

**THE BOYS & GIRLS CLUB SERVICES OF GREATER VICTORIA
&
BOYS & GIRLS CLUBS OF VICTORIA FOUNDATION**

PRIVACY CODE

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INTRODUCTION

At Boys & Girls Club Services of Greater Victoria and Boys and Girls Clubs of Greater Victoria Foundation, (hereinafter referred to as the “Agencies”) respecting privacy is an important part of our commitment to our participants, employees, donors and community stakeholders. To that end we have developed a **Privacy Code**, which is a statement of principles and guidelines regarding the minimum requirements for the protection of personal information. The objective of this Privacy Code is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of the *Personal Information Protection Act* (PIPA) which is B.C.’s equivalent of the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA).

SCOPE AND APPLICATION

The ten principles that form the basis of the Agencies Privacy Code are interrelated and shall be adhered to as a whole. Each principle should be read in conjunction with the accompanying commentary, which has been drafted, to reflect personal information issues specific to the Agencies.

The scope and application of the Agencies Privacy Code are as follows:

- The Agencies Privacy Code applies to personal information collected, used, or disclosed by Boys & Girls Club Services of Greater Victoria and/or the Boys & Girls Clubs of Greater Victoria Foundation in the course of their activities.
- The Privacy Code applies to the management of personal information in any form, whether oral, electronic or written.

- The Privacy Code does not impose any limits on the collection, use or disclosure of the following information by the Agencies:
 - (a) An employee’s name, title or business address or telephone number;
 - (b) information that the Agencies collect, use or discloses for journalistic, artistic or literary purposes and does not collect, use or disclose for any other purpose; or
 - (c) other information about the individual that is publicly available and is specified by regulation pursuant to the *Personal Information Protection Act [PIPA]* (BC).
- The application of the Agencies Privacy Code is subject to the requirements and provisions of the *Personal Information Protection Act [PIPA]* (BC), the *Personal Information Protection and Electronic Documents Act [PIPEDA]* (Canada) and/or the *Freedom of Information Act*, the regulations enacted thereunder, and any other applicable legislation or regulation.

The Agencies will continue to review this Privacy Code to make sure that it is relevant and remains current with changing industry standards, technologies and laws.

SUMMARY OF PRINCIPLES

The Agencies are responsible for personal information under their control and shall ensure compliance with the following principles.

PRINCIPLE 1 - ACCOUNTABILITY

The Agencies shall designate one or more Privacy Officer(s) who shall be responsible for ensuring the timely development and implementation of policies and practices for the handling of personal information and making this information available to the public on request. The Privacy Officer(s) shall also oversee a complaint process to handle complaints about its personal information practices and will comply with the ten principles for the protection of privacy in a manner consistent with “what a reasonable person would consider appropriate in the circumstances.”

- 1.1 Responsibility for compliance with the provisions of the Agencies Privacy Code rests with the designated Privacy Officer who can be reached at 250-384-9133 or via privacy@bgcvic.org. Other individuals within the may be delegated to act on behalf of the Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information.
- 1.2 The Agencies shall make known, upon request, the title of the person or persons designated to oversee compliance with the Privacy Code.
- 1.3 The Agencies are responsible for personal information in their possession or control and shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party.
- 1.4 The Agencies shall implement policies and procedures to give effect to this Privacy Code, including:
 - (a) implementing procedures to protect personal information and to oversee compliance with the Privacy Code;
 - (b) implementing procedures to receive and respond to complaints or inquiries;

- (c) training and communicating to staff about Privacy policies and procedures; and
- (d) developing information materials to explain the Agencies policies and procedures.

PRINCIPLE 2 - IDENTIFYING PURPOSES FOR COLLECTION OF PERSONAL INFORMATION

The Agencies shall identify the purposes for which personal information is collected at or before the time the information is collected.

- 2.1 The Agencies shall specify orally, electronically or in writing the identified purposes for which the information is needed to the participant, donor or employee at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes and uses or refer the individual to a designated person within the Agencies who can explain the purposes.
- 2.2 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is permitted or required by law, the consent of the participant, donor or employee will be acquired before the information will be used or disclosed for the new purpose.

