

00017 PRIVACY POLICY (passed 22/01/20)

1. Purpose

KCDCS deals with students, teachers, visitors and contractors of all kinds who may, in the course of those dealings, provide KCDCS with personal information. In British Columbia, non-profits, including charitable organizations are required to handle personal information in accordance with the *Personal Information Protection Act* (“PIPA”). Federal legislation, the *Personal Information Protection and Electronic Documents Act* (“PIPEDA”), does *not* apply to KCDCS unless personal information from residents of other provinces is collected.

2. What is personal information?

“Personal information means information that can identify an individual (for example, a person’s name, home address, home phone number or ID number). It also means information about an identifiable individual (for example, physical description, educational qualifications or blood type). Personal information includes employee personal information but does *not* include business contact information or work product information.”¹

3. When is the collection of personal information permitted?

For Reasonable Purposes

PIPA permits the collection and use of personal information for “reasonable purposes”. KCDCS may collect personal information to:

- verify identity or credit-trustworthiness,
- to provide requested services or products and
- for membership or program enrollment.

Generally, the test for what is “reasonable” depends on the use of the information and to whom it may be disclosed. For example, using it for marketing to 3rd parties would not be a reasonable purpose *unless* that purpose is disclosed and consent is given.

Consent

Personal information may be collected *only* when informed consent is given, i.e. when the individual is:

- aware of the personal information being collected,
- the purpose for which the information will be used,
- to whom it may be disclosed and when,

¹ Unless otherwise noted, words in quotations are taken from “A Guide to B.C.’s Personal Information Protection Act for Businesses and Organizations”, <https://www.oipc.bc.ca/guidance-documents/1438>

- how the individual may rescind consent or request access to and/or the correction of personal information, and
- how long personal information will be retained and how it will be destroyed.

Obtaining Consent

KCDCS will ensure that individuals will be given sufficient information about the proposed use of the personal information, to obtain *informed* consent. For example, members will be told where their personal information is stored (physically and electronically) and how it will be used (to give notice of meetings and to distribute program and event information).

Exception

If required by law, e.g. by subpoena or court order, KCDCS is obliged to produce the required personal information.

4. Safeguards

Storage

Paper and electronic records (“records”) containing personal information are kept under the care and control of the Sr. Manager in the Sr. Manager’s office. The office must be locked when the Sr. Manager or a delegate, is not present. Paper records are secured in a locked, fire-proof cabinet. Electronic records are stored on a server with commercially purchased data security software. Electronic records must be copied on a portable drive that is stored in another, secure location.

Transport

Transport means by foot, motorized or air transport and includes travel accommodations. Records containing personal information must be transported carefully and securely. Careful transportation means being aware of the whereabouts of the records at all times, conducting periodic checks to ensure they are secure and keeping them in a closed container that is not exposed to weather. Securely means being in the possession of the person transporting the record at all times *unless* the records are in a locked environment, e.g. automobile trunk, locked travel bag or hotel room (and secured out-of-sight).

5. Privacy Officers

KCDCS will appoint Privacy Officers to oversee this Policy, review it yearly and respond to questions, comments, concerns as well as requests for access to, or file complaints in relation to, the Policy.

The Sr. Manager, the Chair and a Director are the Privacy Officers for KCDCS. The Director shall be chosen by resolution of the Board. The Director shall hold the appointment for one year, subject to renewal or the appointment of a new Privacy Officer by the Board.

Contact Information:

Mailing Address:

Email:

Phone:

6. Access to Personal Information

(a) Generally

Individuals may request access to their own personal information, including the way their personal information is or has been used and the names of any individuals or organizations to whom their personal information has been disclosed.

Process for Requesting access to Personal Information

- Requestor completes written form for access
- Privacy Officer reviews the written request
- Privacy Officer determines whether clarification or other information (e.g. identification of the requestor, means of communicating with the requestor) is required
- Privacy Officer determines whether a fee will be required
- Within 30 business days of receipt of the request, the Privacy Officer obtains the personal information and discloses to the requestor, or
- if the request is denied, refers the requestor to the Office of the B.C. Privacy Commissioner unless the requestor asks the matter to be treated as a Complaint and be referred to the Chair as set out under Section 7 (c) below.

(b) Members and Directors

The Societies Act has special provisions for the collection and disclosure of the personal information of Members and Directors of KCDCS. The following principles apply:

- Members and non-members may inspect KCDCS records, generally;
- Non-members may not inspect the Society's Membership Register (which may contain personal information);
- The Directors may, by resolution, restrict Member access to KCDCS' Register of Members if they are of the opinion that disclosure would be harmful to the Society or its members;

- Information obtained by a Member from the Members Register may *only* be used to call meetings, make proposals and to lobby other members in relation to voting at meetings;
- Contact information obtained by Members or non-members from the Director's Register may *only* be used in connection with matters related to the activities or internal affairs of KCDCS.

7. Process for making a Complaint

Complaints about KCDCS' collection or use of personal information will follow a similar process to requests for access, as follows:

(a) Complainant Obligation:

- Make the complaint in writing,
- State the nature of the complaint,
- Provide contact information, and
- If possible, suggest a resolution.

(b) Privacy Officer Obligation:

- The Privacy Officer shall explain the complaints process to the complainant.
- Complete an intake form, and investigate the complaint, by
- making a record of the request/investigation and consider appropriate actions to resolve the request/complaint and
- contacting the Complainant within 30 days of receipt of the Complaint to determine whether the proposed course of action in relation to the complaint meets the complainant's concerns and
- if the complainant is satisfied with the result of the investigation, the Privacy Officer will close the intake file.

(c) Complaint remains unresolved:

- If the Complainant is dissatisfied with the result, the Privacy Officer will deliver the intake record and prepare a report of the investigation for the Chair and provide a copy to the Complainant.
- The Chair may conduct any further investigation deemed necessary and report the investigation to the Board with a recommendation for action.
- The Board shall decide the appropriate course of action based on the Chair's report and the Board decision shall be final.

8. Disposing of Personal Information

Personal information shall be disposed of when:

- After one year of collection unless the reasonable use of the information is continued;
- Requested by an individual

Personal information shall be destroyed as follows:

- Where the information is contained in a paper or document, by shredding; or
- Where the information is in the form of data on a computer, by permanent deletion.

9. Accidental Loss of personal information

KCDCS shall take every precaution necessary to protect the personal information of individuals by:

- Utilizing commercial data security products to protect data exposure or intrusions; and,
- Handling and storing paper records in a secure and private environment; and,
- Disposing of personal information in accordance with the industry approved practices.

Where an employee determines that personal information may or has been accidentally lost, the employee shall immediately conduct an investigation and make a report in writing to a Privacy Officer.

The Privacy Officer shall:

- Conduct such further investigations into the circumstances surrounding the loss as required, and
- Report the result of the investigation in writing to the Board.

Board Role

- The Board will take such further investigative or other action it deems necessary or appropriate including reporting the loss to the individual or individuals affected, notifying KCDCS' insurer and/or retaining and obtaining the advice of legal counsel.

10. Policy shall be Published

This policy shall be published by KCDCS on its website and be referred to in Applications for Membership/Directorship and other forms and documents requiring the disclosure of personal information.