

**East Toronto Family Community Centre/
Eastview Neighbourhood Community Centre**

Policy/Procedure	Access to Personal Information and Protection of Privacy Policy
Date Approved by Board	May 17, 2016
Signature (position)	
Date Revised	
Date Reviewed	

1. POLICY STATEMENT

East Toronto Family Community Centre/Eastview Neighbourhood Community Centre (“Eastview”) values the trust bestowed on it by the community it serves and recognizes that the manner in which it handles information is fundamental to the maintenance of that trust. To this end, Eastview is committed to establishing appropriate procedures for dealing with requests for access to information, including by law enforcement agencies, and to protecting the confidentiality of the Personal Information it collects in the course of providing its services..

2. PURPOSE

Eastview has implemented this policy (the “Policy”) to ensure that its practices regarding access to information and the collection, use, retention and disclosure of Personal Information, comply with applicable legislation, including but not limited to the *Municipal Freedom of Information and Protection of Privacy Act* (“*MFIPPA*”), as well as any applicable by-laws and/or policies of the City of Toronto.

3. APPLICATION

The Policy applies to:

- Information, including Personal Information, that Eastview collects, retains, uses or discloses in the course of providing its services and undertaking its fundraising activities.
- Requests by a law enforcement agency for information, including Personal Information about an Eastview participant, staff member, student or volunteer.
- Requests by the media or members of the public for information about Eastview and its activities, that do not include Personal Information.

The Policy does not apply to Personal Information about Eastview’s employees that is collected, retained, used or disclosed for the purpose of managing the employment relationship.

4. DEFINITION

“Information and Privacy Officer” means the individual responsible for ensuring Eastview’s compliance with the Policy and otherwise responding to requests for information. Eastview’s Information and Privacy Officer is the Executive Director.

“Law Enforcement Agency” means agencies that have been granted the powers to conduct law enforcement investigations. This includes Toronto Police Service, Ontario Provincial Police, RCMP, police services officers from other municipalities, Correctional Services of Canada, Ontario Ministry of Correctional Services, and special investigators for a provincial Ministry or Federal Department.

“Personal Information” means any information that can be used to distinguish, identify or contact a specific individual including, but not limited to, information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual, Social Insurance Numbers, date of birth, e-mail addresses and/or information relating to the individual’s education or medical, psychiatric, psychological, criminal or employment history or to financial transactions in which the individual has been involved. Personal information also includes images and voice recordings of individuals obtained from surveillance equipment.

Personal Information does not include information that would enable an individual to be contacted at a place of business (e.g. the person’s name, position name or title, telephone number, address, email or fax number used for business purposes).

“Proceeding” means an adjudication or matter that is before a court or tribunal the purpose of which is to enforce a law or obtain legal remedies pursuant to a law.

5. RESPONSIBILITIES

The Information and Privacy Officer or Designate shall be responsible for:

- Providing training on this Policy to all Eastview staff, volunteers and students who may be responsible for the collection, use, retention or disclosure of Personal Information.
- Investigating, reporting and otherwise following up in circumstances involving the misuse of information or the accidental loss or breach of information.
- Supporting other staff who are dealing with requests from law enforcement agencies.
- Responding to other requests for information.
- Overseeing the administration of this Policy.

All Eastview employees, students and volunteers are responsible for complying with this Policy and in particular, for the protection of any Personal Information which the employee, student or volunteer personally collects, retains, uses or discloses in the course of providing services or fundraising on behalf of Eastview.

A breach of this policy by any employee may result in discipline up to and including termination for cause. A breach of this Policy by a volunteer may result in the termination of the volunteer’s relationship with Eastview.

6. RESPONDING TO REQUESTS FOR INFORMATION FROM LAW ENFORCEMENT AGENCIES

Eastview must comply with requests from law enforcement agencies when:

a) Presented with a search warrant

A warrant specifies the extent of the police officer's investigative power. It may give the officer broad investigation powers, which may include rights of access to premises, people, and records. However the warrant may be limited to certain items. The wording of the warrant will indicate which type of access, records or information is to be provided to the police. Eastview is to comply with the warrant. A copy of the warrant and of any record taken by the investigating officer is to be provided to the Executive Director.

b) Presented with a subpoena

A subpoena tells someone to attend court and to bring certain records with them. If any member from the Centre receives a subpoena regarding Eastview matters, this should be brought immediately to the attention of the Information and Privacy Officer, or, in his/her absence, the Designate. Eastview staff are to comply with the subpoena.

Eastview has discretion in how to comply with a request for access to information made by a law enforcement agent when the law enforcement agent does not present a warrant or subpoena. Personal and other information held by Eastview may be released to the agent if the records aid an investigation undertaken with a view to inform a law enforcement Proceeding, or from which a law enforcement Proceeding is likely to result.

- All requests (oral or written) by an agent without a warrant or subpoena for access to information shall be referred to the Information and Privacy Officer, or in her/his absence, to the Delegate.
- If a decision is made that the Centre will provide the requested information, the agent must complete the "Release of Record to Law Enforcement Form" before any information is disclosed.
- If the Information and Privacy Officer intends to exercise his or her discretion in favor of releasing information to the police, the City Legal Department must be consulted before agreeing to the request if the requested record includes written correspondence between the Centre and the City's Legal Department. Contact with the City's Legal Department is not otherwise mandatory.

Eastview may wish to consult the City's Legal Department if uncertain about the scope of a warrant or subpoena, or how to respond to another type of request from a law enforcement agency that is not accompanied by a warrant or subpoena.

