

Issues

[4] For each of the four departmental programs examined in this Special Report, the issues are:

- a. Did the Addressing Change materially increase the risk of misaddressed mail for that program?
- b. If so, did the department make reasonable security arrangements to reduce or eliminate the privacy risk?

Background

[5] On October 31, 2023, Canada Post changed the mailing address of every resident of Iqaluit. The old system of box addresses was switched to a new system of civic addresses. The mailing address in other Nunavut communities did not change, so this Special Report applies only to addresses in Iqaluit.

[6] In this report, I use the following terms to avoid repetition:

- a. “Addressing Change” means Canada Post’s switch on October 31, 2023, from box addresses to civic addresses in Iqaluit.
- b. “Box address” means an address consisting of a PO Box number.
- c. “Civic address” means an address consisting of a unit number (if applicable), building number, and street name.
- d. “Change Day” means October 31, 2023.
- e. “Anniversary Day” means October 31, 2024.

[7] The Government of Nunavut sends hundreds of thousands of pieces of mail every year. Some of that mail is privacy-sensitive, for example: health information; health insurance cards; grants of all kinds; permits and licenses of all kinds; tax information, including tax slips; payroll information; legal letters; and income assistance information.

[8] The combination of privacy-sensitive mail and the Addressing Change increased the risk that privacy-sensitive mail will, because of incorrect addressing, be lost or delivered to the wrong person.

Old system: post office boxes

[9] Before the Addressing Change, an Iqaluit resident's mailing address was a box address. The mailing address was something like "PO Box 1234, Iqaluit NU X0A 0H0".

[10] The boxes were physically located in Iqaluit's single post office in Building 615. The boxes were assigned to a person or to a business, not to a street address. The boxes were renewed by Canada Post annually, at no charge, if the customer confirmed they wished to continue having a postal box.

[11] The main advantage of the old system, from the customer's perspective, was stability. Many people had the same box number for years. No matter how many times they moved within Iqaluit, their mailing address stayed the same.

[12] The main problem with the old system was capacity. As Iqaluit grew, there were not enough boxes for the number of residents. A new resident might have to wait months for a box to become available. In the meantime, there was General Delivery, which was a large drawer behind the counter with mail sorted alphabetically by last name. Looking through General Delivery in a growing town was a time-consuming, manual task for Canada Post staff.

[13] Iqalumiut found work-arounds to make the old system work. Some businesses do not deliver to PO Box addresses, but if a citizen gave an address like "1234 Mailing Street" or "1234 Post Office Lane", post office staff knew (usually) to put the mail in PO Box 1234. Another workaround was to share boxes with family, friends, or anyone else willing to share their box. These workarounds solved some problems but created others.

New system: civic addresses

[14] From Canada Post’s perspective, the purpose of the Addressing Change was greater efficiency, greater accuracy, and improvement in online ordering or registering for services.

[15] In the fall of 2023, Iqaluit residents with a postal box received, in their box, a notice from Canada Post. The notice explained, in a general way, the upcoming changes. Residents were asked to submit a form titled “Iqaluit address collection”. The form requested current civic address; PO box number; whether it was a government or business address; the name of the PO box’s owner; and contact information.

[16] Towards the end of October 2023, residents with a postal box received, in their box, a second notice from Canada Post. The second notice explained what the resident needed to do to get the keys to their new box after Change Day. The notice said the resident would have to attend at their assigned post office, with the notice and some identification. The resident would then be handed the keys to their new box.

[17] On Change Day, Canada Post opened a second post office on Astro Hill. The original post office re-opened after being closed for a few days for renovations. As of Change Day, the old box addresses were eliminated. All Iqalumiut were now supposed to use their civic address as their mailing address.

[18] A crucial element of the Addressing Change was automatic forwarding of mail, at no charge, for one year. From the Change Date to the Anniversary Date, mail addressed to the old box address would be forwarded to the new civic address. On the Anniversary Date, automatic mail forwarding will end.

[19] To be clear, after Change Day mail was still going to a box in one or the other of Iqaluit’s two post offices. But a resident’s new box number was different from the resident’s old box number. And the new box number should never, said Canada Post, be used as a mailing address. Only the civic address should be used. Canada Post’s sorting machines would “translate” the civic address to the new box number.

[20] The Addressing Change was more significant than it first appears. Each building in Iqaluit has a unique number. As a result, Iqalummiut rarely or never use street names. When getting into a taxi, for example, a passenger gives the driver the destination’s building number (for example, “Building 607”) or building name (for example, “Northmart”). For many Iqalummiut, the Addressing Change was the first time they needed to know the name of their street. For a variety of reasons, including the configuration of some streets and limited street signposting, many Iqalummiut did not know their (correct) street name.

