

<b>Policy Number:</b>	<b>PRIV-1-0</b>
<b>Policy Name:</b>	<b>Privacy Charter</b>
<b>Issued:</b>	<b>09.2021</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 (see DEFINITION section of Privacy Charter – PRIV-1-0).

The collection, use and disclosure of personal information by McMan is governed in some cases by the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIP). The following principles have been developed in compliance with the applicable legislation and are intended to enable service participant care and effective service delivery, while protecting the privacy of service participants, employees, and members of the public. This policy also establishes the contents of McMan’s Privacy and Information Management Program, defines terms used in applicable privacy legislation and McMan policies and procedures, and outlines the application of the Privacy and Information Management Program.

## **APPLICATION**

The Privacy and Information Management Program applies to all:

- a. Employees, directors, officers, contractors, and volunteers of McMan;
- b. Information, in any form or medium (paper, digital, audio-visual, graphic) created or received in the course of carrying out McMan’s mandated functions and activities; and
- c. All facilities and equipment required to collect, manipulate, transport, transmit, or keep McMan service participant and employee personal and personal health information.

## **LEGISLATIVE REQUIREMENTS**

McMan, as a registered charity, is a non-profit organization, meaning it is not subject to any privacy legislation in Alberta, unless McMan collects, uses, or discloses personal information in connection with a commercial activity. In regards to commercial activity, the Alberta *Personal Information Protection Act* (PIPA) applies. Commercial activities are defined as transactions of a commercial nature, such as selling membership or donor lists. At this time, McMan does not engage in any commercial activities, so PIPA does not apply.

However, many of the contracts and grants McMan is a party to require the organization to operate in accordance with Alberta’s FOIP Act when collecting, using, or disclosing personal information in relation to the program funded by the contract.

As a best practice, McMan has chosen that it will apply the highest standards and abide by the requirements of FOIP for all personal information in the custody or control of McMan, regardless of the program or service which it is collected, used, and disclosed under, as well as for personal employee information.

## **PRIVACY PRINCIPLES**

McMan is committed to protecting the privacy of its employees, all other individuals, and stakeholders. To that end, McMan has implemented a privacy program to meet the following privacy goals:

### ***Accountability***

1. McMan protects the confidentiality of personal information in its custody or under its control in compliance with the applicable federal or provincial legislation.

McMan has identified and designated a Privacy Officer to be responsible for implementing the privacy program and ensuring compliance with legislation.

### ***Openness***

2. McMan develops and follows privacy and security policies and practices that are compliant with legislation. Such policies and practices are publicly available.

### ***Collection***

3. McMan collects personal information only for authorized purposes and collects the least amount of personal information with the highest degree of anonymity required for the authorized purpose.

### ***Identifying Purposes***

4. When collecting personal information directly from an individual, the individual is informed 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 person who can answer questions about the collection.

### ***Limited Use and Disclosure***

5. Personal information is only used and disclosed in accordance with the purpose for which it was collected, unless alternate use or disclosure is authorized or required by law, or with the knowledge and consent of the subject individual.

### ***Accuracy***

6. McMan makes all reasonable efforts to ensure that personal information collected, used, or disclosed by or on behalf of McMan is accurate and complete.

### ***Right of Access***

7. Individuals have a right to access information about them at McMan, subject only to limited and specific exceptions. Individuals who believe there is an error or omission in their personal information have a right to request correction or amendment of the information.

### ***Safeguards***

8. McMan protects personal information in its custody or control by deploying security measures and practices to prevent unauthorized access, collection, use, disclosure, copying, modification, disposal, or destruction. McMan employees are provided with training and resources to ensure they perform their roles in accordance with FOIP requirements and McMan Policies and Procedures. Failure to comply with McMan information privacy and security policies and procedures may result in disciplinary action, up to and including termination of employment or contract. Individuals may also be subject to prosecution for the contravention of any law.

### ***Compliance Challenges***

9. Individuals are encouraged to bring forward any concerns or issues regarding privacy at McMan to the Privacy Officer for discussion and response. Individuals may appeal to the Information and Privacy Commissioner of Alberta to review or investigate McMan's right of access or correction responses, or any policies or practices that they feel are not in compliance with legislative requirements.

### **DEFINITIONS (for the purpose of the Privacy and Information and Management Program)**

Authorized Representative: Any person who can exercise the rights/powers conferred on an individual under applicable privacy legislation. These rights/powers include access to an individual's personal information and the power to provide consent for disclosure of such information. These rights/powers can **only** be exercised under the following conditions:

- a. If the individual is under 18 years of age, and does not understand the nature of the right or power or the consequences of exercising the right or power, by the guardian of the individual;
- b. If the individual is deceased, by the individual's personal representative if the exercise of the right or power relates to the administration of the estate;
- c. A guardian or trustee appointed under the Dependent Adults Act if the right or power relates to the powers or duties of the guardian or trustee;
- d. An agent under the personal directives acts if the directive so authorizes;
- e. A person who has power of attorney granted by the individual if the exercise of the right **or** power relates to the powers or duties conferred by the power of attorney; or
- f. Any person with written authorization from the individual to act on the individual's behalf.

Breach: An unauthorized disclosure, use, destruction, loss, removal, modification, or interruption in the availability of information. A breach may be accidental or the result of a deliberate act.

Collection: Gathering, acquiring, receiving, or obtaining information from any source, including third parties.

