

Greenvale Co-operative Homes Inc.

Policy name	Privacy and Confidentiality Policy
Policy number	P1
Date developed	June 26 <sup>th</sup> , 2014
Date reviewed or revised	June 26 <sup>th</sup> , 2014
References	<i>Housing Services Act, 2011</i> <i>Personal Information Protection and Electronic Documents Act, 2000</i> <i>Occupational Health and Safety Act, 1990</i>  <i>Checklist for PIPEDA and HSA</i> <i>Sample Confidentiality Agreement</i> NRH Notice 14-04

## Policy statement

In accordance with its obligations under the *Personal Information Protection and Electronic Documents Act* (PIPEDA), the *Housing Services Act* (HSA) Regulation 367/11, and the *Occupational Health and Safety Act* (OHSA), Greenvale Co-operative Homes will protect the privacy and confidentiality of the applicants, members, employees, board members, volunteers, and other stakeholders by ensuring the appropriate treatment of their personal information.

## Purpose and scope

### Purpose

The purpose of this policy is to ensure the co-op's compliance with the PIPEDA, the HSA and O. Reg. 367/11. Together, these pieces of legislation set out standards for the collection, use, disclosure, and protection of personal information gathered through the administration and operation of co-op housing.

This policy also sets out the conditions under which personal information may be shared with the privacy officer or volunteers in order to protect them from experiencing workplace violence, harassment, or domestic violence in the workplace in accordance with the *Occupational Health and Safety Act*.

### Scope

This policy applies to the personal information collected by the co-op from applicants, rent-geared-to-income and market rent members, the privacy officer, board members, volunteers, and others.

## Definitions

### personal information

Refers to the following types of information:

- an individual's personal address, telephone number, or email address
- any identifying number assigned to an individual which can lead to their identification (e.g. Social Insurance Number)
- information regarding an individual's income and assets
- bank account and credit card information
- information about rent payment history
- information relating to the race, national or ethnic origin, citizenship status,

colour, religion, age, sex, sexual orientation, marital or family status of an 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
- an individual's blood type or fingerprints
- information about an individual's personal or political opinions
- correspondence sent to Greenvale Co-operative Homes that is of a private or confidential nature, and any replies from Greenvale Cooperative Homes that would reveal contents of the original correspondence
- the individual's name if it appears with other confidential information (e.g. rental arrears reports)
- employee information including résumés, salary and benefits, disciplinary action, bank account information, member complaints about the individual, and problems between the privacy officer

personal safety plan

A course of action developed between a the staff member and the co-op to help prevent that staff member from domestic violence.

privacy officer

Refers to the individual responsible for the organization's compliance with all privacy legislation.

the co-op

Refers to the organization whose board of directors has approved this policy.

unauthorized individual

Refers to an individual who is not authorized to view the personal information in question.

workplace violence

Means the same as the definition in **Workplace Violence and Harassment Policy**.

workplace harassment

Means the same as the definition in **Workplace Violence and Harassment Policy**.

## Procedure

### The privacy officer

The co-op will appoint an employee to act as the privacy officer for the organization.

The current privacy officer is **Doug Sider the manager as June 26<sup>th</sup>, 2014.**

The responsibilities of the privacy officer are:

- to review the co-op's policies and practices with regard to personal information
- to implement the necessary changes to guarantee that the collection and retrieval of personal information follow the co-op's policy
- to inform the members and public on how the co-op treats personal information
- to respond to complaints, questions, and requests for personal information made under this policy

The co-op will, on all forms which pertain to the collection of personal information, identify the name and title of the privacy officer, along with contact information.

