



THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA

POLICY ON PRIVACY OF PERSONAL INFORMATION

PURPOSE

The Municipality is committed to protecting the privacy and security of the personal information of its employees. This policy governs the collection, use and disclosure of personal information belonging to our employees.

POLICY

A. Definition of Personal Information

1. For the purposes of this policy, personal information includes information in any form that is reasonably required by us for the purpose of establishing, managing or terminating our employment relationship. This includes:
 - (a) your age, ethnic origin, medical information, blood type, income, social status or ID numbers;
 - (b) resumés, letters of reference and reference checks;
 - (c) opinions, evaluations or comments about your performance;
 - (d) disciplinary measures;
 - (e) employee files, credit records, loan records, medical records.
2. Personal information does not include your name, title, business address or business telephone number.

B. Collection, Use and Disclosure

3. Before we collect personal information, we will explain the purpose for its collection. Generally speaking, we collect employee personal information:
 - (a) for recruiting and contracting purposes;
 - (b) to administer payroll and benefit plans;
 - (c) to process any benefit or other claims you may have, such as WSIB or medical related claims;
 - (d) to manage our employment relationship, including any performance evaluations, incentive programs or disciplinary measures;
 - (e) to establish training or development requirements;
 - (f) to identify a contact person in the event of an emergency;
 - (g) to comply with applicable employment and human rights legislation.
4. We may collect, use and disclose your employment related personal information without your consent if it is reasonable for the purposes of establishing, managing or terminating our employment relationship.
5. If your consent is required, we will explain why the information is being collected and how we intend to use it.
6. You will be deemed to consent to the collection, use or disclosure of the personal information if, when the information was given, the purpose would be obvious to a reasonable person. For example, individuals who submit their resumes are deemed to consent to its use for recruitment and hiring purposes.

7. We may *collect* personal information without your knowledge or consent:
 - (a) if it is clearly in your interests and consent is not available in a timely way;
 - (b) if knowledge and consent would compromise the availability or accuracy of the information and collection is required to investigate a breach of an agreement or contravention of a federal or provincial law;
 - (c) for journalistic, artistic or literary purposes;
 - (d) if it is publicly available as specified in the regulations;

8. We may *use* personal information without your knowledge or consent:
 - (a) if we have reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law and the information is used for that investigation;
 - (b) for an emergency that threatens an individual's life, health or security;
 - (c) for statistical or scholarly study or research (as long as we notify the Privacy Commissioner before using the information);
 - (d) if it is publicly available as specified in the applicable government regulations;
 - (e) if the use is clearly in your interest and consent is not available in a timely way;
 - (f) if knowledge and consent would compromise the availability or accuracy of the information and collection was required to investigate a breach of an agreement or contravention of a federal or provincial law.

9. We may *disclose* personal information without your knowledge or consent only:
 - (a) to a lawyer representing the organization;
 - (b) to collect a debt you owe to us;
 - (c) to comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
 - (d) to a government institution that has requested the information, identified its lawful authority, and indicated that disclosure is for the purpose of enforcing, carrying out an investigation, or gathering intelligence relating to any federal, provincial or foreign law; or suspects that the information relates to national security or the conduct of international affairs, or is for the purpose of administering any federal or provincial law;
 - (e) to an investigative body named in the applicable legislation or regulations or government institution on our initiative when we believe the information concerns a breach of an agreement, or a contravention of a federal, provincial, or foreign law, or suspect the information relates to national security or the conduct of international affairs;
 - (f) if made by an investigative body for the purposes related to the investigation of a breach of an agreement or a contravention of a federal or provincial law;
 - (g) in an emergency threatening your life, health, or security (we will inform you of the disclosure);
 - (h) for statistical, scholarly study or research (we will notify the Privacy Commissioner before disclosing the information);
 - (i) to an archival institution;

- (j) 20 years after your death or 100 years after the record was created;
- (k) if it is publicly available as specified in the applicable regulations;
- (l) if required by law.

C. Retention and Disposal of Personal Information

- 10. We will only retain personal information as long as necessary to enable us to make a decision about your employment and to satisfy the purpose for which it was obtained.
- 11. We will destroy documents containing personal information once the information has served the purpose for which it was obtained, unless it must be retained for legal purposes.

D. Accuracy of Personal Information

- 12. When we collect, use or disclose your personal information, we will make reasonable efforts to ensure that it is accurate to the extent necessary to fulfill the purposes for which it was obtained.
- 13. You may submit a written request to us to correct any errors or omissions in any of your personal information that is in our control. We will either amend the information or notify you of any reasons why such an amendment cannot be made.

E. Protection of Personal Information

- 14. We recognize the importance of protecting your personal information and will use appropriate security safeguards to provide the necessary protection. This includes:
 - (a) physical measures such as locked filing cabinets, alarm systems and restricting access to areas in which personal information is stored;
 - (b) technological resources such as firewalls, encryption software and passwords; and
 - (c) organizational controls including security clearance measures, staff training, the use of confidentiality agreements and limiting access to only those who need the information.
- 15. We expect you to assist us in protecting personal information and to take all appropriate measures to safeguard personal information belonging to you or any other employee of the Municipality. This includes ensuring that:
 - (a) any individuals who have requested personal information and those to whom you are sending it are authorized to receive the information;
 - (b) the method by which the information is transmitted (e.g., email, fax, telephone etc.) will adequately protect the confidentiality of the information in light of its sensitivity.

F. Maintaining Awareness of Our Practices

- 16. We will inform all employees and any other relevant individuals that we have policies and practices for the management of personal information.
- 17. Our privacy policy is available through this manual and our web site.

G. Access to Personal Information

18. You may request access to your personal information or want to know how it is or has been used or disclosed, by submitting a written request to the Clerk.
19. We will respond to your request for access no later than 30 days after receiving the request. Upon notice to you, this 30 day response time may be extended for a maximum of 30 additional days if:
 - (a) responding to the request within the initial 30 day period would unreasonably interfere with office activities;
 - (b) we need additional time to conduct consultations or to convert personal information to an alternate format.
20. Under certain circumstances, you may be expected to bear any costs associated with disclosing the information to you. We will advise you up front of any costs associated with disclosure.
21. We must refuse access to your personal information if:
 - (a) it would reveal personal information about another individual which cannot be removed, unless there is consent or a life threatening situation;
 - (b) we have disclosed information to a government institution for law enforcement or national security reasons. Upon request, the government institution may instruct us to refuse access or not to reveal that the information has been released. We will then refuse the request and notify the Privacy Commissioner. We are not allowed to inform you of the disclosure to the government institution, or that the institution was notified of the request, or that the Privacy Commissioner was notified of the refusal.
22. We may refuse access to personal information if the information falls under one of the following circumstances:
 - (a) it is protected by solicitor-client privilege;
 - (b) it constitutes confidential commercial information, which cannot be removed;
 - (c) disclosure could harm an individual's life or security and the offending information cannot be removed;
 - (d) it was collected without your knowledge or consent to ensure its availability and accuracy, and the collection was required to investigate a breach of an agreement or contravention of a federal or provincial law (the Privacy Commissioner must be notified);
 - (e) it was generated in the course of a formal dispute resolution process.

H. Complaint Process

23. If you are dissatisfied with the manner in which we have handled your personal information, you may contact the Clerk in writing to outline the reasons for your concern.
24. We will investigate and respond to all complaints made in relation to this policy.
25. You may also make a complaint to the Privacy Commissioner.