[21] The Addressing Change also included a change in postal codes.

Role of the City of Iqaluit

[22] For Canada Post’s purposes, the City of Iqaluit is the “addressing authority” for Iqaluit addresses. In preparation for the Addressing Change, Canada Post worked closely with the City of Iqaluit, starting in the summer of 2023.

[23] The purpose of this collaboration was to ensure that Canada Post and the City of Iqaluit had a common database of civic addresses, including how civic addresses are broken down into living units. Canada Post also wanted the City of Iqaluit’s assistance with public engagement.

[24] When Canada Post asked box owners to submit their civic address, a problem immediately presented itself: without civic addressing pre-established, there were many Iqalummiut who did not know their correct civic address. Other anomalies cropped up, such as streets and laneways that were unnamed, and so-called “illegal” units.

[25] Over many months and several iterations, Canada Post and the City of Iqaluit worked together to resolve the identified addressing anomalies. This process continued past Change Day because the switchover itself revealed more anomalies.

[26] In the end, the collaboration between Canada Post and the City of Iqaluit resulted in both having an address database (“Master List”) that is better than

anything either had before, with the correct street name, suffix, and unitization. That is, says the City of Iqaluit, an overall benefit of the Addressing Change.

[27] As of February 2024, says the City of Iqaluit, there are 4730 civic addresses in the city.

[28] The City of Iqaluit itself sends out privacy-sensitive mail, and has been working assiduously to update its own records of residents' civic addresses. Because of its role as the addressing authority, the City of Iqaluit had several advantages over GN departments:

- a. It had several months' advance notice of the Addressing Change.
- b. It has an up-to-date Master List of civic addresses.
- c. It is familiar with the anomalies created or revealed by the Addressing Change.

[29] Even with these advantages, the City of Iqaluit's internal updating process has not been easy. The city at first expected to obtain from Canada Post a list showing the correlation between old box numbers and new civic addresses, but Canada Post later informed the city that such a list could not, for privacy reasons, be made available. The City of Iqaluit therefore must update their address records manually. They are aiming to have their database fully updated by the Anniversary Date.

Implementation issues

[30] The transition from box address to civic address was, from citizens' perspective, not smooth.

[31] Through November and December 2023 there were usually very long lines at the two Iqaluit post offices. The Addressing Change was happening during the pre-Christmas period, which is a busy time for the post office anyway. Some residents were told their civic address was not in the Canada Post database, which required a visit to the City of Iqaluit offices and a lengthy wait for the Canada Post database to be updated. Some residents had to obtain identification

showing their civic address, which might require a visit to the GN Registry of Motor Vehicles. And of course almost everybody in Iqaluit was trying to pick up their new box keys during the first few days and weeks after the Change Date.

[32] As evidenced by postings to social media, during this transition period more mail than usual seemed to go missing, or ended up in the wrong hands. Some residents who found misaddressed mail in their boxes would leave it on an open counter in the post office, where it could be picked up by anyone. Some of this mail, which I saw personally, was from senders like the Canada Revenue Agency, the Qulliq Energy Corporation, banks, and insurance companies, suggesting that the contents may have been privacy-sensitive.

[33] By January 2024, the front-line implementation issues at Canada Post appeared to have been largely resolved. For the GN, the addressing issues remain.

Notice to the GN

[34] The GN received little or no advance notice of the Addressing Change.

[35] If there was advance notice to anyone in the GN, it did not filter down to the four departments whose privacy-sensitive mail is discussed in this Special Report. The four departments involved in this Special Report heard about the Addressing Change at the same time as everyone else.

[36] Because there was no advance notice, the four departments did no advance planning to assess or mitigate the overall business risk posed by the Addressing Change. The increased privacy risk is only one component of the overall business risk.

[37] If there was any internal discussion about the implications of the Addressing Change, it occurred after Change Day. For some departments, it occurred only after my letter of November 29, 2023, seeking information about the GN's response to the Addressing Change. That letter prompted the Department of Executive and Intergovernmental Affairs to survey all GN entities about their response to the Addressing Change.

Legal framework for the review

[38] I initiated this review under section 49.1(2) of the ATIPPA:

Where the Information and Privacy Commissioner has reason to believe that a public body has or may have collected, used or disclosed personal information in contravention of this Act, the Information and Privacy Commissioner may review the practices of the public body with respect to the collection, use and disclosure of personal information.

Sending privacy-sensitive mail to an incorrect address is a disclosure of personal information within the meaning of the ATIPPA.

[39] Section 42 of the ATIPPA lays down the standard for protection of personal information within the GN:

The head of a public body shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal.

