

Chapter 37

Justice and Information Technology Office—Protecting Saskatchewan Data

1.0 MAIN POINTS

In response to a request from the Standing Committee on Public Accounts, in our *2011 Report – Volume 2*, Chapter 20, we reported the results of our study on processes of the Information Technology Office (ITO) to protect Saskatchewan data managed by a third-party contractor. We made two recommendations, one directed at ITO (now part of the Ministry of Central Services), the other at the Ministry of Justice. This chapter reports the results of our follow-up on actions taken by the ITO and the Ministry of Justice to September 30, 2013. ITO has implemented its recommendation. The Ministry of Justice has not yet implemented its recommendation.

2.0 INTRODUCTION

This chapter describes our follow up of management action on recommendations we made in 2011.

On June 6, 2011, the Standing Committee on Public Accounts (PAC) asked that:

...when the Provincial Auditor next reports that they take a look at all of the necessary protections that ITO [Information Technology Office] has in place to ensure the citizens of Saskatchewan that their third-party contractor cannot share information with the parent company where the parent company is subject to the Patriot Act.¹

In our *2011 Report – Volume 2*, Chapter 20, we reported the results of our study on ITO's processes to protect Saskatchewan data. We noted that the protections put in place by ITO could not ensure that information would not be accessible through the operation of the *USA Patriot Act*.² We further noted that short of a decision to exclude a third-party contractor because of its corporate ownership (ITO uses a third-party contractor to deliver network and data centre services), ITO's contractual protections represented a reasonable attempt to manage risks related to the *USA Patriot Act*. We made two recommendations, one directed at ITO, the other at the then Ministry of Justice and Attorney General. Effective May 25, 2012, ITO became part of the Ministry of Central Services and the Ministry of Justice and Attorney General became the Ministry of Justice.

To conduct this review, we followed the standards for assurance engagements published in the *CPA Canada Handbook - Assurance*.

¹ http://docs.legassembly.sk.ca/legdocs/Legislative%20Committees/PAC/Minutes/PAC_35_Minute_June_6_2011.pdf (25 October 2013).

² The *USA Patriot Act* refers to United States Public Law 107-56, 115 STAT. 272, "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001".



3.0 STATUS OF RECOMMENDATIONS

This section sets out each recommendation, the actions of the Ministry of Justice and of the Ministry of Central Services—Information Technology Office (ITO) to September 30, 2013, and the status of the recommendations. We found that the Ministry of Justice has not implemented its recommendation and ITO has implemented its recommendation.

3.1 Consultation Needed on Legislation

We recommended that the Ministry of Justice (formerly the Ministry of Justice and Attorney General) consider the benefits, in consultation with Saskatchewan’s Information and Privacy Commissioner, of changes to Saskatchewan’s general access and privacy legislation, which could serve to mitigate risks related to the *USA Patriot Act*. In particular, Saskatchewan’s Information and Privacy Commissioner has expressed concerns and made recommendations regarding the “duty to protect” personal information and data in prior years. (2011 Report – Volume 1; Public Accounts Committee agreement June 25, 2012)

Status – Not Implemented

The Ministry of Justice has advised that consideration of changes to access and privacy legislation and the views of Saskatchewan’s Information and Privacy Commissioner will be included in its upcoming general review of the legislation.

3.2 Risk Analysis Documented

We recommended that the Ministry of Central Services—Information Technology Office (formerly the Information Technology Office) document its analysis of risks related to the *USA Patriot Act*. (2011 Report – Volume 1; Public Accounts Committee agreement June 25, 2012)

Status – Implemented

ITO has documented its analysis of risks related to the *USA Patriot Act*. Its assessment of related risks, together with mitigation strategies, is recorded in its risk register.