

<b>Policy Number:</b>	<b>PRIV-1-2</b>
<b>Policy Name:</b>	<b>Collection, Use, and Disclosure of Personal Information</b>
<b>Issued:</b>	<b>03.2022</b>
<b>Revised:</b>	

## **PREFACE**

McMan South Region (referred to as “McMan”) has business, ethical and legal responsibilities to protect all forms of personal and personal employee information in its custody and/or control.

The purpose of this policy is to provide general guidelines and responsibilities for the collection, use and disclosure of personal information.

This document should be read in conjunction with McMan’s Privacy Charter and all of the related policies and procedures referenced therein.

## **POLICY**

### *Collection of Personal Information*

1. McMan collects personal information only if:
  - a. The collection is expressly authorized by an enactment of Alberta or Canada,
  - b. The information is collected for the purposes of law enforcement, or
  - c. The information relates directly to *and* is necessary for an operating program or activity of McMan.
2. McMan collects personal information directly from the individual, or their authorized representative, unless indirect collection is authorized in the following circumstances:
  - a. Indirect collection of the information is authorized by the individual, another Act or regulation, or the Alberta Information and Privacy Commissioner;
  - b. The information may be disclosed to the McMan under the disclosure provisions of FOIP;
  - c. The information is collected in a health and safety emergency and the individual is unable to provide the information, or direct collection could reasonably be expected to endanger the psychological or physical health or safety of the individual or of any other person;
  - d. The information is about a designated emergency contact;
  - e. The information is collected for determining suitability for an honour or award, or to determine or verify eligibility for participation in a program or to receive a benefit, product, or service from McMan;
  - f. The information is collected from public sources for fundraising;
  - g. The information is collected for a law enforcement purpose, or for collecting a fine or debt owed

- to McMan, or for use in the provision of legal services to McMan;
- h. The information concerns the history, release, or supervision of an individual under the supervision of a correctional authority;
  - i. The information is collected to inform the Public Trustee or Public Guardian about service participants or potential service participants;
  - j. The information is for enforcing an order under the Maintenance Enforcement Act;
  - k. The information is collected for managing or administering McMan personnel; or
  - l. The information is collected for assisting in researching or validating claims, disputes, or grievances of Indigenous people.
  - m. When providing programs or services for children under an agreement with a public body under FOIP, personal information about the child or a parent or a guardian of the child from another service provider.
3. When collecting personal information directly from an individual, McMan informs the individual of the purpose for which the information is collected, the legal authority for the collection, and the title, business address and telephone number of the individual who can answer questions about the collection. Notifications are placed on paper and electronic forms, leaflets, pamphlets, posters and on the McMan website, as well as provided verbally. Notice is not required in circumstances when indirect collect is authorized (see above).
4. McMan employees collect only the amount and types of personal information as required to perform their assigned duties.

#### *Use Of Personal Information*

5. McMan may use personal information under the following circumstances:
- a. For the purposes for which it was originally collected or for a use consistent with that purpose.
  - b. With the consent of the individual, when obtained in accordance with consent standards (see PRIV 1-4 – Consent and Notification Standards for Personal Information).
  - c. For a purpose for which the information is disclosed to McMan, by a public body, under the disclosure provisions of the FOIP Act. McMan employees use only the amount and types of personal information as required to perform their assigned duties.

#### *Disclosure Of Personal Information*

6. McMan discloses individually identifying personal information only to the individual who is the subject of the information or to his/her authorized representative.
7. McMan employees disclose only the amount and types of personal information as required to perform their assigned duties.
8. Personal information may be disclosed with the consent of the individual or as authorized or required by law. Contractual requirements regarding disclosure of personal information will be considered prior to disclosure of personal information with or without consent.

9. If there is no authority for the disclosure, the information cannot be disclosed. The individual making the request for information may be directed to make a formal Access Request.
10. McMan may disclose personal information, without the consent of the individual, only under the following circumstances:
  - a. To respond to access requests and to comply with the public interest disclosure provisions;
  - b. If disclosure is not an unreasonable invasion of a third party's privacy;
  - c. for the purpose for which the information was collected or compiled or for a purpose consistent with that purpose;
  - d. To comply with, or in accordance with, an enactment of Alberta or Canada;
  - e. In response to a subpoena, warrant or court order;
  - f. To an officer or employee of McMan if necessary for his/her duties;
  - g. For a common or integrated program or service;
  - h. To enforce a legal right, or to collect a fine or to make a payment, or for court and quasi-judicial proceedings;
  - i. To verify an individual's suitability or eligibility for a program or benefit;
  - j. For audit purposes;
  - k. To an MLA – to assist the individual, or to an Officer of the Legislature;
  - l. To a union representative;
  - m. To the Provincial Archives of Alberta or to the archives of a public body;
  - n. For law enforcement;
  - o. So that the spouse or adult interdependent partner, relative or friend of an injured or deceased individual may be contacted;
  - p. For research or statistical purposes;
  - q. To a place of lawful detention, or for the supervision of an individual by a correctional authority, or to a lawyer or student-at-law acting for an inmate;
  - r. For the management of personnel;
  - s. To comply with the *Maintenance Enforcement Act*, or to the Administrator of the *Motor Vehicle Accident Claims Act*;
  - t. When the information is available to the public;
  - u. If the personal information is routinely disclosed in a business or professional context; or
  - v. To avert or minimize a risk of harm to a minor or imminent danger to the health and safety of any person, or to a law enforcement agency or organization providing services to a minor if it is in the minor's best interest.

#### *Disclosure when Providing Services to a Child*

11. When providing programs or services for children under an agreement with a public body under FOIP, McMan may disclose:
  - a. To another service provider, personal information about the child or a parent or guardian of the child, for the purposes of enabling or planning for the provision of services to the child, if in the opinion of the service provider, the disclosure is in the best interests of the child.
  - b. To a guardian of the child, personal information about the child, if
    - the disclosure is not contrary to the express request of the child, and
    - McMan is of the opinion that the disclosure is in the best interests of the child.

*Tracking Use and Disclosures*

12. McMan will track and document the use and disclosure of personal information to ensure that, upon request, individuals can be specifically informed of:
  - a. The purposes for collecting and using their information at McMan, and
  - b. The names of the recipients, and the purposes of the disclosures.

**APPENDICES**

Appendix 35 - Request Form for Access to or Correction of Personal Information