



DURHAM COLLEGE STUDENT ASSOCIATION

POLICIES OF DURHAM COLLEGE STUDENT ASSOCIATION, 2022

CHAPTER B-2

PRIVACY POLICY

OFFICIAL CONSOLIDATION

Current as of

May 1, 2022

NOTES ON OFFICIAL CONSOLIDATION

This consolidation is current as of May 1, 2021.

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

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DURHAM COLLEGE STUDENT ASSOCIATION (*The "Corporation"*)

PRIVACY POLICY (*The "Policy"*)

Policy Statement

1. The Durham College Student Association. is committed to providing its customers and Members with quality service. The Corporation may, in the course of its operations, collect, use and disclose some Personal Information about the Corporation's customers and Members (the "Stakeholders"). Protecting their Personal Information is one of the Corporation's highest priorities.
2. While the Corporation has always protected the privacy and Personal Information of its Members and customers, the Corporation is strengthening its commitment to protect the privacy and Personal Information of its Stakeholders by adopting this Personal Information Protection Policy (the "Policy"). This Policy abides by the requirements of the *Personal Information Protection and Electronic Documents Act* ("PIPEDA"), which sets rules and requirements on how businesses and not-for-profit corporations collect, use and disclose Personal Information.

Purpose

3. The purpose of this Policy is to outline the requirements developed under PIPEDA, which sets out the ground rules for how businesses and Organizations must handle Personal Information in the course of Commercial Activity. This Policy will provide the framework for compliance with the requirements in PIPEDA.

Applicable legislation

4. PIPEDA is a federal privacy law for private-sector Organizations. PIPEDA requires Organizations to establish policies, practices and procedures governing how Organizations will ensure the protection of Personal Information it uses, collects and discloses

Definitions

5. Any capitalized terms that are not defined herein shall have the same meaning as those defined in the By- Laws.

6. The following definitions shall pertain throughout this policy:

"Breach" means the loss of, unauthorized access to or unauthorized disclosure of Personal Information resulting from a breach of the Corporation's security safeguards or from a failure to establish those safeguards.

"Commercial Activity" means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character. Including but not limited to the selling, bartering or leasing of donor, membership or other fundraising lists.

"Member" means a member of the Corporation, as defined in the Corporation By-laws.

"Organization" includes an association, a partnership, a person, a trade union, a not-for-profit corporation or a corporation.

"Personal Information" means information about an identifiable Member, including but not limited to their name, age, home address, phone number, social insurance number, marital status, medical information, education and employment information.

"PIPEDA" means the *Personal Information Protection and Electronic Documents Act*.

"Privacy Officer" means the individual designated as responsible for ensuring that the Corporation complies with this policy and PIPEDA. The

Privacy Officer for this Corporation shall be the Secretary of the Board.

"Stakeholder" means a customer or a Member, as defined in the Corporation By-laws, of the Corporation.

Application

7. This Personal Information Protection Policy applies to the Corporation and its subsidiaries, if any.
8. This Policy also applies to any service providers collecting, using or disclosing Personal Information on behalf of the Corporation.
9. This Policy and its related procedures shall protect the Personal Information used, collected and disclosed by the Corporation.
10. The following individuals shall ensure the Corporation complies with this Policy and PIPEDA:
 - a. all employees of the Corporation;
 - b. all Directors;
 - c. the Executive Chairpersons;
 - d. all Executive Officers; and
 - e. all volunteers acting on behalf of the Corporation.
11. The Corporation shall also ensure that its policies, By-laws and guidelines do not contradict this Policy or PIPEDA. In the event that such a contradiction occurs, PIPEDA shall take precedence.
12. The Corporation is committed to protecting the Personal Information of its Members. Training relating to this Policy shall be provided in a way that best suits

the duties of employees, volunteers and other staff members. Similarly, the Corporation is committed to promoting its compliance with PIPEDA to its Members.

Responsibilities- Board of Directors

13. The Corporation's Board of Directors is responsible for:
 - a. The governance of this Policy; and
 - b. Corporate liability for compliance with legislative requirements.

Responsibilities - Management Committee

14. The Corporation Management Committee is responsible for:
 - a. Implementing the standards and processes described in this Policy and PIPEDA; and
 - b. Supporting and promoting this Policy throughout the Corporation.

Responsibilities – Secretary of the Board

15. The Corporation's Secretary of the Board is responsible for:
 - a. Acting as the Corporation's Privacy Officer;
 - b. Acting as a resource for Directors, Chairpersons, other Executive Officers, employees, Members or the public on issues relating to this Policy and PIPEDA; and
 - c. Providing information or training, as applicable, regarding this Policy and the Corporation's obligations under the PIPEDA.