PRINCIPLE 3 - OBTAINING CONSENT FOR COLLECTION, USE OR DISCLOSURE OF PERSONAL INFORMATION

The knowledge and consent of a participant, donor or employee are required for the collection, use, or disclosure of personal information, except where inappropriate. The likely consequences of withdrawing consent will be explained to any individual who wishes to withdraw/withhold consent. For example, withholding of consent may limit the Agency's ability to provide specific services for which the information is required.

- 3.1 In obtaining consent, the Agencies shall use reasonable efforts to ensure that a participant, donor or employee is advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the participant, donor or employee.
- 3.2 Generally, the Agencies shall seek consent to use and disclose personal information at the same time it collects the information. However, the Agencies may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- 3.3 The Agencies may require participants or donors to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a service only if such collection, use and/or disclosure is required to fulfill explicitly specified, and legitimate and identified purposes.
- 3.4 In determining the appropriate form of consent, the Agencies shall take into account the sensitivity of the personal information and the reasonable expectations of its participants, donors and employees.
- 3.5 The use of services by a participant, or the acceptance of employment or benefits by an employee, may constitute implied consent for the Agencies to collect, use and disclose personal information for the identified purposes.
- 3.6 A participant, donor or employee may withdraw consent at any time, subject to legal or contractual

restrictions and reasonable notice. Participants, donors and employees may contact the Agencies for more information regarding the implications of withdrawing consent.

- 3.7 The Agencies may collect or use personal information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated.
- 3.8 The Agencies may collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a breach of an agreement or a contravention of a law.
- 3.9 The Agencies may collect, use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- 3.10 The Agencies may use or disclose personal information without knowledge or consent to a lawyer representing the Agencies, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

PRINCIPLE 4 - LIMITING COLLECTION OF PERSONAL INFORMATION

The Agencies shall limit the collection of personal information to that which is necessary for the purposes identified. The Agencies shall collect personal information by fair and lawful means.

- 4.1 The Agencies collect personal information primarily from their participants, donors and/or employees.
- 4.2 The Agencies only collect personal information for purposes that a reasonable person would consider appropriate in the circumstances.
- 4.3 The Agencies may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties who represent that they have the right to disclose the information.

PRINCIPLE 5 - LIMITING USE, DISCLOSURE, AND RETENTION OF PERSONAL INFORMATION

The Agencies shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall only be kept as long as necessary to fulfill the purposes for which it was collected after which time it shall be either destroyed or rendered anonymous once it is no longer necessary for a legal or business purpose.

- 5.1 The Agencies shall use or disclose personal information only for the purpose(s) for which it was collected, unless the individual consents to the new purpose, or the use or disclosure is otherwise authorized by the Act.
- 5.2 Only the Agencies' employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information about participants, donors and employees.
- 5.3 The Agencies shall keep personal information only as long as it remains necessary or relevant for the

identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a participant, donor or employee, the Agencies shall retain, for a period of time that is reasonably sufficient to allow for access by the participant or employee, either the actual information or the rationale for making the decision.

- 5.4 The Agencies shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

PRINCIPLE 6 - ACCURACY OF PERSONAL INFORMATION

Personal information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.

- 6.1 Personal information used by the Agencies shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a participant, donor or employee.
- 6.2 The Agencies shall update personal information about participants, donors and employees as necessary to fulfill the identified purposes or upon notification by the individual.

PRINCIPLE 7 - SECURITY SAFEGUARDS

The Agencies shall protect personal information by security safeguards appropriate to the sensitivity of the information.

- 7.1 The Agencies shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures, regardless of the format in which it is held.
- 7.2 The Agencies shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All the Agencies employees with access to personal information shall be required to respect the confidentiality of that information.

