



ATIA AND POPA COMPLAINT RESOLUTION

1. SUBMISSION

1. Members of the public may submit a complaint in writing to Holy Spirit Catholic School Division for investigation and resolution. Verbal complaints will not be treated as formal complaint submissions by Holy Spirit Catholic School Division.
2. Complaints may concern any decision, act, or failure to act by Holy Spirit Catholic School Division in a formal access to information request or in the protection of personal information, data derived from personal information, and non-personal data under Holy Spirit Catholic School Division's custody or control or by a Holy Spirit Catholic School Division employee, including:
 - a. a contravention in the creation, collection, use, or disclosure of personal information, data derived from personal information, or non-personal data;
 - b. a refusal, without justification, to a correction of personal information;
 - c. the actual or attempted re-identification, by any person, of non-personal data;
 - d. failure by a Holy Spirit Catholic School Division employee to provide a duty to assist;
 - e. a contravention in the application of a time extension in a formal access request;
 - f. the inappropriate levy of a fee applied in a formal access request.
3. Complaints related to unauthorized disclosure, use, destruction, loss, removal or modification of personal information will initiate the privacy breach response process, which may proceed in conjunction with the complaint process.

2. PRINCIPLES OF INVESTIGATION AND RESPONSE

1. The Privacy and Access Officer receives, processes, investigates, and responds to complaints under ATIA and POPA made to Holy Spirit Catholic School Division.
2. If an investigation is required to establish findings for a complaint, Holy Spirit Catholic School Division uses generally accepted investigative methods to obtain the most effective results while respecting the rights, privacy, and dignity of the complainant and any employees involved. Complaint investigations will, as required, incorporate the following methodologies:
 - a. Keep investigation information confidential to protect the privacy of the complainant and any individuals investigated and to maintain the integrity of the investigation;

- b. Use surveillance or monitoring data to establish past or current actions on an as-needed basis;
 - c. Examine or confirm the veracity of facts or statements, sometimes using third party witnesses;
 - d. Base findings and conclusions on balance of probabilities.
- 3. Records created, collected, or processed as part of a complaint investigation are classified according to the Information Security Classification system and will not be provided as part of the complaint response. Requests by the complainant for investigation records associated to the complaint will be treated as a formal access to information request, and records will be handled according to that process.
- 4. The complaint investigation is an administrative rather than a disciplinary process. Once the findings are determined, it is the responsibility of Management and Human Resources to determine the appropriate disciplinary action for employees involved, if any.

3. RESPONSE

- 1. Holy Spirit Catholic School Division acknowledges, in writing, receipt of the complaint. All acknowledgements of submission will include:
 - a. reference to the initial complaint;
 - b. an internal assigned file number; and
 - c. the estimated date of response, within 30 business days of the date the complaint was received.
- 2. Holy Spirit Catholic School Division provides responses in writing, containing the findings of the Privacy and Access Officer, to all formal complaint submissions.
- 3. Response time is dependent on the need for an investigation and the complexity of the associated investigation.
- 4. The complaint response will include the following:
 - a. the internal assigned file number;
 - b. a copy of the original complaint submission and a list of any records the complainant submitted with the complaint;
 - c. the findings of the Privacy and Access Officer and the reason for the findings or a statement of justification; and
 - d. contact information for the Office of the Information and Privacy Commissioner and directions for submitting a request for review to the Commissioner.

PROCESSES

1. RECEIVING SUBMISSIONS

1. The Privacy and Access Officer reviews the submitted complaint to establish if it is submitted under ATIA or POPA and assign an internal file number:
 - a. if the complaint is submitted under ATIA, identify the associated access request number and the employee who processed the request.
 - b. if the complaint is submitted under POPA, identify, if necessary, the associated record(s), employee(s), department(s), information system(s), or events connected to the complaint.
2. If the scope or nature of the complaint is unclear, the Privacy and Access Officer will contact the complainant to clarify it.

2. ACKNOWLEDGE RECEIPT OF SUBMISSION

1. Respond to the complainant, acknowledging receipt of submission, and providing an estimated date of response that is 30 business days from the date received.

3. INVESTIGATION AND ANALYSIS

1. The Privacy and Access Officer determines the scope and nature of the complaint according to the parameters established in section IV.A.1.3 and records the investigation scope as part of the complaint investigation file.
2. Based on the context of the complaint, the Privacy and Access Officer will collect and review any records associated to the complaint event that may provide additional context or relevant information. Records that are reviewed as part of the investigation are logged and indexed as part of the complaint investigation file.
3. The Privacy and Access Officer will review the complaint with any employees associated with it. If more than one employee is associated with the complaint, the Privacy and Access Officer will engage each employee individually. Interviews will begin with the employee most closely involved in the event. Relevant factual information from the interviews may be recorded as part of the complaint investigation file.
4. The Privacy and Access Officer will analyze the information from the complaint, associated records, and any interviews conducted to determine the findings of the investigation. Findings are based on a balance of probabilities.
5. Record the findings and any related information that informs the findings as part of the complaint investigation file. If it is determined through the findings that remediation actions are required, document the steps that will be taken and the date those actions will be performed.

4. FINAL RESPONSE

1. When the findings of the investigation are determined, a final written response will be provided to the complainant according to the parameters set out in section IV.A.3.

2. If the findings include remediation actions, the actions that will be performed and a date of completion will be provided to the complainant as part of the findings in the written response.

RESOLUTION

REMEDICATION AND PREVENTION

1. Depending on the investigation findings and any identified risks regarding the creation, collection, use, disclosure of personal information, data derived from personal information, and non-personal data, the Privacy and Access Officer may identify further administrative, technical and physical safeguards that can be implemented to modify or prevent future contraventions in Holy Spirit Catholic School Division systems, processes, and employee behaviours. This may include employee or user training, introduction of additional security technology, or upgrade to facilities or infrastructure.