[40] Section 42 typically comes into play when personal information is lost or stolen or is otherwise insecure: see, for example, *Department of Executive and Intergovernmental Affairs and twelve other public bodies (Re)*, 2023 NUIPC 12 (CanLII); *Department of Health (Re)*, 2023 NUIPC 6 (CanLII); *Department of Health (Re)*, 2020 NUIPC 19 (CanLII); *Department of Health (Re)*, 2020 NUIPC 14 (CanLII); *Department of Health (Re)*, 2020 NUIPC 5 (CanLII); *Nunavut Legal Services Board (Re)*, 2020 NUIPC 2 (CanLII); *Review Report 19-154 (Re)*, 2019 NUIPC 7 (CanLII).

[41] The standard set by section 42 – “reasonable security arrangements” – is vague. It must be fleshed out by policies, procedures, and precedents. I turn now to the question of what “reasonable security arrangements” means in the context of the Addressing Change.

Criteria for evaluation

[42] For useful guidance on the criteria for evaluation, I start with Investigation Report F08-02, a decision of the Information and Privacy Commissioner of British Columbia. BC cases are useful in Nunavut because their statutory standard is almost identical to Nunavut's section 42.

[43] The case involved the use of a courier to deliver unencrypted magnetic tapes containing personal information from New Brunswick to BC. The tapes were lost in transit.

[44] The BC Commissioner wrote the following about the "reasonableness" standard:

Section 30 of [the *Freedom of Information and Protection of Privacy Act*] requires a public body to take all reasonable measures to protect personal information under its custody or control. In Investigation Report F06-01, dealing with the provincial government's sale of computer backup tapes containing personal information, I said this about the meaning of "reasonable":

By imposing a reasonableness standard in s. 30, the Legislature intended the adequacy of personal information security to be measured on an objective basis, not according to subjective preferences or opinions. Reasonableness is not measured by doing one's personal best. The reasonableness of security measures and their implementation is measured by whether they are objectively diligent and prudent in all of the circumstances. To acknowledge the obvious, "reasonable" does not mean perfect. Depending on the situation, however, what is "reasonable" may signify a very high level of rigour.

The reasonableness standard in s. 30 is also not technically or operationally prescriptive. It does not specify particular technologies or procedures that must be used to protect personal information. The reasonableness standard recognizes that, because situations vary, the measures needed to protect personal information vary. It also accommodates technological changes and the challenges and solutions that they bring to bear on, and offer for, personal information security.

The nature and level of security will depend on the sensitivity of the information. As was also noted in Investigation Report F06-01:

The sensitivity of the personal information at stake is a commonly cited, and important, consideration. For example, a computer disk or paper file containing the names of a local government's employees who are scheduled to attend a conference or take upcoming vacation does not call for the same protective measures as a disk containing the medical files of those employees.

Sensitivity is a function of the nature of the information, but other factors will also affect sensitivity. For example, the sensitivity of medical treatment information for someone who died 70 years ago is less than for someone who died more recently or is living.

[45] This analysis was quoted approvingly by the Ontario Information and Privacy Commissioner in *PHIPA Order HO-011* (October 13, 2011). In that case, Cancer Care Ontario (CCO) sent sensitive but unencrypted medical information to Ontario doctors via Canada Post Xpresspost. Not all the packages reached their intended destinations.

[46] The Commissioner found that CCO did not take steps that were reasonable in the circumstances to ensure the secure transfer of the medical information. CCO had available to it more secure, electronic options for the transfer. The choice of sending the medical information in paper format via Canada Post was therefore unacceptable.

[47] The Commissioner emphasized the need for regulated entities to build flexibility into their program design:

Organizations subject to the *Personal Health Information Protection Act* (the Act) that implement programs involving personal health information must ensure that those programs are designed to reflect *evolving* privacy and security standards. In addition, those organizations are required to be vigilant in ensuring that their existing practices and procedures *continue* to protect privacy and *continue* to maintain the confidentiality of the personal information in their custody and control, in light of evolving standards.

[48] The Commissioner also noted the fact that CCO had not followed its own procedure for verifying the receipt of the packages:

It appears that despite the fact that the 2010 PIA [privacy impact assessment] indicated that the PCPs [primary care physicians] would be contacted to confirm receipt of the first wave of packages containing the Screening Reports, no such steps were taken by CCO. Consequently, CCO would only know if there was a problem with delivery if the package containing the Screening Reports was returned to LMG [a mail service forwarding provider contracted by CCO] as undeliverable, or if someone called to advise CCO that a PCP had not received his or her package. In other words, CCO was relying primarily on the return of undelivered Screening Reports to LMG for destruction as the primary method for determining the delivery status of the packages containing the Screening Reports, instead of proactively confirming receipt, as originally intended.

