

**NORTHWEST TERRITORIES
INFORMATION AND PRIVACY COMMISSIONER**

Review Report 20-241

Citation: 2020 NTIPC 45

File: 19-254-4

September 21, 2020

BACKGROUND

The Applicant asked the Office of the Information and Privacy Commissioner to consider whether his personal information had been improperly collected, used or disclosed by his employer, the Department of Education.

The privacy breach complaint arose when the Applicant received and accepted an invitation from his supervisor to attend a meeting through “MS Outlook”, the application used by the Government of the Northwest Territories for email. The application is integrated with a calendar function in which meetings can be quickly and efficiently arranged, with the recipient of an invitation is able to “accept” the meeting time and date or respond with alternative dates/times. Meetings are then inserted into the appropriate time and date of the calendars of the participants.

In this case, the supervisor sent the Applicant an invitation to attend a “Meeting about Workplace Issues”, with a message that included an indication that the Applicant could bring “UNW representation” with him to the meeting. This invitation was sent to the Applicant as well as to an employee of the Department of Finance (Human Resources). While this message did not reveal any of the details about the “workplace issues”, the information included in the message was sufficient to disclose that the Applicant was dealing with issues in the workplace that were serious enough to justify a meeting in which he was invited to bring a union representative with him to the meeting. The disclosure of this information would amount to an unreasonable invasion of the Applicant’s privacy.

All employees in the Applicant's division had been instructed by managers to "share" their calendars with all other employees in the division. As a result, when the Applicant accepted the invitation, it appeared in his calendar and was visible to everyone in his division.

DISCUSSION

This was the second time that the supervisor's use of the shared calendar function had resulted in a breach of the Applicant's privacy. A similar issue arose and was reviewed by this office in Review Report 20-237. In that case the breach occurred because the supervisor's calendar was open to the entire work group and she accepted a meeting invitation which included sensitive personal information about the Applicant.

The Department advises that as a result of this previous incident, the supervisor had closed her own calendar to prevent a recurrence. No similar direction, however, was given to staff in the division, whose calendars remained opened to the group.

The supervisor was alerted to the fact that the content of the calendar entry sent to the Applicant by her was visible to other employees in the division when a different employee refused to accept a similar meeting request because the calendar entry would then have been visible to his co-workers. At that point, the supervisor changed the setting on her meeting invitations to "private". The Department conceded, however, that even if the "private" function is used, this feature does not prevent those who have "Read" permissions from seeing the information in the calendar entry.

The Department of Education conceded that this incident amounted to a breach of the Applicant's privacy and a commitment was made to provide training in the security settings in MS Outlook to the Senior Management Committee for their awareness and to share with their staff.

After I began to draft this Review Report, the Department responded to the recommendations made by this office in Review Report 20-237 and accepted the recommendations made in that report. They indicated that they had taken the following steps in response to the recommendations made in that report:

Regarding Microsoft Outlook Calendar settings for all employees, including managers and executives using settings other than the default permission level for all employees, including managers and executives using settings other than the default permission level:

- a. Issued direction to all ECE staff via communication to the ECE Senior Management Committee to review the privacy settings of their Microsoft Outlook Calendars and ensure calendar permissions are set to the default Free/Busy Time permission level (Action completed September 02, 2020); and
- b. Issued direction requiring staff to contact the ECE ATIPP Coordinator to establish appropriate privacy measures for situations where a calendar permission setting that provides others more detailed information than the default Free/Busy Time permission setting must be used (Action completed September 02, 2020).

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Regarding ECE staff awareness of their responsibilities related to privacy and information security in all circumstances, including Microsoft Calendar settings:

1. Issued direction to all ECE staff via communication to the ECE Senior Management Committee to undertake GNWT ATIPP General Awareness Training and Information Security Training in the 2020-2021 fiscal year (Action completed August 26, 2020); and

2. Provided all ECE staff with detailed instructions on encryption and protected access to file and correspondence containing personal information, through communication on remote records management (Action completed April 09, 2020)

CONCLUSIONS/RECOMMENDATIONS

I find that the use of the MS Outlook system to arrange for a meeting with the Applicant resulted in a breach of the Applicant's privacy not because the Applicant's supervisor did anything wrong, but because the Applicant and others in his work group had been required to open their calendars to others in the work group. The breach occurred because there was not a full understanding on the part of any of the individuals involved about how to properly configure the calendar settings so as to facilitate inter-office planning while maintaining the privacy of individual employees.

Because this exact issue has been dealt with in a previous Review Report from this office and because the Department of Education has accepted the recommendations made in that report and taken steps to effect necessary changes, I make only the following recommendations:

- a) that the Department of Education share its learnings and the steps taken to avoid further such breaches with appropriate individuals in all GNWT departments;
- b) that the Department of Education continue to provide monitoring and guidance to its employees with respect to the issues raised in this matter

and to communicate the expected actions of employees with respect to the use of MS Outlook calendars.

Elaine Keenan Bengts
Information and Privacy Commissioner