

Indian Residential Schools

**Adjudication Secretariat**

**Secrétariat d'adjudication**

**des pensionnats indiens**

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**F A X / Facsimilé**

**DATE:** April 4, 2014

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**TO/A:** Mr. Charlie Angus

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**TELE:** 613-992-2919

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**FAX:** 613-995-0747

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**FROM/DE:** Daniel Shapiro, Chief Adjudicator,  
Indian Residential Schools Adjudication Secretariat

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**TELE:** 306-790-4806

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Number of Pages (Including Cover Page) 4  
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Comments/Remarques:

**Response to Member of Parliament Charlie Angus from Chief Adjudicator Daniel Shapiro**

**Re: letter to Chief Adjudicator dated March 27<sup>th</sup>, 2014**

**\*\*\* Please confirm receipt of correspondence via a return fax to  
Fax # (306) 790-4635**

Regards,



**Krystal Springer, Executive Assistant to Daniel Shapiro**

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April 4, 2014

Charlie Angus  
Member of Parliament  
900 Édifice La Promenade Building  
Ottawa, ON K1A 0A6

*via Fax (613) 995-0747 (original by Courier)*

Dear Mr. Angus:

Thank you for your letter of March 27, 2014, about a possible data breach at the Indian Residential Schools Adjudication Secretariat (IRSAS).

Respecting the privacy of Independent Assessment Process (IAP) claimants, and the details of their claims, is one of the most important aspects of our work at IRSAS. We take this responsibility very seriously.

IRSAS has stringent measures in place to ensure all IRSAS staff and adjudicators are aware of the importance of protecting the confidentiality of information related to IAP claims and hearings. These measures include providing training for all staff on their responsibilities under the *Access to Information and Privacy Act*. In addition, adjudicators who are under contract with IRSAS are provided security training and must adhere to strict security requirements, including:

- The use of encrypted computers and encrypted USB keys for any IAP-related information;
- The use of encrypted tape recorders to make audio recordings of hearings; and
- Ensuring that all documents and digital files are stored and transported in accordance with measures designed to ensure that personal information is not released, even in the event of a theft or loss of equipment.

With reference to the specific questions in your letter, I can confirm the following:

- A possible security breach was identified in 2012 related to information that a person employed in the home of an Adjudicator ["the Individual"] initially stated he had stolen while in the Adjudicator's home. He later recanted, stating that he did not have such information and was bluffing. Following a review of the situation, it was determined that no breach had occurred and the Privacy Commissioner was not informed.

**Office of the Chief Adjudicator / Bureau de l'adjudicateur en chef**

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- On March 12, 2014, after my office had heard nothing on the matter since 2012, I was unexpectedly contacted by phone, by the same individual saying, again, that he may have information related to IAP claims obtained from the home of an Adjudicator. He subsequently recanted once again and has indicated that he does not in fact have any IAP information. He has also indicated that he is disgruntled with the Adjudicator and is motivated to see the Adjudicator removed from the job,

To be clear, we have at no time received any credible evidence that the individual does in fact have any confidential information. Rather, what we have received are unsupported statements from a disgruntled individual who has admitted his motivation to harm an Adjudicator. The Adjudicator has assured us that strict security measures have been followed and that the individual does not have any confidential IAP Information in his possession. Nonetheless, IRSAS lawyers were contacted as soon as the incident occurred and have been gathering information on the issue. Aboriginal Affairs and Northern Development Canada (AANDC) security was notified on March 14<sup>th</sup>, 2014 when it was determined that additional information was required to determine if a breach had actually occurred.

- After gathering additional information from the Adjudicator, the individual, and the police, the Privacy Commissioner was informed on March 24<sup>th</sup>, 2014.
- The police were initially contacted by IRSAS lawyers March 14<sup>th</sup>, 2014 in an effort to obtain information. Ultimately, information was provided to IRSAS lawyers, by the police on March 26<sup>th</sup>, 2014 - none of which shed light on whether the individual may have any IAP information. While the Secretariat has not made a police report (since we have not determined that anything has in fact been stolen), we have made a request to the Chief of Police that the matter be investigated.

The IRSAS adjudication function is independent from the Department, as per the Indian Residential Schools Settlement Agreement. The Department provides IRSAS corporate services such as human resources, security and privacy. The Department is working in conjunction with IRSAS to investigate this potential breach.

Given that we have no evidence that any information has actually been stolen, we are not in a position to know who, if anyone, could be impacted by this situation and, accordingly, are not in a position to contact any individuals in this regard. However we are preparing a notice for our website that we will be posting within the next day or two.

We are working closely with the Office of the Privacy Commissioner (OPC) on this matter. As we gather more information about the possible breach and determine whether any personal information was compromised, we will decide on an appropriate course of action in close consultation with the OPC.

I could not agree with you more that the protocols for protecting personal data must be considered of paramount importance. It is for this reason that we have instituted the strong security measures that I have described above. Please rest assured that every measure is being taken to ensure that personal information related to claimants and others involved in the Independent Assessment Process is protected.

Thank you

A handwritten signature in black ink, appearing to read "Dan Shapiro". The signature is fluid and cursive, with the first name "Dan" being more prominent than the last name "Shapiro".

Dan Shapiro  
Chief Adjudicator

DS/ks