[49] My Review Report in *Department of Health (Re)*, 2023 NUIPC 6 (CanLII) at paragraph 49 and my Special Report in *Department of Executive and Intergovernmental Affairs and twelve other public bodies (Re)*, 2023 NUIPC 12 (CanLII) are also helpful to flesh out the meaning of “reasonable security arrangements”. The analysis in those reports is lengthy so I will not repeat it here, but I adopt it for purposes of this report.

[50] Considering all these precedents, I adopt the following as the primary criteria for evaluation:

- a. Responsibility: Each public body must take responsibility for its choice of delivery method. Responsibility for privacy protection cannot be offloaded to contractors, whether that is Canada Post or a courier or someone else. The public body needs to be aware of the privacy risks inherent in each delivery method, and be accountable for its choices.
- b. Sensitivity: The degree of privacy protection should be commensurate with the sensitivity of the personal information. The more sensitive the information, the greater the privacy protection it should receive.

- c. Foreseeability: The degree of privacy protection should be commensurate with the foreseeability of a privacy breach. The more foreseeable the risk, the greater the protection that is needed.
- d. Flexibility: The measures needed to protect privacy-sensitive should be flexible enough to address new technology and evolving needs. Reasonable security is not technically or operationally prescriptive. Situations vary and so should the response.
- e. Responsiveness: There should be some means by which citizens can report missing or misdirected deliveries of personal information. There should be a documented procedure for receiving and following up on reports of privacy-sensitive mail being lost or misdirected.
- f. Documentation: There should be written policies and procedures on the options for delivery of personal information, so that staff have guidance on how to choose an appropriate delivery method for privacy-sensitive mail.

Limitations of this Special Report

[51] This review is, of course, limited to the jurisdiction given to me by the ATIPPA. I am considering only the privacy risks created by the Addressing Change. There are other risks created by the Addressing Change that GN entities will have to consider. For example, if a renewed health-insurance card does not reach an addressee before the old card expires, that creates a business risk for Health, but it is not in itself a privacy risk. Another example: if a T5007 tax slip does not reach an addressee, that creates a business risk for Family Services, but it is not in itself a privacy risk.

[52] This review is not a review of Canada Post. Canada Post is a federal Crown corporation and is not within my jurisdiction. Nothing in this report should be taken as a comment about, or criticism of, Canada Post's operations generally or in Iqaluit specifically. Officials from Canada Post have provided background information to me for purposes of this review, and I thank them for their assistance.

[53] This review is not a review of the GN’s use of Canada Post as a delivery method. Nothing in this report should be taken as a recommendation that the GN stop using Canada Post. Canada Post will continue to be an effective and efficient delivery option for much of the GN’s printed mail. The focus of this Special Report is the GN’s preparedness for the Addressing Change.

[54] The City of Iqaluit is not a “public body” within the meaning of the ATIPPA and is not within my jurisdiction. Nothing in this report should be taken as a comment about the City of Iqaluit’s response to the Addressing Change. At the same time, the City of Iqaluit has had a “head start” on the GN, and GN entities can and should learn from their experience. Officials from the City of Iqaluit have provided background information to me for purposes of this review, and I thank them for their assistance.

[55] This review is not a privacy impact assessment (PIA) under section 42.1 of the ATIPPA, nor is it a call for the GN to prepare a PIA. The Addressing Change was an external event imposed on the GN, not a new or redesigned program or service of the GN. The PIA provisions therefore do not apply.

[56] This review does not cover GN mail to entities other than individuals. Incorporated entities face the same consequences of the Addressing Change as individuals. However the privacy protections in Part 2 of the ATIPPA apply only to “personal information”, which is defined in section 2 of the ATIPPA to mean “information about an identifiable individual”. The word “individual” does not include a legal person such as a corporation: *Legislation Act*, section 1(8).

[57] Finally, this review does not cover the GN’s incoming mail. Mail from citizens to the GN will often include personal information. I am informed by Canada Post that the GN’s primary mailing address in Iqaluit – PO Box 1000 – will continue to be a valid address after the Anniversary Date. But there is a wide variety of GN entities in Iqaluit, and some GN entities in Iqaluit have mailing addresses other than PO Box 1000. The GN needs to be alert for exceptions and anomalies that might affect incoming mail.

Analysis

[58] To keep the review within manageable boundaries, my focus is on privacy-sensitive mail from four specific GN programs:

- a. Department of Family Services: income assistance.
- b. Department of Health: health-insurance cards.
- c. Department of Finance: employee compensation.
- d. Department of Human Resources: employee discipline.

Family Services: income assistance

[59] I selected income assistance as a focus because of the number of clients, the importance of the program to clients' lives, and the relative vulnerability of the population. I surmised that clients of the income assistance program would include some people without stable housing and therefore without a stable civic address.

