



F08-03-MS Survey Plans Go Awry with Disclosure of Client Names to US-based Service Provider

A manager at a public body contracted a US-based service provider to conduct client surveys and later emailed the personal information of nearly 10,000 clients to the US service provider to meet its need for survey participants. The service provider then mailed the clients a letter inviting them to visit a US-based website to complete the survey.

The manager had unwittingly breached section 33.1(1) of the *Freedom of Information and Protection of Privacy Act*, (“FIPPA”) which defines the limited circumstances under which public bodies may disclose personal information outside Canada. On discovering the breach, the public body reported it to us using the Privacy Breach Reporting Form on our website. We then worked with the public body to address the breach and mitigate its effects.

The public body immediately had the US-based website shut down and ensured that all personal information sent to the US-based company was destroyed. The public body then evaluated the risks associated with the breach, determined that affected individuals needed to be notified, and wrote to them. The notification letter summarized the survey program and explained the public body’s obligations under FIPPA, how the public body had breached those obligations and the steps taken by the public body to contain the breach and minimize the risk (by destroying the data and shutting down the website). It also provided a contact name and phone number of an employee at the public body who could answer questions about the breach, as well as contact information for our office.