7. RESPONDING TO OTHER REQUESTS FOR INFORMATION

On occasion, Eastview may be asked by the media or a member of the public for Eastview records that have not been made public, and which do not contain Personal Information. Eastview will comply with MFIPPA's Freedom of Information provisions in providing such records.

Such requests are to be dealt with by Eastview's Information and Privacy Officer or her/his designate.

Eastview may wish to consult the City's Legal Department if uncertain about how to respond to such requests.

8. PERSONAL INFORMATION

i. Collection of Personal Information

Eastview will only collect Personal Information directly from the person to whom the information relates (or from the parent or guardian) unless the person authorizes another manner of collection or another manner of collection is authorized by law.

Subject to certain exceptions provided under *MFIPPA*, prior to collecting Personal Information, Eastview shall advise participants, students and volunteers from whom Personal Information is being collected of the:

- Legal authority under which Eastview is collecting the Personal Information,
- To whom the Personal Information will be given,
- The specific information that will be collected,
- The purposes for which the Personal Information is intended to be used, and
- Contact information of Eastview's Privacy Officer.

ii. Use of Personal Information

Eastview collects Personal Information for the purpose of providing its services and raising funds to support of the provision of such services.

Without the individual's consent or other lawful authority, Eastview will not use Personal Information for any purpose other than the purpose for which it was originally collected or a purpose that is consistent with same.

iii. Disclosure of Personal Information

Eastview will disclose Personal Information in compliance with its legal authority under *MFIPPA* which includes but is not limited to any of the following circumstances:

- a) The individual (or the parent or guardian) to whom the Personal Information relates has consented to the disclosure on an Eastview form that collects Personal Information (e.g., memberships forms and program registration forms),
- b) The purpose of the disclosure is the same as or consistent with the purpose for which the Personal Information was collected,
- c) An individual's health and safety is affected, provided the individual to whom the Personal Information relates is notified of the disclosure,

- d) The information is requested in writing by a law enforcement agency, or Eastview is presented with either a search warrant or subpoena (see below),
- e) Disclosure will facilitate contact with the next of kin or a friend of an individual who is injured, ill or deceased; or
- f) Disclosure is for the purpose of reporting suspected child abuse or neglect to the relevant authorities in accordance with child welfare laws.

iv. Informed Consent to Disclose Personal Information

Consent to release Personal Information must be informed. For consent to be informed, the individual must be made aware of:

- Who the information will be shared with
- The specific information that will be shared
- The purpose of sharing the information
- How the information will be used.

In the case of Personal Information about a minor, there may be a benefit to the child for his or her personal information to be disclosed for educational planning or service co-ordination purposes. Informed consent must be obtained from the parent or legal guardian.

If an individual is unable to provide informed consent because of a language barrier, an interpreter is to be used.

The individual has the right to cancel their consent at any time.

v. Security of Personal Information

Eastview is committed to ensuring the security of Personal Information and will make all reasonable efforts to protect it from loss, theft, unauthorized access, disclosure, copying, use, or modification. Security measures include but are not limited to:

- The protection of electronic information with the use of passwords, encryption and system firewalls;
- Locked cabinets and destruction procedures to safeguard Personal Information contained in hard copy;
- Sign-in procedures to control access to Eastview's premises.

vi. Retention of Personal Information

Unless the individual to whom the Personal Information relates consents to its earlier disposal or a by-law or resolution made by Eastview or made by the City of Toronto provides for a shorter period, Eastview will retain Personal Information for at least one (1) year after use.

vii. Access to Personal Information

Subject to certain exceptions specified in *MFIPPA*, Eastview will provide individuals with access to their own Personal Information that is in its custody or is under its control.

To access Personal Information an individual must complete a written request for access using Eastview's 'Access and Correction of Personal Information Form' and submit the completed form to the Privacy Officer.

viii. Correction of Personal Information

Eastview makes reasonable efforts to ensure that the Personal Information collected is as accurate, complete and up-to-date as possible. However, an individual who believes there is an error or omission relating to their Personal Information may request a correction.

To request a correction to Personal Information, the individual must complete an 'Access and Correction of Personal Information Form' that identifies the specific information the individual is seeking to correct and the precise correction sought. Upon receipt of such request Eastview will decide whether to make the correction.

If Eastview declines to make the correction, the individual may require Eastview to attach a statement of disagreement to the disputed Personal Information which indicates the correction that was requested but not made.

Upon request, Eastview will notify any individual or entity to whom an individual's Personal Information was disclosed in the year prior to the individual's request to correct their Personal Information, of the correction made or the statement of disagreement.

9. AWARENESS

This Policy, and related practices and protocols, shall be posted on the Eastview web site and/or made available to any member of the public upon request.

Employees, students and volunteers are required to read this policy when first engaged with Eastview. The Executive Director will include this policy in an annual policy refresh.

10. COMPLAINTS

An individual who has a concern about the manner in which Eastview has handled their Personal Information or the administration of this Policy more generally, may file a complaint using the procedures outlined in Eastview's Complaints and Appeals Policy / Procedure. The Privacy Officer will be notified of all complaints filed.

Eastview will investigate all complaints and take any steps it deems appropriate in response to same. An individual who is not satisfied with the resolution of their complaint may appeal to the Information and Privacy Commissioner in accordance with the procedures set out in *MFIPPA*.

This Policy replaces:

Police Investigations Policies & Procedures, January 19, 1995
Confidentiality and Information Policy/Procedure, December 2011

Authorities

The Child & Family Services Act (amended 1999)

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Forms

Registration forms

Membership forms

Access and Correction of Personal Information Form

Release of Record to Law Enforcement Form