



POLICY & PROCEDURE MANUAL		Subject: PRIVACY OF INFORMATION		
Section: QUALITY ASSURANCE – PRIVACY		Policy Number: QUA-PRI-400		Page: Page 1 of 7
Date Approved: SEPTEMBER 2014	Effective Date: SEPTEMBER 2014	Date Reviewed: JANUARY 2021	Date Revised:	Next Review Date: DECEMBER 2022

POLICY

Choices Association Inc. [Choices] is committed to protecting the privacy of the people it serves and their circle of support, family, our donors, volunteers, employees, directors, officers and any other persons about or from whom Choices collects personal information.

Choices complies with all applicable privacy laws.

All individuals who become part of the agency by being a staff member or volunteer will sign a confidentiality agreement before interacting with any person supported at Choices or having access to any Choices information. Any corporate visitors agree to confidentiality as part of the sign in process.

Choices embraces the principles of the Canadian Standards Association Model Code for the Protection of Personal Information to ensure the proper collection, storage, and use of this personal information. Choices will use this information for only those purposes for which it was collected and the agency will safeguard the information with appropriate policy, procedures and practices including destruction of the information when it is no longer required.

Choices does not disclose personal information for commercial purposes

A Privacy Officer will be assigned and will be assumed to be the Executive Director, unless otherwise noted

RATIONALE

Obtaining and using that personal information in ways that don't offend the fundamental human right of privacy is the challenge for modern businesses. Choices collects and maintains various pieces of personal information regarding each of its employees, volunteers and individuals. Choices owes a high degree of diligence to its employees, volunteers and individuals to maintain the privacy and security of personal information, and to release personal information only when authorized or legally required to do so. Choices will consider any violation or breach of this policy to be a serious matter.

Choices must maintain compliance with various privacy legislation, including the *Personal Health Information Protection Act*, the *Freedom of Information and Protection of Privacy Act*, the *Personal Information Protection and Electronic Documents Act*, the *Services and Supports for the Social Inclusion of People with a Developmental Disability Act*, particularly Regulation 299/10, and any other laws or

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regulations regarding access to and the protection of personal information held by an employer about employees, volunteers and individuals whose personal information is administered by the employer, and where the employer has custody or control of the information.

Protection of information is not an abstract legal concept. It is simple consideration, respect and courtesy — the essence of a good relationship with your individuals, stakeholders and staff and volunteers. Showing respect for privacy is part of showing respect for each individual.

DEFINITION

Personal Information is

- age, name, income, ethnic origin, religion or blood type
- opinions, evaluation, comments, social status or disciplinary actions
- credit records, employment history and medical records.

Personal information does not include the name, title, business address or telephone number of an employee/volunteer of an organization.

For many organizations, this means that the information collected to establish eligibility for membership, programs, donor histories, personnel files of staff and volunteers may be considered personal information.

Canadian Code of Practice for **Consumer Protection in Electronic Commerce**

These 10 principles form the basis of the *Model Code for the Protection of Personal Information* (CAN/CSA-Q830-96; published March 1996; reaffirmed 2001).

1. Accountability

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

2. Identifying Purposes

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

3. Consent

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except when inappropriate.

4. Limiting Collection

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means. .

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5. Limiting Use, Disclosure and Retention

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

6. Accuracy

Personal information shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

7. Safeguards

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

8. Openness

An organization shall make readily available to individuals' specific information about its policies and practices relating to the management of personal information.

9. Individual Access

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

10. Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

SCOPE

This policy applies to all volunteers, staff and people supported of the organization.

RESPONSIBILITY

Executive Director

1. Develop and ensure distribution of a privacy policy, consent mechanism and complaints process.
2. Ensure that forms (paper and electronic) that you use to collect personal information, are up to date.
3. Ensure a process to address opt-outs is in place and known in the organization.
4. Ensure data security systems and file management procedures are in place to ensure that personal information is protected from unauthorized access.
5. Ensure the training of employees and volunteers in this policy and the obligation of privacy.
6. Ensure the policy on a confidentiality agreement is signed by all new employees and volunteers including the Board of Directors, consultants, contractors and any others who may come in contact with personal information about employees, volunteers and individuals.

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7. Ensure a process is in place to investigate breeches of this policy
8. Ensure the policy is available in both official languages – ensure it is easily accessible to anyone who wants to see it.

Leadership Team

1. Develop a comprehensive understanding of the policy and the legislation that provides direction
2. To coach, teach and mentor staff and volunteers in the intent and specifics of the policy
3. To actively engage in correcting any potential, real or suspected breaches of the policy
4. To give full attention to reports of a breach of the policy

Staff and Volunteers

1. To know and understand this policy
2. To abide by this policy
3. To report any potential, real or suspected breaches of this policy
4. To support individuals to understand the policy and how it impacts on their private information
5. To discuss concerns with the appropriate supervisor
6. To document relevant information

PROCEDURE

Collection and Maintenance of Information

Choices will collect personal information about its employees, volunteers and individuals, ensuring at all times that it uses an appropriate and secure method of collection. Choices will limit the collection and use of personal information to that which is needed to manage and administer its human resource programs and support programs, to ensure a resource to communicate with staff, volunteers and individuals, and to maintain compliance with or provide information as per law. Information will be collected only via transparent and lawful means. Choices will use personal information only for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose.

