



**Policy #7**

**Personal Information Protection & Electronic Documents Act (PIPEDA)**

**Approved by Council on: April 21, 2010**

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## **PERSONAL INFORMATION PROTECTION POLICY**

### **SUMMARY OF POLICY SECTIONS**

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**ATTACHMENT: PIPEDA CONSENT FORM**

## **PURPOSE:**

This Policy governs the collection, use and disclosure of Personal Information by the Township of Southgate from and about employees of the Township of Southgate or from other individuals who may access the municipality's website.

This Policy has been developed in accordance with the principles as set out in the *Personal Information Protection and Electronic Documents Act, Statutes of Canada 2000, Chapter 5* (PIPEDA).

## **POLICY:**

### **1. Definition of Personal Information**

For the purposes of this policy, Personal Information is defined as "any information about an identified individual, recorded in any form, that can be used to distinguish, identify, evaluate or contact the individual or which can be used to infer or determine the identity of an individual."

Personal Information collected by the Township of Southgate includes:

- a) Home address, home telephone number and personal e-mail address information;
- b) Business e-mail address information (*included in Policy pending clarification from Government of Canada with respect to PIPEDA exclusions*);
- c) Employee information required for payroll and employee benefit purposes including date of birth, marital status, social insurance number, banking information and beneficiary and dependent information;
- d) Information gathered from current or prospective employees for recruitment and retention purposes including resumes, application letters, employment references, disciplinary records and performance evaluations.

For greater certainty, as set out in regulations accompanying the PIPEDA legislation, personal information does not include an individual's name, job title, employer name, and business address or business telephone number.

## **2. Collecting and Retaining Personal Information - Employees and Prospective Employees**

The Township of Southgate collects and retains Personal Information from employees in order to:

- a) Administer payroll and benefit plans;
- b) Process employee work-related claims, such as WSIB claims, insurance claims and disability claims;
- c) Establish training and/or development requirements;
- d) Assess qualifications for a particular assignment, job or task;
- e) Gather evidence, as applicable and necessary, for pay for performance programs or disciplinary action;
- f) Establish a contact point in case of emergency;
- g) Comply with applicable labour or employment statutes.

The Township of Southgate may disclose the Personal Information collected from employees to organizations that assist the municipality with the administration of the municipality's employee benefit plans or have been retained for labour relations purposes. Personal Information will only be provided to such organizations if they agree to use the information solely for the purpose of providing services to the municipality and under the instruction of the Township of Southgate and, with respect to that information, to act in a manner consistent with the principles articulated in this policy.

Employee consent to the collection and retention of this Personal Information shall be made in writing at the time of submitting the information to the municipality. Forms utilized to gather this Personal Information will clearly indicate the purposes for which the information is being collected and retained.

Personal Information, excluding financial information, collected from employees is retained:

- a) For the duration of the individual's employment with the Township of Southgate;
- b) Until such Personal Information is superseded, in which case any "obsolete" Personal Information is destroyed;

- c) For a period of five (5) years following an individual's termination of their employment with the Township of Southgate, in accordance with the provisions of the municipality's records retention policy.

Financial information collected from employees is retained:

- a) As required to comply with audit, statutory or other legal purposes.

The Township of Southgate also collects and retains Personal Information from prospective employees through a recruitment process in order to:

- a) Determine eligibility for initial employment, including the verification of references and qualifications;
- b) Assess qualifications for a particular assignment, job or task.

A prospective employee's consent to the collection and retention of this Personal Information is presumed to be given at the time of submitting the information to the Township of Southgate. Published and verbal requests for this Personal Information will clearly indicate the purposes for which the information is being collected and retained.

Personal Information collected from prospective employees, not selected through a recruitment process, is retained:

- a) For the duration of the recruitment process up to and including the date upon which an offer of employment is accepted by the selected applicant.

Unsolicited Personal Information received from prospective employees is not retained by the Township of Southgate and is discarded upon receipt.

### **3. Monitoring of Computer Resources, Premises and E-mail Activity**

The Township of Southgate provides their employees with computers, telephones and related office and communications equipment, as well as software applications.

The Township of Southgate may monitor its computer resources to ensure that damage to these resources is limited and that illegal use is prohibited. The municipality may also monitor its physical premises to ensure that only authorized personnel access the Township of Southgate offices or certain areas within these offices. Such monitoring is undertaken to ensure the efficient use of the municipality's systems and equipment, to protect the municipality's property and to ensure compliance with applicable laws and policies of the Township of Southgate.

In the course of conducting business, the Township of Southgate may monitor employee e-mail activities. E-mail applications will normally contain all e-mails that have been sent and received by municipal employees. Backups and archives may also contain copies of e-mails that employees have deleted. The e-mail system utilized by the Township of Southgate is the property of the municipality but employees may send and receive personal e-mail on the understanding that such e-mails are neither private nor confidential.

The Township of Southgate reserves the right to monitor the e-mail system, including all e-mail sent, received or created. Access rights to employee e-mail boxes and logs will be restricted to those individuals with the responsibility for administering the municipality's information technology systems. Such access will be as limited as possible.

All monitoring will be done on an "as required" basis and will be in proportion to the risks that the municipality faces. The Township of Southgate will conduct any monitoring in the least intrusive way possible.

#### **4. Exchange of Personal Information with Other Organizations**

Unless detailed in this policy, the Township of Southgate does not sell, trade, barter or exchange for consideration, any Personal Information collected from employees of the municipality.

