

Sample STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	HR 5.07.ON
Section:	Employee Relations	Issued:	Nov. 22, 2019
Subject:	PERSONAL INFORMATION PROTECTION	Effective:	Jan. 1, 2020
Issue to:	All Manual Holders	Page:	1 of 6
		Replaces:	HR-11
Issued by:	Community Resource Centre	Issued:	Feb 2017

1 POLICY

- 1.01 The **Community Resource Centre** is committed to protecting the privacy of its employees, clients/customers and confidential business information.
- 1.02 Employees are obligated to ensure that personal information to which they may have access remains confidential, is only used for the purposes for which it was collected, is not disclosed without authorization or used for personal gain.
- 1.03 Employees are required to follow all procedures regarding collection, use and disclosure of personal information as set out in this policy.
- 1.04 Employees who disclose personal information contrary to this policy will be subject to disciplinary measures, up to and including discharge for cause.
- 1.05 The **Executive Director** is accountable for the implementation of this policy. Any issues or questions regarding this policy should be directed to the **Executive Director**.

2 PURPOSE

- 2.01 Employees, at one time or another, may receive personal, privileged and/or confidential information which may concern other employees, organizational operations or clients/customers. The purpose of this policy is to preserve the privacy of employees, clients and the **Community Resource Centre**, by outlining employee obligations and procedures for dealing with personal, privileged and/or confidential information.

3 SCOPE

- 3.01 This policy applies to all board members, employees, contractors, subcontractors of the **Community Resource Centre** or anyone else who is granted access to personal, privileged and/or confidential information.

4 RESPONSIBILITY

- 4.01 Employees are responsible for:
- keeping their own employee files current regarding name, address, phone number, dependents, etc.
 - being familiar with and following policies and procedures regarding personal information;
 - obtaining the proper consents and authorizations prior to disclosure of personal, privileged and/or confidential information;
 - immediately reporting any breaches of confidentiality to their Supervisor;
 - keeping private passwords and access to personal, privileged and/or confidential data;

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- explaining this policy to clients and referring them to the **Executive Director** if necessary;
- relinquishing any personal, privileged, confidential or client information in their possession before or immediately upon termination of employment.

4.02 Supervisors are responsible for:

- notifying employees of the purposes of the collection, use and disclosure of general employee information and personal information and obtaining the employees' consent;
- ensuring policies and procedures regarding collection, use and disclosure of personal information are consistently adhered to;
- responding to requests for disclosure only after the proper release is obtained;
- cooperating with the **Executive Director** to investigate complaints or breaches of policy;
- obtaining from employees prior to their termination any personal, privileged, confidential or client information in their possession.
- ensuring that disclosure of personal information or personal health information to a third party is done with the approval of the **Executive Director** in order to minimize risk of non-compliance with applicable legislative or regulatory regimes.

4.03 Human Resources and/or Payroll personnel are responsible for:

- ensuring that appropriate consents have been obtained from employees with respect to the collection, use and disclosure of general employee information and personal information;
- maintaining systems and procedures to ensure all employee records are kept private;
- obtaining the proper consents and authorizations prior to disclosure of information contained in employee records;
- responding to employees' requests for access or corrections to their general employee information records;
- ensuring proper disposal of unnecessary files/information.
- maintaining separate files to ensure that personal and personal health information is protected.
- ensuring that disclosure of personal information or personal health information to a third party is done with the approval of the **Executive Director** in order to minimize risk of non-compliance with applicable legislative or regulatory regimes.

4.04 The **Executive Director** is responsible for:

- internal compliance with applicable policies or legislation;
- cooperating with supervisors, human resources and/or payroll personnel in developing internal policies for the collection, use and disclosure of personal information and personal health information of employees and clients;
- monitoring and responding to third party requests for personal information or personal health information;

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- ensuring appropriate consents are obtained for the collection, use and disclosure of personal information and personal health information;
- where collection, use or disclosure is permitted without prior consent, notifying individuals of the collection, use and disclosure of personal information and/or personal health information after such occurrence.

5 DEFINITIONS

5.01 **“General employee information”** means personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the organization and that individual, but does not include personal information that is not about an individual's employment.

5.02 **“Personal information”** is any information about an identifiable individual and may include race, ethnic origin, colour, age, marital status, family status, religion, education, medical history, criminal record, employment history, financial status, address, telephone number, and any numerical identification, such as Social Insurance Number. Personal information also includes information that may relate to the work performance of the individual, any allegations, investigations or findings of wrongdoing, misconduct or discipline. Personal information does not include job title, business contact information or job description.

5.03 **“Personal health information”** is information about an identifiable individual that relates to the physical or mental health of the individual, the provision of health care to the individual, the individual's entitlement to payment for health care, the individual's health card number, the identity of providers of health care to the individual or the identity of substitute decision-makers on behalf of the individual.

5.04 **“Third party”** is an individual or organizations other than the subject of the records or a representative of the **Community Resource Centre**. Note that in certain circumstances, the **Community Resource Centre** may be entitled to provide personal information to a third party acting as an agent of the **Community Resource Centre**.

