

## COVID-19 RESOURCE CENTER

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### *At-Home Workers and Privacy Concerns*

April 3, 2020

With large numbers of personnel working from home as a result of Covid-19 quarantine, isolation and social distancing measures, the risk of accidental (and not-so-accidental) disclosure of personal information has increased exponentially. Home offices, the use of personal email accounts, home computers (that are often shared with other household members), unsecure or marginally secure networks, and unreliable internet connections are just some of factors that contribute to the risk.

In 2019, the federal government enacted legislation requiring mandatory reporting of any privacy breach that presents a “real risk of significant harm” to affected individuals. Not only must the individual be notified of the breach, but a report must be made to the federal Office of the Privacy Commissioner describing:

- The circumstances and cause of the breach;
- The personal information involved;
- Steps taken to reduce/mitigate the harm to individuals; and
- The notifications made to the affected individual(s).

The wording of the legislation is intentionally vague, and in each case what will constitute both a “real risk” and “significant harm” requires a subjective review of the event. Even a single unauthorized disclosure of highly sensitive information, such as personal medical information, may trigger the requirement, whereas a larger breach of less sensitive information, such as telephone numbers, may not.

Note that these requirements do not apply to personal information that is governed solely by the BC privacy legislation, PIPA, which does not (yet) have a reporting requirement.



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