

August 18, 2021

VIA EMAIL

Attention: [REDACTED]

Dear [REDACTED]

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* (File #: PB/770/2021)**

On July 20, 2021 NL Hydro received your request for access to the following records/information:

*I have a few questions about your organization's information holdings:*

- *Have you conducted any Privacy Impact Assessments for systems that contain customer data, for your consumer-facing websites and apps, or for any programs you offer related to smart home services or real-time monitoring of electricity usage (similar to Hydro-Quebec's [Hilo! program](#), for example)? If so, could you please provide a list of any PIAs conducted in the last five years, from Jan. 2017 to now?*
- *Do you require SOC 2 compliance of any SaaS (IT) service providers you use? What other safeguards do you put in place to ensure that customer data isn't mishandled by a service provider?*
- *Does your organization share, transfer, rent, sell or otherwise monetize datasets containing personal information, whether it's about an identifiable individual or de-identified? (Please note that in the 2014 report *Metadata and Privacy: A Technical and Legal Overview*, the Office of the Privacy Commissioner of Canada defined metadata as personal data. Types of personal data you may have could include customers' information, including address; mailing lists; purchase history; usage history, etc.)*
  - *If so, can you please provide information on what those products are and what information they contained?*
  - *If so, how much revenue was generated from these sales in the 2019 and 2020 fiscal years?*
- *Does your organization have any agreements with service providers that grant the contractor the ability to share, transfer, rent, sell or otherwise monetize identified or de-identified data?*

- *If so, please provide the name of the contracting company and the terms of the agreement permitting this data monetization.*
- *If so, please describe the steps your organization takes to safeguard people's privacy.*
  
- *Does your organization purchase data products outside of the data you collect from individual users?*
  - *If so, who do you purchase these products from and what is the purpose for the purchase?*
  - *If so, is that data stored separately from data your corporation collects?*
  
- Since January 2018, how many cyber incidents did NL Hydro experience annually? Did any result in a data breach, with personal or corporate information being accessed by someone who wasn't authorized to access it?

Please see Appendix A, attached hereto, for the information that is responsive to your request.

In keeping with our standard practice, it is our intention to post this letter on the Nalcor Energy website.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (*the Act*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL. A1B 3V8  
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

If you have any further questions, please feel free to contact the undersigned by telephone at (709) 733-5346 or by e-mail at [granthiscock@nalcenergy.com](mailto:granthiscock@nalcenergy.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Grant Hiscock". The signature is stylized with a large initial "G" and a cursive "H".

Grant Hiscock  
Access and Privacy Officer

### **Access or correction complaint**

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

**Direct appeal to Trial Division by an applicant**

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

## **Appendix A - Response**

- (1) *Have you conducted any Privacy Impact Assessments for systems that contain customer data, for your consumer-facing websites and apps, or for any programs you offer related to smart home services or real-time monitoring of electricity usage (similar to Hydro-Quebec's [Hilo! program](#), for example)? If so, could you please provide a list of any PIAs conducted in the last five years, from Jan. 2017 to now?*

**Response:**

NL Hydro has few consumer facing systems and applications. While no formal privacy impact assessments have been conducted to date, it will be an area of focus for NL Hydro moving forward and it was recognized as an area of importance in the recent final report of the Statutory Review of the *Access to Information and Protection of Privacy Act*, which applies to all public bodies in Newfoundland and Labrador.

- (2) *Do you require SOC 2 compliance of any SaaS (IT) service providers you use? What other safeguards do you put in place to ensure that customer data isn't mishandled by a service provider?*

**Response:**

When NL Hydro acquires any Software-as-a-Service related services there is a standard list of questions regarding security, incident response and privacy that are mandatory for the respondents to answer (SOC 2 is a component of these questions).

- (3) *Does your organization share, transfer, rent, sell or otherwise monetize datasets containing personal information, whether it's about an identifiable individual or de-identified? (Please note that in the 2014 report Metadata and Privacy: A Technical and Legal Overview, the Office of the Privacy Commissioner of Canada defined metadata as personal data. Types of personal data you may have could include customers' information, including address; mailing lists; purchase history; usage history, etc.)*
- *If so, can you please provide information on what those products are and what information they contained?*
  - *If so, how much revenue was generated from these sales in the 2019 and 2020 fiscal years?*

**Response**

*NL Hydro is not involved in any of the activities identified.*

- (4) *Does your organization have any agreements with service providers that grant the contractor the ability to share, transfer, rent, sell or otherwise monetize identified or de-identified data?*

- *If so, please provide the name of the contracting company and the terms of the agreement permitting this data monetization.*
- *If so, please describe the steps your organization takes to safeguard people's privacy.*

**Response**

*NL Hydro is not involved in any of the activities identified.*

- (5) *Does your organization purchase data products outside of the data you collect from individual users?*
- *If so, who do you purchase these products from and what is the purpose for the purchase?*
  - *If so, is that data stored separately from data your corporation collects?*

**Response**

*NL Hydro is not involved in any of the activities identified.*

- (6) *Since January 2018, how many cyber incidents did NL Hydro experience annually? Did any result in a data breach, with personal or corporate information being accessed by someone who wasn't authorized to access it?*

**Response:**

*NL Hydro does not release information of this nature pursuant to the following exception to disclosure, as specified in the *Access to Information and Protection of Privacy Act* (the Act):*

*31. (1) The head of a public body may refuse to disclose information to an applicant where the disclosure could reasonably be expected to*

*(l) reveal the arrangements for the security of property or a system, including a building, a vehicle, a computer system or a communications system.*