Choices will make every reasonable effort to ensure that the personal information collected and maintained is accurate and complete. In some circumstances, the onus is on the employee or volunteer to ensure communication of accurate, complete, and timely personal information that is required by Choices. Information maintained by Choices must be supported by evidential means.

Human Resource Records policy HUM-REC-200 defines the scope of personal information maintained regarding employees and volunteers. Personal information may be collected from, but is not inclusive to the following:

- Written information received by employees specific to themselves
- Written or verbal information received by past employers, educational institutions, or professional associations
- Written information received from health practitioners
- Written or verbal information received from the Workplace Safety & Insurance Board (WSIB)
- Written information received from government agencies, including court documents

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Personal information may be maintained in hardcopy or electronic format by Choices.

Personal files will be maintained for a period of time as detailed in Human Resource Records policy HUM-REC-200. Disposed personnel files will be shredded and destroyed ensuring complete privacy of personal information.

Access to Information

As a standard of practice, Choices will clearly communicate to employees the intended use of personal information and will establish prudent methods to permit authorization for release of personal information.

Internal access to personal information is restricted to the provisions as detailed in Human Resource Records policy HUM-REC-200. Choices will ensure electronic records are password secured and accessible only by employees, volunteers or individuals needing to use the information for completion of their job duties.

Choices will release personal information to external parties only under the following conditions:

- With the *written* consent of an employee (e.g. – reference releases to prospective employers; employment and salary confirmation to financial institutions). An employee’s written consent must precisely indicate the purpose or type of personal information requested and the name of the organization and person making the request. Responses to reference checks will be given only by current or previous supervisors of an employee. Employment and salary confirmations will be given only by the Payroll Department. The Choices employee responding to the external request should confirm receipt of the written authorization from the consenting employee prior to the release of personal information.
- As required by educational institutions at which employees are enrolled for professional development pursuant to an employee’s job duties or learning plan.
- As required by law, including the *Workplace Safety & Insurance Act*. Information released to the WSIB must be approved by the Coordinator of Workplace Wellness.
- Health information will be release only in accordance with the *Personal Health Information Protection Act*. All releases of personal health information must be approved by the Chief Executive Officer.
- All other requests for the release of personal information must be approved by the Chief Executive Officer and require written consent of the employee, volunteer or individual.

Personal information will be released to external parties only for the purpose to which it was requested to Choices. Personal information that is released to external parties must be factual, evidence based, and devoid of subjective or discriminating opinions.

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Staff Directories

Staff directories that contain home and/or cell phone numbers of employees are intended to be used only for the intended purposes of such lists (e.g. – contacting on-call staff; emergency situations). Staff directories will be distributed only to staff that require such information for completion of their work duties. Employees who receive a copy of a staff directory are to maintain such directory with the strictest of confidence. Staff directories must not be posted in areas accessible by the general public.

Individual Data

- Individual data including basic demographic data will be kept secure.
- Individual data files are encrypted when transferred via electronic means.
- A single individual is assigned responsibility to maintaining the data base and completing all updates.
- Individual data of a private nature will be kept confidential during personal plans meetings, transition planning work and other meetings involving the potential inadvertent disclosure of individual private information.
- Individual consent is required for the sharing of any individual information.

Sensitivity of Information

Choices employees who are privy to personal information of other employees, volunteers and individuals are responsible for the complete privacy, confidentiality, and security of such information, and for using personal information only for the work related purposes for which the information is required. Any violation of use or maintenance of personal information is subject to disciplinary action, up to and including termination. Employees are advised to consult applicable legislation if uncertain about the release of personal information.

Choices will not be held responsible for consequences resulting from employees, volunteers or individuals who have released or shared their own personal information on their own accord, for employees, volunteers or individuals who have provided Choices with inaccurate or incomplete personal information, or for employees and volunteers who have failed to provide CHOICES with personal information in a timely manner.

QUALITY MEASURES

Reg. 299-10. 10(1)(1), 10(2),10(3)

ASSOCIATED FORMS

Consents
Confidentiality Agreement

ASSOCIATED POLICIES

QUA-FMW-501 – Choices Ethics Framework
PRO-ADM-106 – Choices Service Principles

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REFERENCES

Personal Information Protection and Electronic Documents Act. [2005]

Model Code for the Protection of Personal Information (CAN/CSA-Q830-96; published March 1996; reaffirmed 2001). <http://cmcweb.ca/epic/internet/incmc-cmc.nsf/en/fe00076e.html>

Supports and Services to Promote the Social Inclusion of Individuals with a Developmental Disability: 2008: Regulation 299/10