[60] According to DFS, as of March 2024 there are 696 households receiving income assistance in Iqaluit.

[61] I was informed by DFS that, with one major exception, not much mail is sent to clients in Iqaluit via Canada Post. That is because the program relies on monthly in-person visits. Most transactions are carried out during these face-to-face meetings. Client benefit cheques are physically handed to clients at the income assistance office. A small number of clients receive benefits via direct deposit, which includes direct-to-store payments.

[62] The major exception is the annual delivery via Canada Post of T5007 tax slips. Approximately seven thousand T5007 slips are mailed in February each year to communities throughout Nunavut, including Iqaluit.

[63] The T5007 is a privacy-sensitive document because it contains the client's name, address, income, and social insurance number. There is a risk of identity theft if the slip falls into the wrong hands.

[64] The DFS client database is called the Income Support Delivery System (ISDS). The ISDS includes a client’s mailing address, but not their civic address. The database is not currently configured to be able to capture civic address.

[65] DFS says a change request has been made to the IT contractor that services the ISDS. In the meantime, Iqaluit clients are being asked for their civic address during the monthly in-person meetings. That information is being entered in the “Case Notes” field in the ISDS. DFS knows this is not a long-term solution, but it is the best DFS can do for now.

[66] Given the potential problems with Iqaluit mailing addresses, DFS handled their T5007’s differently this year. The T5007 was hand-delivered to each Iqaluit client during the monthly in-person meeting. This approach was confirmed in a GN news release on February 27, 2024. The news release says, in part:

Due to recent changes in postal codes by Canada Post in Iqaluit, T5007 tax slips for 2023 will not be mailed out this year. Instead, they will be available for pick-up at:

- 607 Building, Income Assistance Office 2nd Floor
- Please bring a Photo ID

For Elders that are unable to pick up their slips, please call the Income Assistance Office at 867-975-6580 and we will arrange delivery.

For residents outside of Iqaluit, T5007 tax slips for 2023 have been mailed out as of February 26, 2024.

Family Services: Analysis

[67] I am satisfied that DFS has made “reasonable security arrangements” to reduce the risk of privacy-sensitive income-assistance mail being misaddressed before the Anniversary Date.

[68] That conclusion is based largely on a specific feature of the way income assistance is delivered in Iqaluit – monthly in-person meetings. Because of that

feature, DFS has effectively eliminated the risk of misaddressed mail by hand-delivering this year's T5007 tax slips.

[69] It remains to be seen if DFS will resume mailing the T5007 tax slips in February 2025. Between now and then, DFS will have to change its database configurations so that there is a database field for civic address. Then DFS will have to transfer all the address information recorded this year in the Case Notes field. DFS should not underestimate how much work remains to be done before the Anniversary Date.

[70] Monthly in-person meetings with clients are not typical of GN programs, so DFS's risk-mitigation plan is not replicable for most other departments and programs.

[71] I note that DFS has other programs, such as the day-care subsidy and senior citizens' supplementary benefits, for which mail is delivered via Canada Post. Some of the mail for those programs will be privacy-sensitive. These programs have a smaller number of clients than income assistance, but they also do not require monthly in-person meetings. DFS will have to plan accordingly, so that by the Anniversary Date it has correct civic addresses for all addressees in these programs.

Health: health-insurance cards

[72] I selected health cards as a focus because the program covers every Nunavut resident, and because it is the only GN program involving the delivery of a physical object (i.e. a health card) via Canada Post to every resident.

[73] The Nunavut Health Care Plan is managed by the Nunavut Health Insurance Programs (NHIP) office in Rankin Inlet. All permanent resident of Nunavut, plus certain visa holders with a Nunavut address, are enrolled in the plan.

[74] Every person enrolled in the plan receives a card that includes their name, date of birth, and a unique nine-digit identifier. The card is a privacy-sensitive document because the combination of name and date of birth creates a risk of identity theft if the card falls into the wrong hands.

[75] Assuming a card-holder remains eligible, the health card is valid for two years. Near the end of the two years, a new health card (with a new expiry date) is mailed out. If a health card is lost, the holder can apply for a replacement, which is also mailed out.

[76] Approximately 20,000 to 22,000 health cards are issued each year, for new residents, newborns, renewals, and replacements. Of this number, about 16,000 to 18,000 are renewals. Except for a small number that are picked up in person at the NHIP office in Rankin Inlet, all cards are sent via Canada Post.

[77] NHIP's electronic records are stored in a database called Medigent. For almost all cardholders, the database currently includes only the cardholder's box address, because that was (until the Addressing Change) the only address NHIP needed.

