

M327

INFORMATION-SHARING AGREEMENT DIRECTIONS

TO: HEADS OF ALL MINISTRIES

DIRECTION: 01-2019

SUBJECT: Directions to ministries on preparing information-sharing agreements

AUTHORITY: These directions are issued under section 69 (5.7) of the *Freedom of Information and Protection of Privacy Act*.

APPLICATION: These directions apply to heads of all ministries.

EFFECTIVE DATE: January 1, 2020



For

Jill Kot, Deputy Minister of Citizens' Services
For Minister of Citizens' Services

Minister of Citizens' Services
Directions to Heads of Ministries
issued under Section 69 (5.7) of the
Freedom of Information and Protection of Privacy Act

I, Jinny Jogindera Sims, Minister of Citizens' Services, issue the following directions to heads of ministries under section 69 (5.7) of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996 c. 165:

A. Definitions

In these directions:

“contact information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

“health information-sharing agreement” has the same meaning as in the FOIPPA.

“information incident” means a single or a series of events involving the collection, storage, access, use, disclosure, or disposal of government information that threaten privacy or information security and/or contravene law or policy;

“information schedule” has the same meaning as in the *Information Management Act*;

“information-sharing agreement” has the same meaning as in the FOIPPA.

An Information-sharing Agreement may be a component of another agreement (e.g., a memorandum of understanding, a service agreement, a health information-sharing agreement, or a written agreement that meets the requirements of section 12 of the *Freedom of Information and Protection of Privacy Regulation*);

“ministry privacy officer” means the designated individual responsible for privacy within a ministry;

“personal information” has the same meaning as in the FOIPPA;

“personal information directory” means a public registry of summaries of ministry personal information banks, health information banks, information-sharing agreements, and privacy impact assessments;

“public body” has the same meaning as in the FOIPPA.

B. Directions on Preparing an ISA

Ministries are directed to prepare an information-sharing agreement (ISA) in accordance with the following requirements.

1. Unless granted an exemption, the ministry must prepare an ISA where:
 - a. the exchange of personal information is regular and systematic; and
 - b. where any of the parties to the information sharing is:
 - i. a public body that is not a ministry;
 - ii. a government institution subject to the *Privacy Act* (Canada);
 - iii. an organization subject to the *Personal Information Protection Act* or the *Personal Information Protection and Electronic Documents Act* (Canada);
 - iv. a public body, government institution or institution as defined in applicable provincial legislation having the same effect as the FOIPPA; or
 - v. a person or a group of persons; or
 - vi. a prescribed entity in the *Freedom of Information and Protection of Privacy Regulation*.
2. Where a ministry is not required to prepare an ISA by section 1, it may at its discretion prepare an ISA, should the ministry determine there is a need to set conditions on the collection, use or disclosure of personal information by the parties to the information sharing.
3. The ISA must contain, at a minimum, the following information at a reasonable level of detail:
 - a. a summary of the information sharing;
 - b. a description of the purpose or objective of the information sharing;
 - c. a description of the personal information collected, used or disclosed under the agreement;
 - d. reference to the legal authority authorizing the collection, use or disclosure of personal information by the parties to the agreement;
 - e. a description of the conditions on the collection, use or disclosure of personal information by the parties to the agreement;
 - f. a description of applicable security arrangements required by the parties;
 - g. a description of how information incidents will be reported and/or managed;

- h. the date on which the ISA is effective and, if applicable, the date on which the ISA expires;
 - i. the parties to the agreement and the contact information of an appropriate representative of those parties; and
 - j. signatures of designated approval authorities for each party to the agreement.
- 4. The ISA may contain additional information, at the discretion of the parties, including but not limited to the following:
 - a. a statement respecting the parties' obligations to ensure the accuracy and completeness of the personal information;
 - b. a description of when and how compliance with the agreement will be monitored, reviewed and/or audited, and any requirements for review or audit;
 - c. requirements for the storage or transfer of information;
 - d. reference to an information schedule that provides for the disposal of information or the holding of information;
 - e. reference to the mechanism for dispute resolution should a dispute arise out of, or in connection with the ISA; and
 - f. conditions related to the termination of the ISA.
- 5. The ISA may be prepared using a template created by the minister responsible for FOIPPA.
- 6. The ministry privacy officer must provide a summary of any ISAs into which the ministry has entered to the Minister responsible for FOIPPA to be included in the personal information directory as required under section 69 (2) of FOIPPA.