

 <b>Innisfree Housing Co-operative Inc.</b>  <b>Personal Information Protection By-law</b>	<b>Date Approved:</b>  <b>Next Review Date:</b>	
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## Personal Information Protection By-law

### 1.1 Background

The Personal Information Protection and Electronics Document Act recognizes individuals' right to privacy of their personal information, the need of organizations to collect, use or disclose personal information for legitimate business purposes, and establishes rules for the handling of personal information. Under this new legislation, the Co-op is required to adopt a code for the protection of personal information.

### 1.2 Definition

"The Co-op" includes the Board of Directors, individual directors, administrative and maintenance employees and committee members who may be in possession of Personal Information during the course of their assigned duties.

"Personal Information" includes any factual or subjective information, recorded or not, about an identifiable individual. This does not include the name, title, business address or telephone number of an employee.

"Shall" refers to an obligation under the Act while "may" refers to a recommendation of the Act but not an obligation.

### 1.3 Accountability

The Co-op shall comply with the terms of this Policy at all times and under all circumstances.

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The Board of Directors shall designate a Director to act as the Privacy Officer of the Co-operative. The Board of Directors will be responsible for the organization's compliance with all privacy legislation.

The Privacy Officer's duties are to:

- review the Co-op's policies and practices with regard to personal information
- recommend implementation of the necessary changes to guarantee that the collection and retrieval of personal information follow the Co-op's policy and PIPEDA. The Privacy Officer will use the 10 Principles and the published Findings of the Privacy Commissioner for guidance in addressing policy changes or complaints
- inform the members and public on how the Co-op treats personal information
- handle complaints following the 10 principles contained in PIPEDA
- where the Board of Directors acting as the Privacy Officer is not able to resolve a complaint, then the Directors may decide to seek outside assistance [legal advice, contacting the Privacy Commissioner office, mediation, etc.]

#### **1.4 Agreement of Individuals**

Innisfree Co-op will collect, use and share personal information when three conditions have been met:

- The information is needed for an identified purpose
- That purpose has been explained to the person we are seeking information from
- The person has agreed in advance to the collection of information for that purpose and understands that he or she may withdraw his or her consent at any time

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## 1.5 What Personal Information is Collected

For the application of this policy, personal information means:

- The personal address, telephone number or email address of the individual
- Any identifying number assigned to an individual which can lead to their identification (e.g. Social Insurance Number)
- Information about an individual's income and assets
- Bank account and credit card information
- Information about housing charge payment history
- Information relating to the race, national or ethnic origin, citizenship status, colour, religion, age, sex, sexual orientation, marital or family status of the individual
- Information relating to the education, medical, psychiatric, psychological, criminal or employment history of the individual
- Credit and rental history reports
- Financial information for the purposes of establishing Rent-Geared-to-Income Assistance
- Information relating to vehicle make and model, color, year, plate number, space number
- The individual's name if it appears with other confidential information (e.g. housing charge arrears reports)
- Employee information including résumés, salary and benefits [aggregate information required for budget or audit purposes is not disallowed], disciplinary action, bank account information, member complaints about the individual, and problems between employees.
- Any other personal information not covered by the above.

Personal information does NOT include the name, position and business phone number of employees.

Personal information does NOT include statistical data, which is summarized in such a way as to not identify any individuals.

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Business contact information and certain publicly-available information such as name, address and telephone number (as published in telephone directories) are not considered personal information.

The Co-op may collect, use and disclose Personal Information without the Individual's knowledge and consent to collect arrears owing to the Co-op, to assist in the investigation of a suspected breach of the law or possible security threat, or where the information is publicly available or is in the Individual's best interest, for example, a person's health, life or security.

## **1.6 Collection of Information**

The Personal Information collected by the Co-op will be used by the Administrative Employees, maintenance employees, Board of Directors and the Committee members for the purposes detailed above and in compliance with the Co-op's by-laws, policies and procedures pertaining to Confidentiality.

Personal information will be collected only for the following purposes:

- to approve membership
- to determine income and assets for housing charge calculation
- to demonstrate compliance with requirements contained in the Operating Agreement
- for the purpose of collecting arrears owing to the Co-op
- to protect the health and safety of the member
- to conduct reference and employment checks
- to retain relevant information on employees for government reporting purposes

The Co-op must not seek out personal information about members or applicants unless it is directly relevant to the purposes stated in this policy.

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All documents used for collection of personal information shall state;

- the purpose or purposes of the collection
- the reasons for collection, including the fact that the information may be shared as necessary for the purpose of making decisions or verifying eligibility for assistance under the Community Sponsored Housing Program [through Canada Mortgage and Housing Corporation], the Ontario Disability Support Program Act, 1997, the Ontario Works Act, 1997 or the Day Nurseries Act.
- the name, title, business address and business telephone number of the Privacy Officer who can answer questions and respond to complaints about the collection, use or disclosure of the information and will include;
- a consent form to be signed by the applicant or member authorizing the collection, use, verification and disclosure of the information being collected

### **1.7 Protection of Information**

- All board members will be required to sign a confidentiality agreement.
- Applicant, member and employee files (including information on databases) must be safeguarded against unauthorized access.
- Applicant/member information and employee information must be stored in a locked filing cabinet. Secure storage facilities must be provided for archived applicant/member/employee and accounting information.
- Employees and members of the Board, where appropriate, should have access to records containing personal information only if required in order to fulfill their duties.
- When communicating member issues to the Board, employees should use non-identifying information wherever possible. For example, arrears reports should use a consistent coding formula in place of the actual names of members.
- Databases containing files with personal information, and other confidential electronic files must be password protected against unauthorized access.