[78] To update the Medigent database, Health is relying on Iqalumiut to contact the NHIP with their civic address. In their own words (letter from Health to NUIPC, February 12, 2024):

The responsibility is on the individual to make any necessary changes to addresses on their healthcare registration file. Having said this, there will be public communication that reminds individuals to change their address and also written reminders sent to Iqaluit residents which will be included when their new renewed cards are mailed.

[79] Health says that residents who have not updated their mailing address will have their health card forwarded by Canada Post to the civic address. (I note in passing that this is true only until the Anniversary Date.)

[80] Alternatively, says Health, the envelope will be returned to the NHIP office as undeliverable. If that happens, NHIP staff will use the available contact information (e.g. telephone, e-mail) to attempt to contact the individual to confirm a valid mailing address. If contact is made, the NHIP will send an Application for Change of Information form to the individual, to be completed and submitted.

[81] As a privacy measure, says Health, changes are only made to individual client account data (including mailing address) by way of a written form that includes signed consent. For this reason, address changes by phone or fax are not permitted by the NHIP.

[82] A person wishing to notify the NHIP of their address change must:

- a. find the form online, print it, fill it in and sign it, and then either mail it or scan and e-mail it; or
- b. go to the local health centre or nursing station to get the form, and then fill it in and mail it.

A separate address-change form must be completed for each family member.

[83] Finally, Health stresses that nobody within Nunavut will be denied health care if they do not have their health card. (The situation may be different for Nunavummiut seeking health care elsewhere in Canada.) That is not related to the privacy considerations in this Special Report, but it is a point worth noting.

Personal responsibility

[84] When someone in Canada moves, most institutions – e.g. governments, banks, insurance companies, pension funds – expect that person to notify them of the new mailing address. If they do not, the consequences fall on the individual. This is a system of personal responsibility. It is, in most cases, appropriate, and indeed the only effective and efficient method for institutions to keep their database of mailing addresses current.

[85] The Addressing Change in Iqaluit is, in my view, different. In the past, Iqalummiut who moved within the city had no need to change their mailing address because their box address stayed the same. The Addressing Change, in contrast, is something that was imposed on all Iqalummiut. Their mailing address changed even though they did not move.

[86] The GN keeps track of citizen addresses in different databases. There is no “one stop” call that a citizen can make to change their mailing address in all GN

databases. It is likely that most citizens are unaware of all GN databases that contain their mailing address, and unaware of who they need to contact to change their mailing address for each database.

[87] Moreover, the Addressing Change applies to the entire population – young and old, high-income and low-income, literate and illiterate, housed and unhoused, transient and long-term, with a variety of first languages and degrees of connection to the GN and civil society. The increased risk of privacy-sensitive GN mail going astray will likely fall disproportionately on those least equipped to bear the risk.

[88] In these circumstances, a system of personal responsibility may not result in a fair allocation of risk.

Health: Analysis

[89] I am not satisfied that Health has made “reasonable security arrangements” to reduce the risk of health cards being misaddressed after the Anniversary Date.

[90] I find that Health’s current plan, which relies on residents to submit the address-change form, is not realistic. My finding is based on four weaknesses in Health’s plan:

- a. *Reliance on individual initiative.* For the reasons given in the section on personal responsibility (paragraphs 84 to 88), it is not realistic to expect that all Iqalummiut will proactively contact the NHIP with their civic address. The “public communication” planned by Health (paragraph 78) will reach only a portion of the population.
- b. *Volume of changes.* The city-wide addressing change is far beyond the NHIP’s normal annual volume of address changes, and there is no indication that the NHIP has allocated the resources needed to handle the increased volume.
- c. *Cumbersome change process.* The risk is increased by the cumbersome address-change process (paragraphs 81 and 82).

d. *Not all misaddressed mail will be returned.* Health's plan assumes that all misaddressed mail will be returned to the NHIP. Health does not appear to consider that some misaddressed mail will simply disappear. It is foreseeable, for example, that some mail containing a health card will be placed in the wrong postal box, and whoever receives it may discard it or open it rather than attempt to return it. In these cases, Health will be unaware that the card was not delivered to the addressee.

[91] For all these reasons, it is foreseeable that, starting on the Anniversary Date, there will be a materially increased risk of misaddressed health cards. An increased risk of misaddressed cards translates to an increased privacy risk.

[92] I recommend that Health review and revise its plan for responding to the Addressing Change, with due consideration being given to (a) reaching out to Iqalummiut before the Anniversary Date to obtain their civic address, (b) streamlining the NHIP address-change process, and (c) ensuring the NHIP staff is trained and resourced to process the expected volume of address changes.

