

*Charlie Angus*

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HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

Chief Adjudicator, Daniel Shapiro  
Indian Residential Schools Adjudication Secretariat  
100 - 1977 Scarth Street  
Regina, SK S4P 2H1

March 27<sup>th</sup> 2014

**RE: Data Breach at the Secretary of Indian Residential Schools Adjudication (SAPI)**

Dear Mr. Shapiro,

There are reports of a data breach of personal and medical files of survivors of the residential schools that may have resulted in criminal efforts to target lawyers involved in the Independent Assessment Process (IAP).

While the lawyer's identity should remain private, questions must be asked as to how this breach occurred; what steps were taken following the breach and whether or not the Privacy Commissioner was appropriately consulted over this potentially damaging loss of sensitive information.

On March 25<sup>th</sup> in the House of Commons, Minister Bernard Valcourt was asked about this issue and replied that the Privacy Commissioner had only been alerted on March 24, 2014, presumably once the media began calling. Mr. Valcourt also stated that any questions regarding this breach be referred to the Chair of the Residential School Adjudication Secretariat. Further, Mr. Valcourt stated that the Secretariat is an independent process from government.

From what I can tell, the entirety of the IAP process is under the responsibility of Aboriginal Affairs and Northern Development Canada. Further, it is my understanding that the IRS Secretariat employees are all employees of the federal government and under the same policies and rules as all federal civil servants. I understand that there are also independent IAP claimant lawyers, who act for the IAP claimants. Furthermore, there are IAP lawyers or paralegals from the federal Department of Justice who are under the Attorney General of Canada.

Therefore, it would seem reasonable to conclude that this data breach falls under section 3 of the Privacy Act. According to some media reports, the theft of this information occurred in 2012 and yet,

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according to Minister Valcourt, the Privacy Commissioner was only informed on March 24, 2014. Given that there may be criminal attempt behind this breach, the gap between the loss of the data and the involvement of the Privacy Commissioner is troubling.

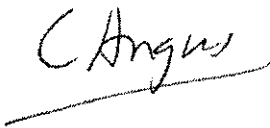
In order to maintain confidence in the work of the IAP I am hoping that you can clarify some important questions.

- *Can you confirm that this breach happened at the IAP and the date of the breach?*
- *On what date was AANDC informed that data had been stolen?*
- *Under whose responsibility was the data- SAPI or AANDC?*
- *Did your officials undertake discussions with officials at AANDC about compliance with the Privacy Act and the importance of breach notifications?*
- *On what date were the police called?*
- *What is the reason for the lapse between the time you became aware of this theft and the involvement of Privacy Commissioner?*
- *Is Privacy training being offered and required and is every employee covered including contractors?*
- *Last, but most important, have your officials made efforts to inform the survivors whose personal information may have been compromised or stolen?*

I understand that the Secretariat is handling highly sensitive personal information and takes this work seriously. I have no desire to point the finger at any individual employee. However, the larger issue of protocols for protecting personal data must be considered of paramount importance. It is important to reassure the survivors and the public that every measure was taken and is taken to address this potentially damaging breach.

I look forward to hearing your response to this matter.

Sincerely,

A handwritten signature in black ink that reads "C Angus". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Charlie Angus, MP  
Timmins-James Bay