Responsibilities – Employees

16. The Corporation's employees are responsible for cooperating with Directors, Chairpersons, other Executive Officers and other employees in abiding by the requirements of this Policy.

Principle 1: Accountability

17. The Corporation is accountable for the Personal Information it holds and or controls. This includes any information the Corporation has collected from either Stakeholders or from the Durham College.

18. The Corporation has established and put into practice policies and procedures with the purpose of protecting Personal Information. The Corporation will ensure it provides timely training to its employees and volunteers with regards to such policies and procedures and will provide such individuals training on the roles and responsibilities related to protecting Personal Information.

Principle 2: Personal Information Collected and Purpose

19. Unless the purposes for collecting Personal Information are obvious and the Stakeholder voluntarily provides his or her Personal Information for those purposes, the Corporation shall communicate the purposes for which Personal Information is being collected. This communication shall either be oral or in writing and may be before, or after the time of collection.

20. The Corporation shall only collect Stakeholder Personal Information for the following purposes:
 - a. To verify identity;
 - b. To identify client, customer or Member preferences;
 - c. To understand the insurance needs of Corporation Members;
 - d. To enrol Corporation Members in an insurance plan;
 - e. To open and manage an account
 - f. To deliver requested products and services;
 - g. To send out association membership information;
 - h. To contact Members for fundraising;

- i. To ensure a high standard of service to our clients, customers and Members;
 - j. To meet regulatory requirements;
 - k. To assess suitability for tenancy; and
 - l. To collect and process rent payments.
21. The Corporation shall document the purpose for which the Personal Information is collected.
22. If Personal Information has been collected to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Such new purpose shall also be documented.
23. Individuals who collect Personal Information should be able to provide to individuals the purpose for which the information is being collected.

Principle 3: Consent

24. The Corporation shall obtain consent from its Stakeholders to use, collect or disclose Personal Information unless it is authorized under this Policy or PIPEDA to do so without consent.
25. Consent may be provided in writing, electronically and through an authorized representative.
26. If the purpose of the collection, use or disclosure of the Personal Information is obvious and the Stakeholder voluntarily provides the Personal Information for such purpose, then the consent can be implied.

27. Where the Stakeholder is given notice and a reasonable opportunity to opt-out of its Personal Information being used for mail-outs, marketing of new products, fundraising and such Stakeholder does not opt-out, then consent shall be implied.
28. Stakeholders can withdraw or withhold their consent for the Corporation to use their Personal Information in certain ways. This right is, however, subject to certain exceptions, such as, if the withdrawal or withholding of consent would frustrate the performance of a legal or regulatory obligation.
29. The Corporation may collect, use or disclose Personal Information without the Stakeholders consent if:
- a. the collection, use or disclosure of Personal Information is permitted or required by any law or regulation to which the Corporation, its employees, officers, or directors must abide by;
 - b. in an emergency that threatens an individual's life, health, or personal security;
 - c. when the Personal Information is available from a public source (e.g., a telephone directory);
 - d. if the Corporation requires the services of a lawyer;
 - e. protecting the Corporation from fraud;
 - f. to investigate a Breach or anticipated Breach of an agreement; and
 - g. to investigate a Breach or anticipated contravention of the law or regulation applying to the Corporation.
30. The Corporation shall not obtain consent through deception.

Principle 4: Limiting Collection

31. The Corporation shall only collect Personal Information for which the purpose has been identified in this Policy.

32. Information shall be collected by fair and lawful means.

Principle 5: Limiting Use, Disclosure and Retention of Personal Information

33. The Corporation shall only use or disclose Stakeholders' Personal Information where such use or disclosure is necessary to fulfill the purpose communicated to the Stakeholder at the time of collection or as required by law.

34. The Corporation may also use or disclose Stakeholder Personal Information where such use or disclosure is necessary to fulfill any purpose related to the purpose described at 20, such as:

- a. To conduct surveys with Stakeholders to enhance the provision of Corporation services;
- b. To contact Stakeholders directly about products and or services which may be of interest to them.

35. The Corporation will not use or disclose Stakeholder Personal Information for any additional purpose unless consent has been obtained to do so.

36. The Corporation will not, unless it has obtained consent to do so, sell customer lists, Member lists or Personal Information.

Principle 6: Accuracy of Personal Information

37. If a Stakeholder's Personal Information is used to make a decision that directly affects said Stakeholder, the Corporation will retain that Personal Information for at least one (1) year. Such retention will allow the Stakeholder sufficient time to request access to this Personal Information as required.