Consent: Agreement by an individual to the disclosure of their own personal information to a third party. The consent must include:

- a. An authorization for the custodian to disclose the information specified in the consent;
- b. The purpose for which the information may be disclosed;
- c. The identity of the person or organization to whom the information may be disclosed;
- d. An acknowledgement that the individual providing the consent has been made aware of the reasons why the information is needed and the risks and benefits to the individual of consenting or refusing to consent;
- e. The date the consent is effective and the date, if any, on which the consent expires; and,
- f. A statement that the consent may be revoked at any time by the individual providing it.
- g. A consent or revocation of consent can be provided in writing or electronically.

Electronic consent is valid only if the level of authentication is sufficient to identify the individual who is granting the consent or revoking the consent.

Control: A record that McMan has the authority to manage, including restricting, regulating, and administering its use, disclosure or disposition.

Custody: Record is in the physical possession of McMan.

Disclosure: Giving access to or making the personal information in McMan's custody or control available by other means, to a third party such as another person or organization.

Employee: Individuals employed by McMan. For the purposes of the Privacy and Information Management Program and under FOIP, employees also include individuals who are apprentices, volunteers, practicum students, members of the Board of Directors and individuals under a contract or agency relationship with McMan.

FOIP: Alberta's Freedom of Information and Protection of Privacy Act (FOIP).

Formal Request for Personal Information (Formal Request): Requests to access personal information about themselves where the information requested contains third-party personal information and may allow or require McMan to withhold information according to specific and limited exceptions. Formal Requests must be in writing and are required to follow Policy PRIV-1-5- Access to and Correction of Personal Information.

Notification: An explanation of policies, procedures, consequences, and risks related to the collection, use or disclosure of an individual's personal or personal employee information. McMan must properly inform and notify individuals and employees that personal information is being collected, the purposes for which it is being collected, and who may be contacted at McMan if an individual has questions about the management of their personal information.

Personal Employee Information: Personal information collected, used, or disclosed solely for the purposes of establishing, managing, or terminating an employment or volunteer relationship.

Personal Information (defined under the *FOIP Act*): Recorded information about an identifiable individual including:

- a. The individual's name, address, or telephone number;
- b. The individual's race, national or ethnic origin, colour, or religious or political beliefs or associations;
- c. The individual's age, sex, sexual orientation, marital status, or family status;
- d. An identifying number, symbol, or other particular assigned to the individual;
- e. The individual's fingerprints, blood type, or inheritable characteristics;
- f. Information about the individual's health care history, including a physical or mental disability;
- g. Information about the individual's educational, financial, criminal, or employment history;
- h. Anyone else's opinions about the individual; and
- i. The individual's personal views or opinions, except if they are about someone else.

Privacy Impact Assessment: Review and explanation of proposed changes in administrative practices or information systems affecting the collection, use, disclosure, or security of personal information under the custody and control of McMan.

Privacy Officer: McMan's contact person responsible for ensuring all aspects of legislative compliance, responding to access requests and privacy complaints, and managing information security.

Public Body: Department, branch or office of the Government of Alberta, an agency, board, commission, corporation, office, or other body designated as a public body in the *FOIP Regulations*, a local public body and any other entity defined as such under the *FOIP Act or Regulations*.

Record: Books, documents, maps, drawings, photographs, letters, vouchers, papers, and any other mechanism on which information is recorded or stored by graphic, electronic, mechanical, or other means, but does not include a computer program or any other process or mechanism that produces records.

Research: Academic, applied, or scientific research that necessitates the use of individually identifying personal information.

Routine Request for Personal Information: Requests to access personal information about themselves so long as the information requested does not contain third-party personal information, does not allow, or require McMan to withhold information according to specific and limited exceptions.

Severing: In a right of access request, separating or hiding information in a document that should or cannot be released so that the remainder of the document can be disclosed.

Third Party: An organization or person other than the employees and officials of McMan.

Use: Use of information by McMan employees for a purpose that is authorized by policy or law.

Violation: Security gap or a condition where information security systems or procedures have been violated but a breach has not yet occurred.

## **Privacy and Information Management Program**

To ensure McMan is handling personal information in compliance with its business, ethical, and legal obligations, McMan has established a comprehensive Privacy and Information Management Program. The program is comprised of policies, procedures, and additional information such as forms and education / training materials.

Privacy and Information Management Policies:

1. PRIV-1-0 - Privacy Charter
2. PRIV-1-1 - Roles and Responsibilities
3. PRIV-1-2 - Collection, Use & Disclosure of Personal Information
4. PRIV-1-3 - Collection, Use & Disclosure of Personal Employee Information
5. PRIV-1-4 - Consent and Notification Standards for Personal Information
6. PRIV-1-5 - Access to and Correction of Personal Information
7. PRIV-1-6 - Information Handling and Security
8. PRIV-1-7 - Security in Contracting
9. PRIV-1-8 - Privacy Breach Response
10. PRIV-1-9 - Privacy and Information Security Assessments
11. PRIV-1-10 - Records Management
12. PRIV-1-11 - Records Retention and Disposition (Privacy)
13. PRIV-1-12 - Research and Privacy

## **APPENDICES**

Appendix #TBD - Confidentiality Agreement

Appendix #TBD - Consent for Release of Personal Information

Appendix #TBD - Fee Schedule

Appendix #TBD - Information Security Classification and Standards Table

Appendix #TBD - Network Security Zones Requirements Table

Appendix #TBD - Physical Security Zones Requirements Table

Appendix #TBD - Privacy Breach Response Report

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

Appendix #TBD - Sample Contractor Agreement and Clauses