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- Screen-savers or other protective action will be used to protect confidentiality of personal information on computer monitors
- All employees have a responsibility to ensure that unauthorized individuals do not have unsupervised access to areas where files are kept and used
- Personal information will be disposed of at the end of the required storage period for member records of 5 years after the member has moved out, and for financial records of 7 years after the end of the fiscal year. The accounting program at present does not permit deleting account information so only the Office Manager, bookkeeper and auditor will be provided with access to the books.
- Paper-based personal information must be shredded prior to disposal. Electronic media must be disposed of in a way that ensures protection of personal information.

### **1.8 Release of Information**

- No personal information will be released to third parties without the written consent of the individual (for example: credit references, member or personal references). When responding to enquiries for references, employees should limit information provided to the questioner and confirm only the information already provided by the individual making the inquiry
- It is not necessary to have a signed consent to release information to collect a debt, for example to a collection agency, or for an eviction proceeding or Small Claims action
- Employees will take reasonable care to confirm the identity of the people to whom information is released

### **1.9 Retention of Personal Information**

The Co-op is required to keep certain files for specified periods of time.

- Financial records that back-up audited financial statements are to be kept for seven years

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- Current member's files are to be kept up-to-date for the previous ten years. Original occupancy agreements are to be kept on file
- The files of past members are to be kept for five years, unless required for debt collection
- Applications that the Board has rejected are to be kept for six months, or until any appeals have been resolved
- Applications that the Board has approved and are subsequently withdrawn by the applicant are to be kept for six months

Some types of files are to be kept permanently. These include:

- Certain types of property information such as property descriptions, drawings and information related to major renovations of the property
- Corporate records such as Articles of Incorporation, minutes of the Board and Members' meetings and lists of directors

### **1.10 Access to and Correction of Personal Information**

- The Privacy Officer will respond to all requests for access to or correction of personal information
- An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her own personal information.
- If the Privacy Officer believes that releasing personal information to an individual would prejudice the mental or physical health or security of any person, he or she will not release the information.
- An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate. If the Privacy Officer is not in agreement with the individual's request for correction, a counter-statement will be filed with the original information.

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### 1.11 Privacy Officer & Procedure for Handling Complaints

The Privacy Officer will respond to all complaints about collection, use, disclosure, storage and disposal of personal information within thirty days of the request being made, and advise the complainant as to the action that has been taken.

Each complaint will be assessed to determine whether:

- Correction of personal information is necessary
- Information was collected, used, released or disposed of inappropriately
- The Co-op's policies and procedures need to be strengthened
- Disciplinary or other action needs to be taken with respect to a breach of a confidentiality agreement

Where necessary, the Privacy Officer will make the necessary recommendations to the Board of Directors in connection with resolution of the complaint.

### 1.12 Breach of Confidentiality

It is a breach of confidentiality to:

- Discuss any confidential information outside the meeting where the information was presented. This would include discussions through the internet.
- Provide confidential information or records to unauthorized individuals
- Leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals

A breach of his or her confidentiality obligation may be grounds for the following:

- A Board member to be removed as a director of the corporation.
- An employee of the Co-op to be terminated.

A Board member who breaches confidentiality may not be covered by the Co-op's insurance if he or she is sued for libel.

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## 10 Principles of Personal Information Protection Appendix A

The Personal Information and Protection of Electronic Documents Act (PIPEDA) is based on ten principles of personal information protection. These principles explain the intent of the Act. This is a brief outline:

### 1. Accountability

- Each organization must appoint an individual, or individuals, responsible for ensuring compliance with PIPA
- An organization is responsible for the personal information under its control. It must implement policies and practices that apply these principles.

### 2. Identifying Purposes

- Organizations must identify how they will use information when they collect it
- Organizations must tell individuals why they are collecting personal information
- If an organization wants to use information in a different way at a later date, the individual must give their consent

### 3. Consent

- Individuals must know about, and consent to, the collection of personal information about them
- The supply of a product or service may not be made conditional on consent to the collection of non-essential information

### 4. Limiting Collection

- Organizations may only collect the information that is necessary for the identified purposes

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**5. Limiting use, disclosure and retention**

- Organizations may use and disclose personal information only for identified purposes
- Organizations may keep personal information only as long as they need it for identified purposes. They must then destroy it
- If an organization uses personal information to make a decision about an individual, they must keep the information long enough for the individual to have access to the information after the decision has been made

**6. Accuracy**

- The use of the information determines how accurate and up-to-date the information must be
- Organizations may not update information routinely unless necessary

**7. Safeguards**

- Organizations must keep personal information secure and restrict access to it

**8. Openness**

- Organizations must provide information about their policies on the management of personal information. They must indicate who in the organization is responsible to ensure compliance with PIPA (for example, personal information protection policy posted on website)

**9. Individual access**

- When asked, organizations must tell individuals what personal information is held about them and they must allow the individual to check the accuracy of the information
- The organization must correct inaccurate information

**10. Challenging compliance**

- Organizations must have a procedure in place to receive and handle complaints about how they collect and use personal information.