

MANITOBA OMBUDSMAN PRACTICE NOTE

Practice notes are prepared by Manitoba Ombudsman to assist persons using the legislation. They are intended as advice only and are not a substitute for the legislation.

Manitoba Ombudsman
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PRIVACY BREACH NOTIFICATION LETTER CHECKLIST

Notifying an individual whose personal or personal health information has been involved in a privacy breach can be an important risk mitigation strategy. Providing notice by letter is only one of the many ways privacy breach notification can be accomplished. While the preferred method of notification is direct (ex: telephone, letter, or in person) there may be situations where indirect notification (ex: posting notices, web site information, news release) would be more appropriate. Using multiple methods of notification in certain cases may be the most effective approach.

This document outlines information to include in a privacy breach notification letter. The content should be customized, as necessary, to meet your specific needs and circumstances. It is recommended that you review our practice note *Keys Steps in Responding to Privacy Breaches* along with this document.

Describe what happened

Describe the incident. For example, provide the date of the incident (if known) and date of discovery, explain how the privacy breach was discovered, provide details of what occurred, and if known, include whether the privacy breach was accidental or intentional, etc.

Describe the information involved in the privacy breach

Be specific when describing the type of personal and/or personal health information involved. For example, a patient or client file that included the individual's diagnosis, list of medications, emergency contact information, personal health identification number (PHIN), etc. Each type of personal and personal health information may have varying degrees of impact on the individual.

Explain what the individual can do to lessen the impact

Describe any steps the individual can take to further mitigate the risk of harm. For example, provide contact information for credit monitoring agencies where there is a risk of identity theft.

☐ Be accountable

Acknowledge that the privacy breach may have caused the individual distress and apologize on behalf of the public body/trustee. This letter should be signed by someone with authority in the organization, such as the access/privacy officer or senior manager.

☐ Describe any corrective measures

Describe what your public body/trustee is doing to prevent any future privacy breaches (if known at the time of notification). For example, enhancing security measures (ex: encryption software), implementing new policies or procedures, changing locks on doors and filing cabinets and/or implementing new auditing practices.

☐ Inform of right of complaint

Under the Freedom of Information and Protection of Privacy Act and the Personal Health Information Act, an individual has the right to make a privacy complaint to Manitoba Ombudsman about their personal and/or personal health information.

Inform the individual of their right of complaint and provide Manitoba Ombudsman's contact information:

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☐ Further information:

Provide contact information of someone within the public body/trustee who can answer the individual's questions and/or provide further information regarding the privacy breach.