5.05 **“Service provider”** means any organization, including, without limitation, a parent corporation, subsidiary, affiliate, contractor or subcontractor, that, directly or indirectly, provides a service for or on behalf of the **Community Resource Centre**.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

Personal Health Information Protection Act (Ontario)
Personal Information Protection and Electronic Documents Act (PIPEDA) (Canada)
 SPP HR 2.10.ON — Third Party Reference Requests
 SPP HR 5.08.ON — Computer, Email and Internet Use

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SPP HR 5.17.ON — Access to Employee Records

7 PROCEDURE

7.01 Employee Records

- (a) An employee's supervisor, higher level managers, human resources and payroll personnel shall have access to an employee's general employee information record. An employee's supervisor, higher level managers, human resources and payroll personnel will have access to an employee's personal information and personal health information if the **Executive Director** determines that such access is permissible and necessary. Personal information and personal health information will not be disclosed outside of the organization without the knowledge and/or approval of the employee. Notwithstanding the foregoing, the **Community Resource Centre** will cooperate with law enforcement agencies and will comply with any court order or law requiring the use or disclosure of personal information without the employee's consent.
- (b) Employees may request access to review their general employee information records in accordance with policy SPP HR 5.17.ON — Access to Employee Records. No material contained in an employee's records may be removed from the file and a representative of the **Executive Director** will be present during the viewing of the file.
- (c) An employee may provide a written notice of correction related to any data contained in the employee's file. The notice of correction shall be provided to the **Executive Director**. If the **Community Resource Centre** is satisfied on reasonable grounds that such a request should be implemented, the information shall be corrected as soon as reasonably possible and the corrected personal information will be sent to each organization to which the personal information was disclosed during the year before the date the correction was made. If no correction is made, the **Community Resource Centre** shall annotate the personal information under its control with the correction that was requested but not made.
- (d) Employee requests for disclosure of their own personal information to third parties must be accompanied by a completed, signed and dated Authorization to Release Personal Information form. This form should also be used in dealings with insurance companies with respect to employee benefits and to provide confirmation of earnings to financial institutions for lending purposes.
- (e) Unless retention of general employee information, personal information or personal health information is specified by law for certain time periods, any information that is no longer required to fulfill the identified purpose shall be destroyed, erased or made anonymous within **[twelve (12) months]** after its use.

7.02 Client Information

- (a) Personal, privileged and/or confidential information about customers and clients

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may only be collected, used, disclosed and retained for the purposes identified by the **Community Resource Centre** as necessary and only after such purpose has been disclosed to customers and clients prior to collection, and their consent obtained.

- (b) Employees must ensure that no personal, privileged and/or confidential client information is disclosed without the client's consent and then only if security procedures are satisfied.
- (c) Client information is only to be accessed by employees with appropriate authorization.
- (d) Unless retention of personal information is specified by law for certain time periods, personal information that is no longer required to fulfill the identified purpose shall be destroyed, erased or made anonymous within **[twelve (12) months]** after its use.

7.03 Notwithstanding Paragraphs 7.01(e) and 7.02(d), personal information that is the subject of a request by an individual or a Privacy Commission shall be retained as long as necessary to allow individuals to exhaust any recourse they may have under PIPEDA.

7.04 Concerns or complaints related to privacy issues must be made, in writing, to the **Executive Director** setting out the details of the concern or complaint. The **Executive Director** shall investigate the matter forthwith and make a determination related to the resolution of the concern(s) or complaint(s).

7.05 No employee shall be disadvantaged or denied any benefit of employment by reason that the **Community Resource Centre** believes that an employee will do anything referred to in paragraphs (a), (b), or (c) below or by reason that an employee, acting in good faith and on the basis of reasonable belief:

- (a) has disclosed to the Privacy Commissioner of Canada that the **Community Resource Centre** or any other person has contravened or intends to contravene a provision of PIPEDA related to the protection of personal information;
- (b) has refused or stated the intention of refusing to do anything that it is in contravention of a provision of PIPEDA related to the protection of personal information;
- (c) has done or stated an intention of doing anything that is required to be done in order that a provision of PIPEDA related to the protection of personal information not be contravened.

7.06 An employee who is found to be in breach of this policy will be subject to discipline up to and including discharge for cause.

7.07 The Privacy Commissioner shall be notified without delay of any incident involving the loss of or unauthorized access or disclosure of personal information under the **Community Resource Centre's** control where there is a reasonable risk of significant

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harm to an individual as a result of the loss, access or disclosure.

- 7.08 In the event that the **Community Resource Centre** uses a service provider outside Canada to collect personal information about an individual for or on behalf of the **Community Resource Centre** or the **Community Resource Centre**, directly or indirectly, transfers to a service provider outside Canada personal information that was collected with the individual's consent, the individual will be notified in writing or orally of:
- (a) the way in which the individual may obtain access to written information about the service provider's policies and practices with respect to personal information, and
 - (b) the name or position name or title of a contact person who is able to answer on behalf of the service provider the individual's questions about the collection, use, disclosure or storage of personal information by service providers outside Canada for or on behalf of the organization.