Finance: employee compensation

[93] I selected mail related to employee payroll (including paycheques, pay stubs, and tax slips) as a focus because of the sensitivity and volume of the information. Payroll-related mail may (depending on what exactly it is) contain the employee's name, address, income details, and social insurance number. It is therefore privacy-sensitive.

[94] Another reason to select Finance was two recent Review Reports in which the root cause of a privacy complaint was Finance's failure to properly manage ex-employee addresses: *Department of Finance (Re)*, 2022 NUIPC 10 (CanLII); *Department of Finance (Re)*, 2021 NUIPC 3 (CanLII).

[95] Approximately 84,000 pieces of payroll-related mail are issued by the GN each year. About 95% are pay stubs. If an employee in Iqaluit receives a physical cheque, the cheque is delivered either via Canada Post to the employee, or is

picked up by the employee's department and distributed in person from there. Approximately two thousand T4 tax slips are sent by mail.

[96] As of February 23, 2024, there were 1,956 GN employees, both permanent and casual, residing in Iqaluit. That number fluctuates slightly. It is unknown how many of those live in the same household.

[97] Finance's electronic records for payroll, including employee addresses, are stored in a database called e-Personality. Finance also has hard-copy files of each employee's contact information, which may include their civic address. Finance is in the process of replacing e-Personality as part of its Enterprise Resource Planning (ERP) project. The GN expects to move to the new system, Fusion Cloud, by May 1, 2025.

[98] In response to the Addressing Change, Finance is relying on Iqalumiut employees to contact their pay and benefits officer with their civic address. In their own words (letter from Finance to NUIPC, February 23, 2024):

It is the employee's responsibility to notify their Pay and Benefits Officer of any change in address. Payroll has updated new addresses of their employees as they notify their Pay Officer. We will continue to update addresses on file with changes of street addresses. It is the expectation to have all updates to street addresses complete before moving to Fusion Cloud....

[99] Similarly, in the Legislative Assembly on February 27, 2024, the finance minister made a statement about an increase to the Nunavut Household Allowance. The minister concluded his statement with the following words (Hansard, page 4):

...I encourage all Government of Nunavut employees who receive this benefit to contact their pay and benefits officers to ensure their contact information and addresses on file are up to date.

Finance: Analysis

[100] I am not satisfied that Finance has made "reasonable security arrangements" to reduce the risk of privacy-sensitive payroll and benefits mail being misaddressed after the Anniversary Date.

[101] Finance’s risk-mitigation plan for payroll is similar to Health’s risk-mitigation plan for health insurance cards, which I have already found not to meet the “reasonable security arrangements” standard (paragraphs 89 to 91).

[102] Finance’s plan is, in my view, somewhat more realistic than Health’s plan because of the following factors:

- a. Lower volume: Finance is dealing with just under 2000 address changes in Iqaluit for GN employees, while Health is dealing with address changes for all permanent residents of Nunavut living in Iqaluit.
- b. More connected population: Finance is dealing with GN employees, who can reasonably be expected to be more “plugged in” to GN processes than the general population.
- c. Availability of pay officers: Each GN employee has a Pay and Benefits Officer, who can act as an information resource and who can follow up with any employee who has not changed their mailing address.

[103] Nevertheless, Finance’s approach to updating employee addresses suffers the same drawbacks as Health’s approach to updating health-insurance addresses: reliance on individual initiative is unlikely to work for at least some members of the GN workforce; the volume of address changes is much higher than pay officers are used to dealing with; the change process is more cumbersome than it could be; and not all misaddressed mail will be returned.

[104] Finally, I note that Finance is currently planning a transition from e-Personality to Fusion Cloud, with a target date of May 1, 2025. Finance states “it is the expectation to have all updates to street addresses complete before moving to Fusion Cloud”. Finance’s plan does not deal with the risk of misaddressed mail between the Anniversary Date (when automatic mail-forwarding ends) and May 1, 2025.

[105] I recommend that Finance review and revise its plan for responding to the Addressing Change, with due consideration being given to (a) reaching out to

Iqalummiut employees before the Anniversary Date to obtain their civic address, (b) allowing employees to change their own mailing address when signed into e-Personality's self-service feature, and (c) ensuring Pay and Benefits Officers are trained and resourced to process the expected volume of address changes.

Human Resources: employee discipline

[106] I selected employee discipline letters as a focus because of the sensitivity of the personal information they contain. The letters may contain, in addition to the employee's name and address, a wide variety of "personal information" within the meaning of the ATIPPA, such as employment history, discipline history, personal medical information, and detailed accounts of workplace incidents.

[107] Another reason I selected HR was the recent case of *Department of Human Resources (Re)*, 2023 NUIPC 7 (CanLII). In that case, a privacy-sensitive letter from HR was sent via registered mail. The envelope had a postal code that was incorrect by one character. The letter did not arrive at its destination for two months. When it did arrive, it had been cut open by a person unknown. The case shows what can happen when a mailing address is incorrect (even slightly) and when nobody is verifying that the privacy-sensitive mail has in fact been delivered.