### Collection of information

Personal information will be collected only for the following purposes:

- to approve membership and determine appropriate unit type and size
- to determine income and assets for rent calculation
- to demonstrate compliance with funding requirements
- to protect the health and safety of the member
- to ascertain service levels required in special needs housing
- to conduct reference and employment checks
- to retain relevant information on employees for government reporting purposes
- to assist a member of the staff to design and implement a Personal Safety Plan for the workplace

The privacy officer will not seek out personal information about members or applicants unless it is relevant to their work (see also Section 7.0 of this policy). All documents used for collection of personal information will include:

- the purpose(s) 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 *Housing Services Act, 2011*, the *Ontario Disability Support Program Act, 1997*, the *Ontario Works Act, 1997* or the *Day Nurseries Act*; or as authorized by an agreement under section 171 or 172 of the *Housing Services Act, 2011*

- the name, title and contact information of the privacy officer who can answer questions and respond to complaints about the collection, use or disclosure of the information
- a consent form to be signed by the applicant or member authorizing the collection, use, verification and disclosure of the information being collected

#### The protection of information

All the staff, board members, volunteers, and any other individuals who may have access to applicant, member or employee files will be required to sign a confidentiality agreement.

Applicant, member and employee files must be safeguarded against unauthorized access.

- Paper copies of 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.
- Databases containing files with personal information, and other confidential electronic files must be password protected against unauthorized access.
- Screen-savers and/or other security measures will be used to protect confidentiality of personal information on computer monitors.

Access to records containing personal information will be granted only if access is required in order to fulfil the designated individual's duties.

When communicating member issues to the board, the privacy officer will use non-identifying information as much as possible. For example, arrears reports will use codes in place of the actual names of members, or summary information will be provided.

All staff 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; five years after the member has moved out, and seven years after the end of the fiscal year for financial records.

Paper-based personal information must be shredded prior to disposal. Electronic media must be purged prior to disposal.

## 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 inquiries for references, the privacy officer must 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 a Landlord Member Board or Small Claims Court action.

The privacy officer will confirm the identity of the people to whom information is released.

Personal information will be released to the following:

- **Funders and auditor:** The co-op, in order to be in compliance with funding program requirements, must release information to funders and auditors. People doing these jobs have their own professional code of ethics and are required to maintain confidentiality. The privacy officer will confirm that the person concerned is seeking access legitimately.
- **Niagara Regional Housing:** As part of its responsibilities to the co-ordinated access system, the Co-op will provide the access system with information about members who have left in arrears. This information will be used by the co-ordinated access system as part of their screening process for applicants for co-op housing.
- **Researchers:** Occasionally, the co-op may be asked to assist an approved accredited researcher. Authorization to have access to files will depend on their credentials and the nature of their research. The board of directors must approve all such requests for personal information.
- **Credit bureaus:** Information on orders or judgements for money owing will be provided to any credit bureau of which the co-op is a member.
- **Law enforcement:** While the co-op has a responsibility to protect the right to privacy of applicants and members, this responsibility must be balanced with an obligation to protect the broader community. Law enforcement agencies requesting personal information about applicants, members, employees, board members or volunteers, for example confirmation that they live or work at the

co-op, will be required to provide a written request or “warrant” before information will be released.

Personal information may be released to the police without a warrant:

- In the context of reporting criminal activity, the privacy officer with personal knowledge will report the incident.
- With respect to crimes against persons, witnesses are obligated to report and provide appropriate information to the police so that charges can be laid.
- If there is a substantiated reason to suspect criminal activity, such as drugs or gangs, the privacy officer with knowledge of the activity will report it to the police.
- Victims of crimes are responsible for reporting the crime directly to the police. However, if the victim is a child or a person with a disability that renders them incapable of making the decision to report, and an individual has knowledge of this crime, the legal responsibility lies with all citizens and the co-op to report the crime to the police.
- In the case of suspected child abuse, information will be provided to the Children’s Aid Society. (This duty to report is required under Section 72 of the Child and Family Services Act.)

Subpoenas or Summons do not give the privacy officer the right to disclose personal information to the person issuing the subpoena or summons. Any information released must be done so in a legal assembly constituted for that purpose.

- Health and safety officials: Personal information will be provided to outside agencies, individuals and institutions when it can be clearly identified as contributing to the applicant or member’s benefit, for example, information about an individual’s medical condition to the paramedics or fire department.
- Next of kin or emergency contacts: It may be appropriate to use personal information to contact a community service agency or a designated relative in exceptional circumstances, such as, when using an emergency contact provided by a member and held on file, or contacting medical support services when a member is unable to function and maintain his/her tenancy.

#### 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 their own personal information.

However, 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.

