



Yukon
Information
and Privacy
Commissioner

211 Hawkins Street, Suite 201
Whitehorse, Yukon Y1A 1X3
T: 867.667.8468
F: 867.667.8469
1-800-661-0408 ext. 8468
www.ombudsman.yk.ca

WORKING REMOTELY

Guidance for Employees of Public Bodies and Custodians

March 17, 2020

The Yukon Information and Privacy Commissioner (IPC) is reminding public bodies and custodians to ensure the protection of personal information and personal health information when employees working from home use this information.

In light of the recommendation made by the Yukon Chief Medical Officer of Health on March 16, 2020 that employees work at home if possible, the IPC is reminding both employers and employees who are subject to the *Access to Information and Protection of Privacy Act* (ATIPPA) and the *Health Information Privacy and Management Act* (HIPMA) to take adequate steps to secure any personal information (PI) or personal health information (PHI) that may be used while employees work at home.

Employers should practice due diligence by providing employees with the means to work remotely in a secure way. Employees should practice due care and follow policies, protocols and best practices provided by their employer. Measures to ensure secure remote work should include the following.

- Ensuring PI and PHI is protected during transport.
 - All electronic devices should be encrypted whenever possible.
 - Electronic devices and paper records should be transported in a secure manner and never left unattended.
 - Electronic devices and paper records should not be left in vehicles where they are visible to the public; this is in order to avoid unauthorized disclosure or theft.

- Ensuring PI and PHI is properly secured from unauthorized access or disclosure while working remotely.
 - Care must be taken so that screens and paper files are not readily visible by passers-by both inside and outside the home.
 - Confidential phone conversations should take place in such a way that they are not overheard.
 - Paper records should not be left where they are accessible to others in the remote workplace including at home.
 - Electronic devices should be locked while not being used.
 - Records and electronic devices should be secured while not being used, preferably in locked storage where the keys are maintained by the employee and not made accessible to others in the remote workplace.
- Ensuring that PI and PHI is not stored locally on electronic devices that are not encrypted. Employees who use unencrypted devices and who cannot remotely access any work files stored on employer servers should be provided with encrypted memory sticks for storage and be trained on how to store information on the stick and how to store the stick securely to prevent loss.
- Employees should use only approved channels for communicating PI or PHI (i.e. no personal Gmail or Dropbox).
- Employees should be familiar with approved and managed remote work tools made available by their organization, which may include any emergency media and communication channels available in case of phone, internet or power outages.

To avoid the loss of PI or PHI during this period, the IPC also recommends that public bodies and custodians establish a process to sign information or shared electronic devices in and out so that the information or device can be tracked.

Employees should be reminded about their duty to properly secure PI or PHI that is removed from the workplace and about their duty to report any breaches that occur as soon as possible upon learning about the breach.

Any questions about privacy law requirements in Yukon can be directed to a privacy contact in the public body or custodian or to the Office of the IPC.

The Office of the Information and Privacy Commissioner can be reached by phone at 867-667-8468 or toll free in Yukon at 1-800-661-0408 (ext. 8468) or by email at info@ombudsman.yk.ca.

Note that email is not a secure form of transmission. As such, it is recommended that sensitive personal information or personal health information not be included in email communication with our office.

This document was created in March 2020 to help public bodies and custodians ensure the requirements of the ATIPP Act and HIPMA are complied with when employees are authorized to work remotely. This document is not intended as, nor is it a substitute for, legal advice. For the exact wording and interpretation of the ATIPP Act and HIPMA, please read the Acts and regulations in their entirety. This document is not binding on Yukon's Information and Privacy Commissioner.