

# PROTECTION OF PRIVACY

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## INTRODUCTION

The [Freedom of Information and Protection of Privacy Act](#) (RSA 2000, c.F-25) applies to the Labour Relations Board. The two major aspects of FOIPP are access to information and the protection of personal privacy. This policy deals with the latter while Chapter 5(b) deals with the former. Specifically, this policy covers:

- FOIPP provisions related to privacy;
- an overview of privacy issues under FOIPP; and
- advice on how to ensure your behaviour is FOIPP compliant.

## FOIPP PROVISIONS FOR PRIVACY

The purposes of the FOIPP Act include:

2(b) to control the manner in which a public body may collect personal information from individuals, to control the use that a public body may make of that information and to control the disclosure by a public body of that information,

The Board collects information using the authority granted to it in Sections 12, 13 and 14 of the [Labour Relations Code](#). These sections allow the Board to accept applications, conduct inquiries and acquire information necessary to carry out its mandate under the Code. The Board normally collects information directly from applicants and indirectly from employers about employees. The Board's forms indicate the purpose for which the information is being collected.

Section 40 of the FOIPP Act requires the Board not disclose personal information if it would be an unreasonable invasion of a third party's personal privacy. Section 17 outlines a number of circumstances where disclosure is unreasonable. The routine disclosure of information indicating that an individual is a party to an application or is an employee (e.g., names and classification on employee lists) is not an unreasonable invasion of privacy. Disclosing additional information requires careful thought. Generally, disclosing information to an individual's legal counsel, bargaining agent or MLA (but not the MLA's staff or Executive Assistant) is also not an unreasonable invasion of personal privacy.

## DISCLOSURE OF NAMES OF INDIVIDUALS

Individuals filing applications, complaints or references are identified by name at various stages of the Board's processes including in Board decisions, on the Board's website, and in print and online reporting services that publish the Board's decisions. An exception to this general practice may be made, at the discretion of the Board, in cases where sensitive personal information will be disclosed. Individuals wishing to have their names masked may apply to the Board by letter setting out the reasons for the request including what sensitive personal information will be disclosed.

## PRIVACY ISSUES UNDER FOIPP

The Board must be compliant with FOIPP. That is, all disclosures not specifically authorized by the [Labour Relations Code](#) must be consistent with the privacy and access provisions of FOIPP. This normally poses little problem. The normal collection, use and disclosure of information and the Board's processes related to confidentiality are FOIPP compliant.

Occasionally, there are one-off requests for information, particularly when a high profile cases comes before the Board. It is often possible and desirable to handle these requests without the applicant filing a formal FOIPP request. See: [\[Third-Party Information Requests, Chapter 5\(a\)\]](#). All informal requests require the Board to be mindful of privacy issues—when in doubt about whether or not to release information, do not release it and discuss the matter with the Director/Manager or the FOIPP Coordinator. Applications involving multiple parties and/or multiple matters require much greater consideration of privacy matters. See: [\[Access to Information, Chapter 5\(b\)\]](#).

## FOIPP COMPLIANT BEHAVIOUR FOR BOARD STAFF

Board staff have adopted procedures to ensure the protection of third party's personal information. These include:

- **Limited access to Board offices:** Public access to hallways, storage rooms and personal workspaces is limited. This minimizes the inadvertent disclosure of third-party information to others—particularly interested parties.
- **Conversational discretion:** Board staff are aware of what they are saying and where. This minimizes the inadvertent disclosure of third-party information to others—particularly interested parties. Board staff are particularly aware that disclosure of some information may compromise the position or employment of others.
- **Record control and disposal:** The Board maintains close control over all paper and electronic records. This includes ensuring personal information is not left laying on desks, keeping sensitive files in locking cabinets and password protection on our database. A records destruction policy exists and sensitive transient records (e.g., phone messages, notes, etc.) are regularly shredded rather than recycled.