[108] At the conclusion of that decision, I suggested that HR consider whether using registered mail for letters containing sensitive personal information continues to meet the "reasonable security arrangements" standard in section 42 of the ATIPPA. Because it was not a formal recommendation, there was no response from the minister, and I do not know if Human Resources has re-evaluated its delivery practices.

[109] HR does not track the number of employee discipline letters it sends each year. HR's preferred method for delivering correspondence to specific employees is by GN e-mail or in person. It will, however, use Canada Post registered mail if the employee is not actively at work. HR estimates it sends 15-20 registered letters per year.

[110] For employee addresses, HR uses the same e-Personality database as Finance. As noted above, Finance is in the process of replacing e-Personality with Fusion Cloud, with a target date of May 1, 2025.

Human Resources: Analysis

[111] HR does not appear to have any risk-mitigation plan for employee-discipline mail in response to the Addressing Change. The reason, however, is likely the very low volume of employee-discipline mail delivered via Canada Post. That distinguishes the situation from the other three programs examined in this Special Report.

[112] The risk of misaddressed employee-discipline mail is already mitigated by the fact that HR's preferred delivery methods are hand-delivery to the employee at work or e-mail delivery to the employee's GN e-mail address. The use by HR of registered mail via Canada Post is limited to cases where the employee is not at work and does not have access to their GN e-mail.

[113] HR estimates the number of employee-discipline letters sent by registered mail to be 15-20 per year. It is reasonable to assume that, of this number, only a handful would be sent to an Iqaluit address.

[114] The volume of employee-discipline mail sent via Canada Post is therefore so small that the Addressing Change does not materially increase the risk of misaddressed employee-discipline mail. I therefore have no recommendation to make to HR.

[115] That does not necessarily mean that HR's existing procedures are satisfactory. As shown by the case of *Department of Human Resources (Re)*, 2023 NUIPC 7 (CanLII), it is important that someone within HR actually check that the address is correct, and then track the envelope until it is signed for by the addressee or returned as undeliverable.

[116] Because HR uses the employee database housed within Finance, any deficiencies in that database apply equally to Finance and HR. HR is responsible for ensuring its privacy-sensitive mail is correctly addressed, even if it is using a database maintained by another department.

Two final comments

[117] This Special Report has examined only four kinds of privacy-sensitive GN mail. These four instances are meant to be case studies from which all GN entities can learn. Based on the analysis in this Special Report, all GN entities should consider how their own handling of privacy-sensitive mail might need to be revised to reduce or eliminate the privacy risk created by the Addressing Change.

[118] The consequences of the Addressing Change were postponed for one year because of Canada Post's decision to implement automatic mail-forwarding for all customers. The GN needs to take full advantage of that grace period. On October 31, 2024, when automatic mail-forwarding ends, the GN will find out how ready it really is.

Conclusion

[119] The Addressing Change materially increased Family Services' risk of misaddressed income-assistance mail in Iqaluit. Family Services has made reasonable security arrangements to reduce that risk.

[120] The Addressing Change materially increased Health's risk of misaddressed health-insurance mail in Iqaluit. Health has not made reasonable security arrangements to reduce that risk.

[121] The Addressing Change materially increased Finance's risk of misaddressed employee-payroll mail in Iqaluit. Finance has not made reasonable security arrangements to reduce that risk.

[122] The Addressing Change did not materially increase Human Resources' risk of misaddressed employee-discipline mail in Iqaluit.

Recommendations

[123] I recommend that Family Services follow through on its existing plans to add a “civic address” field to the ISDS database and to capture in that field, prior to the mailing of T5007 tax slips in 2025, the civic address of all Iqaluit clients (see paragraph 69).

[124] I recommend that Health review and revise its plan for responding to the Addressing Change, with due consideration being given to (a) reaching out to Iqalummiut before the Anniversary Date to obtain their civic address, (b) streamlining the NHIP address-change process, and (c) ensuring the NHIP staff is trained and resourced to process the expected volume of address changes (see paragraphs 89 to 92).

[125] I recommend that Finance review and revise its plan for responding to the Addressing Change, with due consideration being given to (a) reaching out to Iqalummiut employees before the Anniversary Date to obtain their civic address, (b) allowing employees to change their own mailing address when signed into e-Personality’s self-service feature, and (c) ensuring Pay and Benefits Officers are trained and resourced to process the expected volume of address changes (see paragraphs 100 to 105).

[126] I make no recommendation to Human Resources (see paragraphs 112 to 116).

Graham Steele

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