

## **PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT [PIPEDA]**

BVO's privacy policy is based on the CSA Model Code for the Protection of Personal Information (CAN/CSA-Q830-96). **The underlying philosophy is that BVO is accountable for the protection of personal information collected from clients, donors, members, employees and volunteers AND the fair handling of that information at all times.**

### **SUMMARY** – PIPEDA requires:

- That the clear consent of an individual must be obtained before we collect, use or disclose personal information about that individual, except when it is unreasonable to obtain consent or when the information is public knowledge;
- That we use the acquired information only for the purposes for which we have secured consent;
- That the information is protected from unauthorized access or use;
- That we keep the information up to date and correct so as not to make decisions based on wrong information;
- That the information is destroyed when it is no longer needed for the original purpose; and
- That BVO implement accountability mechanisms to ensure compliance with all points.

### **1.0 PURPOSE**

- Although, not for profit organizations like BVO do not have to comply with the federal legislation, these same organizations will have to comply once the provincial legislation is enacted. As such, this policy will be affected to ensure that BVO complies with current federal laws relating to privacy. Beaver Valley Outreach recognizes the right of an individual to the protection of personal information and the need for information management practices that adhere to national standards. BVO will ensure that its policies and operational guidelines, directed by the principles of the CSA Code, govern the management of personal information of its clients, donors, members, employees and volunteers.

### **2.0 SCOPE**

- This policy will be applied to all personal information collected, used or disclosed, whether factual or subjective, about an identifiable individual during the course of commercial activities. It is the responsibility of the BVO Board to ensure that those individuals, groups/organizations and/or businesses that have been approved, designated or contracted to act for or on its behalf are aware of and in compliance with the principles set forth in the Privacy Policy of BVO.

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**3.0 DEFINITIONS**

- 3.1 **Personal Information** – Factual or subjective information, recorded or not. This can include, but is not limited to, age, name, addresses, e-mail addresses, giving history, financial information, identification numbers, income, ethnic origin, sexual orientation, opinions, evaluations, comments, disciplinary actions, employee files, loan records, medical files or documentation of a dispute.
- 3.2 **Commercial Activity**- Any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists.
- 3.3 **Consent** – Voluntary agreement with what is being done or proposed. Consent can be either express or implied. *Express consent is given explicitly, either orally or in writing.* Express consent is unequivocal and does not require any inference on the part of BVO in seeking consent. Implied consent arises where consent may reasonably be inferred from the action or inaction of the individual.

**4.0 PRIVACY CODE**

**4.1 Accountability – Beaver Valley Outreach recognizes that it is responsible for all personal information under its control.**

This includes, but is not limited to, information in any form be it verbal, print or electronic document, such as age, name, address, telephone numbers, e-mail addresses, identification numbers, income, ethnic origin, opinions, evaluations, social status, credit records, and recordings of disputes between BVO and its clients, donors, members, employees and volunteers.

In order to ensure compliance of this Privacy Code, the BVO Board designates the Executive Director to be responsible for the implementation of and adherence to the following principles.

**4.2 Identifying Purposes – BVO and those designated or contracted to act for or on its behalf, shall identify the purposes for which personal information is collected at or before the time the information is collected.**

BVO will attempt to document and clearly define the purpose[s] intended for personal information before it is collected. BVO will only collect information that it views as a necessity in order to fulfill the identified purpose. Any secondary or optional uses of information by BVO will be identified. Individuals will be provided with an opportunity to reject or accept such uses. BVO will make every attempt to ensure the purpose for information collected is communicated in simple and straightforward language.

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**4.3 Consent – BVO and those designated or contracted to act for it or on its behalf will ensure that the knowledge and consent of the individual are obtained for the collection, use, or disclosure of personal information, except where inappropriate.**

Beaver Valley Outreach has a responsibility to provide explanation in clear, simple and understandable language of the intended uses and impacts and to obtain consent before the information is used. Consent may be express or implied dependent upon the particular situation. However, BVO will attempt to obtain express written consent, where possible.

BVO recognizes the right of individuals to prevent their personal information from being provided to other organizations on a reciprocal basis for the purpose of fundraising. This principle is exempt in particular circumstances where criminal investigations, legal or security situations, medical emergencies or mental or physical incapacities arise. However, BVO will approach these situations with great caution and care.

**4.4 Limiting Collection – BVO shall ensure that 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.**

BVO will collect required information in a straightforward and honest manner AND with the individuals' consent. BVO will not collect information in an indiscriminate manner. Information will not be collected from other individuals associated with the person such as family members or friends without the consent and knowledge of the individual and only in situations that are deemed to be most compelling.

**4.5 Limiting Use, Disclosure and Retention – BVO shall ensure that 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.**

BVO will ensure that consent for personal information use is applied only to purposes agreed to initially by the individual. The use of the information will be presented clearly to the individual. In circumstances where potential purposes of use of information may appear complex, all potential options of future use should be presented and an option to have one's information either included or removed should be clearly presented. BVO will ensure that any inquiries regarding the organization's purposes of use and practices of disclosure are responded to in an open and honest fashion. BVO's practices and procedures regarding the retention of personal information are outlined in this manual under Records Retention.

**4.6 Accuracy – Beaver Valley Outreach shall ensure that personal information under its care is as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.**

Opportunities for individuals to inquire about and review their personal information, which they have consented to provide to BVO, will be made readily available following

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appropriate notice. Individuals will be provided an opportunity to update or correct personal information, which is outdated or inaccurate.

**4.7 Safeguards – BVO will ensure that security safeguards appropriate to the sensitivity of information protect personal information.**

BVO will take all reasonable means necessary to ensure that all personal information under its care is protected against loss or theft, unauthorized access, disclosure, copying, use or modification. This includes but is not limited to physical, organizational and technological means. Locked cabinets, offices and password-protected computers will satisfy this requirement.

**4.8 Openness – BVO shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.**

These policies and procedures regarding personal information are accessible to all individuals as they are a permanent section of the Policies and Procedures Manual. Access to these materials, along with access to the Executive Director who is responsible for compliance with the Privacy Policy, will be readily available to those who inquire.

**4.9 Individual Access – BVO agrees to ensure that upon request an individual shall be informed of the existence, use, and disclosure of their 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.**

Requests by individuals regarding the type of information BVO maintains, how that information is used and to whom it has been disclosed, will be responded to in an honest and timely fashion.

**4.10 Provide Recourse – BVO agrees to ensure that 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.**

BVO will make every effort to respond openly to inquiries or complaints regarding its management, collection and disclosure of personal information. The Executive Director’s name and telephone number will be readily available and in the case of public documents such as membership/volunteer forms/pamphlets, this information will also be provided.

**4.11 Penalty for Non-Compliance – BVO will be responsible for breach of policy.**

An individual may complain directly to BVO or the Privacy Commissioner about any alleged breaches of the law. The Commissioner may also initiate a complaint. Failure to comply with this act may result in BVO or a specific individual being fined. The maximum fine is \$100,000.