

## Privacy watchdog expands probe over lost USB key to include justice department

The federal privacy commissioner is now investigating the justice department over a missing USB key containing the personal data of people who applied for CPP disability benefits.

**By:** [Joanna Smith](#) Ottawa Bureau reporter, Published on Mon Feb 25 2013

OTTAWA—The federal privacy watchdog is now investigating the justice department over the loss of an external hard drive containing the personal information of 5,000 people who applied for [Canada Pension Plan disability benefits](#).

The Star obtained a letter signed by Virginia Schwartz, senior adviser of investigations at the Office of the Privacy Commissioner of Canada addressed to someone who filed a complaint after learning their personal data was on the USB key reported missing by Human Resources and Skills Development Canada (HRSDC) last December.

“I wish to advise you that it has come to our attention that an employee from the Department of Justice Canada may also have been involved in the incident which resulted in the loss of the USB device,” says the letter dated Feb. 14.

“On January 28, 2013, the Privacy Commissioner initiated a complaint against Justice Canada in relation to the loss of the information stored on the USB device,” the letter continued.

“Our Office is therefore investigating both HRSDC and Justice Canada regarding this incident,” said the letter, telling the complainant the office would amend their complaint to include the federal justice department unless they wrote a letter denying consent.

Anne-Marie Hayden, a spokeswoman for privacy commissioner Jennifer Stoddart, confirmed the contents of the letter but said she could provide no further comment on the ongoing investigation.

“Our office is contacting those who have already filed an official complaint against HRSDC in relation to the USB key incident to seek their consent to an amendment of their complaint to include both HRSDC and Justice Canada as respondents. This will enable those complainants to provide our office with information or comments which they feel are relevant to HRSDC’s involvement and Justice Canada’s involvement in this incident,” Hayden wrote in an email Monday.

A copy of the letter was emailed to the Star by the Toronto-based law firm Falconer Charney, which launched a class-action lawsuit on behalf of people whose information was on the device.

The name, address and file number of the complainant was censored.

Andrew Eckart, an associate at the firm, said the letter was provided by someone affected by the privacy breach.

Spokespeople for Human Resources Minister Diane Finley and Justice Minister Rob Nicholson were not immediately available or able to comment.

HRSDC told the office of the privacy commissioner last December that it had lost a USB key containing the personal information of about 5,000 Canadians who had applied for disability benefits through the Canada Pension Plan.

A letter HRSDC sent to affected individuals suggested the information found on the USB stick included social insurance numbers, occupations, birth dates, medical information and whether they are claiming workers' compensation.