#### **5. Disclosure of Personal Information - Special Circumstances**

Circumstances may arise where the use and/or disclosure of Personal Information may be justified or permitted or where the Township of Southgate is obliged to disclose the information without consent. Such circumstances would include, but not be limited to:

- a) Where required by law or by order of a court, administrative agency or other governmental tribunal;
- b) Where the municipality believes, upon reasonable grounds, that disclosure is necessary to protect the rights, privacy, safety or property of an identifiable person or group;
- c) Where required to determine or administer employee pay or benefits;
- d) Where it is alleged that the person concerned is: guilty of a criminal offence, civilly liable in a legal action; or guilty of professional misconduct;

e) Where disclosure is necessary to permit the municipality to pursue available remedies or limit any damages that it may sustain;

f) Where the information is otherwise deemed to be public information.

Where obliged or permitted to disclose Personal Information without consent, the Township of Southgate will not disclose more information than is required.

## **6. Maintaining Accuracy of Personal Information**

To the best of their ability, the Township of Southgate will ensure that any Personal Information in their possession is as accurate, current and complete as necessary for the purposes for which the municipality has collected the information.

## **7. Security of Information**

The Township of Southgate will maintain adequate physical, procedural and technical security with respect to its offices and information storage facilities so as to prevent any loss, misuse, unauthorized access, disclosure, or modification of Personal Information collected and retained.

As part of these precautions, the Township of Southgate will restrict access to an individual's Personal Information to those employees or organizations that the municipality determines require access to the information in order to fulfill their respective responsibilities.

If an employee or organization misuses the Personal Information to which they have access, this will be considered a serious offence. In the case of an employee, disciplinary action will be taken which, depending upon the degree of misuse, may include termination of employment. If an organization providing services to the Township of Southgate misuses this Personal Information, action will be taken, up to and including termination of the service agreement between the municipality and the organization.

## **8. Accessing and Updating Personal Information**

Upon request, the Township of Southgate will provide employees access to the Personal Information collected and retained about them. If the employee believes that the Personal Information about them is not correct, they may, depending upon the nature of the Personal Information, make or request an amendment to that information. The municipality reserves the right to not change the Personal Information but will append any alternative information, which the individual concerned, believes to be appropriate.

Requests for access to Personal Information will be addressed within a reasonable time and no later than thirty (30) days following the date of request. To guard against fraudulent requests for access or corrections, the Township of Southgate may request sufficient information to allow the municipality to confirm that the individual making the request is authorized to do so, before granting access or making corrections.

The Township of Southgate reserves the right to decline to provide access to Personal Information, upon the request of an individual, where the information requested:

- a) Would disclose Personal Information, including opinions, about another individual or about a deceased individual;
- b) Would disclose confidential information about the Township of Southgate or a third party that may harm the municipality or third party or interfere with contractual or other negotiations of the municipality or a third party;
- c) Is subject to solicitor-client or litigation privilege;
- d) Is not reasonably retrievable and the burden or cost of providing the information would be disproportionate to the nature or value of the information;
- e) Does not exist, is not held, or cannot be found by the Township of Southgate;
- f) Could reasonably result in serious harm to the treatment or recovery of an individual concerned, serious emotional harm to the individual or another individual, or serious bodily harm to another individual;
- g) May harm, or interfere with, law enforcement activities and other investigative or regulatory functions of a body authorized by statute to perform such functions.

Where information will not or cannot be disclosed, the individual making the request will be provided with the reasons for non-disclosure.

The Township of Southgate reserves the right to not respond to repetitious or annoying requests for access.

## **9. Questions Regarding the Municipality's Privacy Policy**

In the event that an employee of the Township of Southgate has questions about:

- a) Access to Personal Information collected and retained by the municipality;
- b) The collection, use, management or disclosure of Personal Information;
- c) The contents of the municipality's Privacy Policy;

The individual will be directed to contact the Privacy Officer appointed by the Council of the Township of Southgate.

## **10. Revisions to Policy**

The Township of Southgate may, from time to time, review and revise its privacy practices and this Policy. In the event of a policy amendment, the municipality's employees and other individuals who may access the municipality's website will receive appropriate notice as soon as possible following the amendment. Policy changes will apply to Personal Information collected from the date of the revised Policy as well as existing Personal Information, which the municipality has already collected and retained.

## **11. Effective Date**

This Policy shall be in effect as of the date approved by the Council of the Township of Southgate.

**PIPEDA CONSENT FORM**

I understand that in order to participate in \_\_\_\_\_, The Township  
Name of plan  
of Southgate will need to collect the following personal information about me:

- ◆ Date of hire
- ◆ Date of termination (benefit extension)
- ◆ Full name
- ◆ Date of Birth
- ◆ Gender
- ◆ Income (base salary, overtime or other supplemental earnings)
- ◆ Number of dependents as well as their full names, date of birth, if they are at school, or disabled
- ◆ Payroll number
- ◆ Social insurance number
- ◆ General details of any benefit claim including the types of drugs, extended health, dental services used, employee’s work limitations/capabilities etc.
- ◆ Medical evidence of insurability
- ◆ Use of benefit

I also understand that in order to participate in the benefit plan The Township of Southgate will provide its benefit consultant or broker with information about the use of benefits by all employees. In addition, information will be disclosed for purposes of costing benefit plan changes, renewal analysis (including for the purpose of obtaining competing quotes from other insurance carriers), utilization studies, case studies (reported by employee status or spousal or dependent status) catastrophic claim size, frequency of use, incidence and sanction studies and actuarial calculations for plan members for the purpose of calculating life and disability reserves. I understand that this information will be provided anonymously and that neither the employee nor the benefit consultant or broker will be able to identify any individual or any specific person’s usage on the basis of the information disclosed.

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Employee name

\_\_\_\_\_  
Date