

STATEMENT

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City Clerk Addresses Leaked Confidential Report

A copy of an “In Camera” confidential document titled, “KPMG Final Report” has been leaked in its entirety through social media. The report contains confidential third party information, as well as personal information of individuals. This breach of information has been reported to all appropriate authorities, and steps are being taken to recover the sensitive information.

The City has a legal duty under the Freedom of Information and Protection of Privacy Act to take reasonable steps to protect third party and personal information from unauthorized collection, disclosure, access or use. The City is aware that personal information of individuals has been disclosed to the public through various means.

Consistent with the City’s duties under the Freedom of Information and Protection of Privacy Act, the City has reported the disclosure of personal information in the report to the Office of the Information and Privacy Commissioner. That Office is already investigating the City in relation to previous unauthorized disclosures of personal information by persons unknown. It is not yet known if that Office will investigate the present disclosure.

The City notes that disclosure of personal information without authority under the Freedom of Information and Protection of Privacy Act is an offence. Section 30.4 of the Act provides that an employee, officer or director of a public body who has access, whether authorized or unauthorized, to personal information in the custody or control of a public body, must not disclose that information except as authorized under this Act. Under section 74.1(1) of the Act, a person who contravenes section 30.4 commits an offence (with a fine of up to \$2,000).

As the FOI Head for the City of Nanaimo, it is vitally important to ensure the City’s best interests, and the privacy of all concerned, are protected against unauthorized disclosures of personal information; therefore, the KPMG Final Report or any of its contents should not have been disclosed except in accordance with the Freedom of Information and Protection of Privacy Act. Council will now need to determine whether to seek any other remedies for the breach from the individual or individuals responsible for leaking the confidential report.

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