Information contained in the file will be reviewed prior to providing access to the file and may be redacted or edited as necessary to protect the privacy and personal information of others.

An individual will 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 written counter-statement explaining why the information should not be amended will be provided to the individual and filed with the original information.

#### Requests for a member's own information:

Upon receiving a written request for a member's own file information, the privacy officer will identify the information requested and redact as required to protect other individual's private information and make that information available to the requesting member with 30 days of receipt of the request.

#### Requests for public documents:

Upon receiving a written request for documents considered in the public domain such as audited financial statements, regular board minutes, capital plans, budgets, policies, bylaws etc, the privacy officer will provide copies to the requesting member within 30 days of receipt of the request. The requesting member may be charged for cost of materials used in completing the request.

#### Request for General Records:

Upon receipt of a request for general record documents or complete files that may contain other's private information the co-op will obtain a legal opinion regarding the release of such information. Based on that opinion, a decision for release of the



information will be provided to the requestor within 30 days of receipt of the request. The documents approved for distribution by the legal opinion, should there be any, will be provided to the requester within 15 days of the notice. The requester will be charged for the cost of materials.

#### Procedure for handling complaints

The privacy officer will respond to all complaints about collection, use, disclosure, storage and disposal of personal information within thirty (30) 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:

- the collection of personal information is necessary
- the information was collected, used, released or disposed of inappropriately
- the co-op's policies and procedures need to be modified
- 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.

#### Prevention of workplace violence

The co-op, as part of its Workplace Violence and Workplace Harassment policies, must notify the privacy officer, contractors, casual workers, and volunteers if there is the risk of workplace violence from any person (including members and co-workers) with a history of violent behavior if:

- they can be expected to encounter that person in the course of their work
- the risk of workplace violence or harassment is likely to expose them to physical injury

Member and employee personal information, disclosed in accordance with the co-op's Workplace Violence and Workplace Harassment policies, is permissible and will not be considered a breach of confidentiality.

#### Breach of confidentiality

The following constitute breaches of confidentiality:

- Discussion of any confidential information within or outside the organization where it may be heard by individuals who are not authorized to have access to

that information.

- The provision of confidential information or records to unauthorized individuals.
- Failing to secure written or electronic personal information which results in the information being visible, or potentially visible, or distributed to unauthorized individuals.
- Deliberately accessing confidential material that is not required by that individual in the performance of their duties.

A breach of confidentiality may be grounds for the privacy officer to be disciplined or terminated.

A breach of his or her confidentiality agreement may be grounds for a board member to be removed as a director of the corporation. A board member who breaches confidentiality may not be covered by Greenvale Co-operative Homes' insurance if he or she is sued for libel.

All others associated with the co-op who sign a confidentiality agreement (volunteers, contractors, etc.) will be held to the same standard as the privacy officer and board members.

**PERSONAL INFORMATION PROTECTION & ELECTRONIC DOCUMENTS ACT**

**Disclosure and Consent Form**

The Personal Information Protection and Electronic Documents Act (PIPEDA) is a law that protects personal information in the hands of private and public sector organizations and provides guidelines for the collection, use and disclosure of that information in the course of commercial activity.

Members: \_\_\_\_\_ Long Term Guests: \_\_\_\_\_

Children under 16 years of age: \_\_\_\_\_

Unit:

Information That Greenvale has that is yours and falls under PIPEDA.

Personal Identification

Income Information

Citizenship Information

Medical Information

Banking Information

Housing Charge Account Information

Household Composition

Employment or Self Employment Information

The above noted information will only be shared with the following people or agencies for the following reasons.

Niagara Regional Housing - Administration of the Social Housing Reform Act.

Greenvale's Auditor – yearly audit and financial year end statements

Greenvale's Lawyer – legal issues that pertain to Greenvale's operations and may involve you

Emergency Personnel – During an emergency involving you

Police – During a criminal investigation or a matter of personal endangerment

The Board of Directors – in carrying out it's normal duties as prescribed in the co-op's bylaws.

Members Signatures: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

Long Term Guests Signatures: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

Privacy Officer: \_\_\_\_\_ Date: \_\_\_\_\_