PRINCIPLE 8 - OPENNESS CONCERNING POLICIES AND PROCEDURES

The Agencies shall make readily available to participants, donors and employees specific information about its policies and procedures relating to the management of personal information. This shall include the name and contact information of the Privacy Officer(s).

- 8.1 The Agencies shall make information about their policies and procedures easy to understand, including:
- (a) the title and address of the person or persons accountable for compliance with the Agencies Privacy Code and to whom inquiries and/or complaints can be forwarded;
 - (b) the means of gaining access to personal information held by the Agencies;

- (c) a description of the type of personal information held by the Agencies, including a general account of its use; and
- (d) a description of what personal information is made available to related organizations (e.g., subsidiaries).

8.2 The Agencies shall make available information to help participants, donors and employees exercise control of the collection, use and/or disclosure of their personal information and, where applicable, privacy-enhancing services available from the Agencies.

PRINCIPLE 9 – PARTICIPANT, DONOR AND EMPLOYEE ACCESS TO PERSONAL INFORMATION

The Agencies shall inform a participant, donor or employee of the existence, use, and disclosure of his or her personal information upon request and shall give the individual access to that information. A participant, donor or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Upon request, the Agencies shall afford participants, donors and employees a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time, and at minimal or no cost to the individual.
- 9.2 In certain situations, the Agencies may not be able to provide access to all the personal information that it holds about a participant, donor or employee. For example, the Agencies may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, the Agencies may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of the laws of Canada or a province. If all or part of the requested information is refused, the Agencies shall provide the applicant with a response that includes:
 - a) Reasons and the provision of the Act on which the refusal is based;
 - b) The name or title and contact information of someone who can answer the applicant's questions about the refusal; and,
 - c) Information on how to request a review by the Information and Privacy Commissioner
- 9.3 Upon request, the Agencies shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, the Agencies shall provide a list of third parties to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, a participant, donor or employee may be required to provide sufficient identification information to permit the Agencies to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- 9.5 The Agencies shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, the Agencies shall transmit to third parties having access to the

personal information in question any amended information or the existence of any unresolved differences.

- 9.6 Participants, donors and employees can obtain information or seek access to their individual files by contacting the Agencies Privacy Officer.

PRINCIPLE 10 - CHALLENGING COMPLIANCE

A participant, donor or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for the Agencies compliance with this Privacy Code.

- 10.1 The Agencies shall maintain procedures for addressing and responding to all inquiries or complaints from its participants, donors and employees regarding the Agencies handling of personal information.
- 10.2 The Agencies shall inform their participants, donors and employees about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with the Agencies Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 The Agencies shall investigate all complaints concerning compliance with Privacy Code. If a complaint is found to be justified, the Agencies shall take appropriate measures to resolve the complaint including, if necessary, amending their policies and procedures. A participant, donor or employee shall be informed of the outcome of the investigation regarding his or her complaint.

Definitions

the Agencies: Boys & Girls Club Services of Greater Victoria and Boys & Girls Clubs of Greater Victoria Foundation; are both registered under the Societies Act of British Columbia.

collection: The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

consent: Voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of the Agencies. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

participant: An individual who uses any of the Agencies services or otherwise provides personal information to the Agencies in the course of the Agencies activities.

disclosure: Making personal information available to a third party.

donor: an individual or entity that supports Agency monetarily or in-kind.

employee: An employee or volunteer of or independent contractor to the Agencies.

personal information: Information about an identifiable individual, but does not include the name, title,

business address or telephone number of an employee of an organization.

third party: An individual or organization outside of the Agencies

use: The treatment, handling, and management of personal information by and within the Agencies or by a third party with the knowledge and approval of the Agencies.

Additional Information

Please be assured that we will never sell, share or disclose your personal information for a mailing list or other unauthorized use.

For more information regarding The Boys & Girls Club Services of Greater Victoria/Boys and Girls Club of Greater Victoria Foundation Privacy Code, please contact our Privacy Officer at 250-384-9133 or via privacy@bgcvic.org.

Please visit the Privacy Commissioner of Canada's web site at www.privcom.gc.ca.