C. 2021, c. 39, is brought into force, and
- (b) the *Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 155/2012*, is amended as set out in the attached Schedule.



Minister of Citizens' Services



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Freedom of Information and Protection of Privacy Amendment Act, 2021*, S.B.C. 2021, c. 39, s. 73;
Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, c. 165, ss. 36.3 and 76

Other: OIC 491/2012

R20625311

SCHEDULE

1 The Freedom of Information and Protection of Privacy Regulation, B.C. Reg. 155/2012, is amended by adding the following sections:

Privacy breach notifications – affected individuals

- 11.1** (1) A notification under section 36.3 (2) (a) of the Act must
- (a) subject to subsection (2) of this section, be given directly to each affected individual in writing, and
 - (b) include the following information:
 - (i) the name of the public body;
 - (ii) the date on which the privacy breach came to the attention of the public body;
 - (iii) a description of the privacy breach including, if known,
 - (A) the date on which or the period during which the privacy breach occurred, and
 - (B) a description of the nature of the personal information involved in the privacy breach;
 - (iv) confirmation that the commissioner has been or will be notified of the privacy breach;
 - (v) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;
 - (vi) a description of steps, if any, that the public body has taken or will take to reduce the risk of harm to the affected individual;
 - (vii) a description of steps, if any, that the affected individual could take to reduce the risk of harm that could result from the privacy breach.
- (2) A notification may be given to an affected individual in an indirect manner if
- (a) the public body does not have accurate contact information for the affected individual,
 - (b) the head of the public body reasonably believes that providing the notice directly to the affected individual would unreasonably interfere with the operations of the public body, or
 - (c) the head of the public body reasonably believes that the information in the notification will come to the attention of the affected individual more quickly if it is given in an indirect manner.
- (3) If, under subsection (2), a notification may be given in an indirect manner, the notification must
- (a) be given by public communication that can reasonably be expected to reach the affected individual, and
 - (b) contain the information set out in subsection (1) (b).

Privacy breach notifications – commissioner

11.2 A notification under section 36.3 (2) (b) of the Act must be given to the commissioner in writing and must include the following information:

- (a) the name of the public body;
- (b) the date on which the privacy breach came to the attention of the public body;
- (c) a description of the privacy breach including, if known,
 - (i) the date on which or the period during which the privacy breach occurred,
 - (ii) a description of the nature of the personal information involved in the privacy breach, and
 - (iii) an estimate of the number of affected individuals;
- (d) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;
- (e) a description of steps, if any, that the public body has taken or will take to reduce the risk of harm to the affected individuals.