

Code of Ethics

Ethics refers to standards of behaviour that tell us how human beings ought to act in the many situations we find ourselves. Two ethical frameworks best apply to the work of the Office of the Information and Privacy Commissioner (OIPC):

Rights approach: We look to protect and respect the rights of anyone who could be impacted by ethical decisions we must make. Our intent is for people to be treated fairly and with dignity and not as a means to an end.

Fairness: Everyone should be treated equally regardless of their position or influence.

Part 1: Purpose

The purpose of this code is to describe the standard of conduct which the Commissioner and all staff will strive to maintain. Public bodies, health custodians, organizations and citizens have a right to expect that the OIPC will conduct itself in all matters using an independent, fair and transparent process with impartial, objective and competent staff. The goal of this code is to assist the Commissioner and OIPC staff with any difficult ethical and professional issues which confront us, to ensure transparency in our ethical decision-making process and to provide for a complaint mechanism.

Part 2: Ethical Standards

1. Independence: At all times we must exercise our functions free of extraneous influence.

Notes:

- i. We must exhibit and promote high standards of conduct so as to reinforce public confidence in the independence of the OIPC.
- ii. We have a duty to report wrongdoing and must firmly reject any attempt to influence decisions outside of the proper process.
- iii. We must not directly or indirectly accept a fee, gift or personal benefit that is connected directly or indirectly with the performance of our duties of office. Cost recovery does not qualify as a fee, gift or personal benefit.
- iv. Protocol gifts are acceptable up to a value of \$50. Any gift that exceeds that amount must be reported and may need to be returned.
- v. We must be politically neutral in the performance of our duties.

- 2. Impartiality:** At all times we must be and should appear to be impartial with respect to matters that come before us.

Notes:

- i. Our appeal processes must be fair and reasonable and in accordance with the rules of natural justice.
- ii. We will report the outcome of any investigation or review in an impartial and objective manner.
- iii. We must conduct personal and business affairs so as to minimize the occasions on which it will be necessary to be disqualified from a case due to a conflict of interest or perceived conflict of interest.
- iv. We will avoid any behaviour that may give an impression that a personal or social relationship exists with any party that could give rise to a reasonable apprehension of bias.
- v. We will strive to ensure that our conduct, both in and out of the office, maintains and enhances confidence in our impartiality as individuals and in the impartiality of the OIPC.
- vi. The appearance of impartiality will be assessed from the perspective of a reasonable, fair minded and informed person.

- 3. Competence & Diligence:** We will discharge our duties conscientiously, carefully, diligently and promptly.

Notes:

- i. We must take the measures required to keep up-to-date and to upgrade the knowledge and skills we need to perform our duties.
- ii. We will promote a spirit of creativity, flexibility and openness.
- iii. We will endeavour to perform all of our duties with reasonable promptness.

- 4. Justice:** We will treat all people fairly and equitably. All of our work must be grounded in the applicable law.

Notes:

- i. We will not prejudge any matter but will wait until all evidence is presented.
- ii. All parties must be given a full and fair opportunity to present their case, ask questions and to present relevant evidence.
- iii. All parties must be advised of the relevant statutory provision at issue.

- 5. Integrity:** We must perform our duties and functions of office in a manner that promotes public confidence and trust in the integrity of the office. We must ensure that our conduct is above reproach in the view of a reasonable, fair minded and informed person.

Notes:

- i. We must ensure that confidential information in our custody or control is at all times secure. We must not disclose any information gained in the course of our duties other than for purposes directly related to and necessary for the operating programs of the OIPC.
- ii. We must avoid conflicts of interest, including the following circumstances:
 - a. We must not take advantage of our official positions to further a private interest.
 - b. We must not take advantage of information obtained in the course of our official duties to further a private interest.
- iii. We must arrange our private affairs in a manner that promotes public confidence and trust in the integrity of the office.
- iv. We must not directly or indirectly further a private interest by:
 - a. Making or participating in making a decision if we know or ought to reasonably know that making of the decision could potentially further a private interest.
 - b. Seeking to influence a decision of another person.
- v. We must avoid the use of social media or other online activity that could reflect negatively on the integrity and legitimacy of the office.
- vi. All reports including review reports, investigation reports, reporting letters and emails must be factual, honest, accurate and complete.
- vii. We must conduct personal and business affairs so as to minimize the occasions on which it will be necessary to be disqualified from a case.
- viii. Staff must report any conflict of interest or potential conflict of interest to the Commissioner. The Commissioner must disclose any conflict of interest or potential conflict of interest to the Director.

- 6. Respect:** At all times we will treat all parties to any proceeding in a courteous and respectful manner.

Notes:

- i. We will avoid casual, social or private conversations with parties before, during or after a matter has concluded.
- ii. We will perform our duties without discrimination.
- iii. We will strive to be aware of and understand differences arising from, for example, gender, race, religious conviction, culture, ethnic background, sexual orientation or disability.
- iv. We will recognize the value and benefits of diversity and differences.

Part 3: Complaint Process

How to make a complaint

Complaints must be made in writing. If a complainant requires assistance with writing out a complaint, we will assist the complainant.

Who will investigate the complaint?

Complaints will be initially reviewed and investigated by the individual's supervisor. If the matter is not resolved, the complaint will be assigned to the Commissioner unless the complaint is against the Commissioner. In that case, with the consent of the complainant, the review will be performed by an Information and Privacy Commissioner from another jurisdiction.

How will the investigation be conducted?

Investigations may be based on written submissions or may include interviews with witnesses. Employees are entitled to see a copy of the complaint made against them. Complainants will be advised of this requirement prior to their complaint being provided to the employee in question.

What are the possible outcomes?

Possible outcomes will be proportionate to the ethical problem identified. Wherever possible, the emphasis will be on education and process improvement. Disciplinary action is a possible outcome as is a conclusion that no further action is required. The complainant will receive a reporting letter detailing findings, conclusions and consequences.