38. Notwithstanding section 37, the Corporation will keep the Personal Information as long as required to fulfill the purpose communicated to the Stakeholder when the Personal Information was collected. The Corporation may be subject to a legislative requirement with respect to retention periods, in which case it shall abide by such requirement.

39. Once the timeline at 6.1 has passed and the Personal Information is no longer required to fulfill the identified purpose, such Personal Information shall be destroyed, erased, or made anonymous.
40. When Personal Information of a Stakeholder is used to make a decision about such Stakeholder, the Corporation will take reasonable measures to ensure that such Personal Information is accurate and complete.
41. When Personal Information of a Stakeholder is disclosed to another Organization, the Corporation shall take reasonable measures to ensure that such Personal Information is accurate and complete.
42. Stakeholders can request that their Personal Information held by the Corporation be corrected in order to ensure the Corporation holds the most up-to-date information.
43. Stakeholders may request corrections to their Personal Information in order to ensure its accuracy and completeness. A request to correct Personal Information must be made in writing to the Secretary of the Board and provide sufficient details to identify the Personal Information and the correction being sought.
44. In order to correct Personal Information, a request should be forwarded to the Privacy Officer.
45. If the Personal Information is demonstrated to be inaccurate or incomplete, the Corporation will correct the information as required and send the corrected information to any Organization to which the Corporation disclosed the Personal Information in the previous year. If the correction is not made, the Corporation will note the clients', customers' or Members' correction request in the file.

Principle 7: Security Safeguards

46. The Corporation is committed to ensuring that Personal Information is safely protected from improper use, collection, disclosure, modification, disposal, access, or other related risks.

47. The Corporation will use the following measures to ensure that Personal Information of its Stakeholders is protected:
 - a. The use of locking cabinets;

 - b. The use of user ID's;

 - c. The use of encryption;

 - d. The use of passwords;

 - e. The use of firewalls; and

 - f. The restriction of employee, volunteers and agent access in physical and virtual locations containing Personal Information of Stakeholders.

48. The nature of the protective measures will vary depending on the sensitivity of the Personal Information collected, the level of distribution of such Personal Information, the format of the Personal Information and the method of storage.

49. The Corporation will also take necessary precautionary and protection measures to ensure the protection of Personal Information that has been transferred to a third party, if such is the case.

50. The Corporation will use adequate security measures in the event that it needs to destroy Stakeholder Personal Information. Such measures include:
 - a. The use of shredders;

 - b. The use of shredding companies; and

 - c. The deletion of electronically stored documents.

51. The Corporation will, on an ongoing basis, review and if needed, update its, procedures, policies, controls and equipment relating to the protection of Personal Information.

Principle 8: Disclosure of Management Procedures for Personal Information

52. The Stakeholders of the Corporation have the general right, upon request, to be informed of the existence, use and disclosure of their own Personal Information.

This right is subject to certain limited exceptions:

- a. The Personal Information is too costly to provide;
- b. The Personal Information contains references to other individuals;
- c. The Personal Information can not be disclosed for legal, security or commercial proprietary reasons; and
- d. The Personal Information is subject to solicitor-client privilege or litigation privilege.

53. If the Corporation refuses to provide access to a Stakeholder's Personal Information, it must provide the reason for denying access.

54. A request to access Personal Information should be provided to the Secretary of the Board in writing. Such request shall provide for sufficient detail relating to the reason why the Personal Information is being sought.

55. Upon appropriate request to the Secretary of the Board, the Corporation will inform Stakeholders about how their Personal Information is used, and to whom it has been disclosed, if any disclosure has occurred.

56. Personal Information requested will be provided within thirty (30) days. If more time is needed, the Corporation will provide a written notice of extension in which it will indicate the additional amount of time required to fulfill the request.

57. The Corporation may opt to charge a minimal fee to provide Personal Information. If the Corporation decides to charge a fee, the Corporation will inform the Stakeholder of the cost and will wait for direction of the Stakeholder before proceeding with the request.

Principle 9: Openness

58. The Corporation will make readily available its policies and practices related to the management of Personal Information.

59. Stakeholders shall be able to acquire information about such practices and policies without unreasonable effort.

60. Such practices and policies shall be provided in a form that is reasonably understandable.

61. The Corporation shall make available the following:

- a. The name, title and contact information of the individual who is responsible for the management of this Policy and to whom complaints can be forwarded to;
- b. The means and process of gaining access to Personal Information held by the Corporation;
- c. A copy of any document the Corporation may have that explains the Corporation's standards; and
- d. What Personal Information is made available to related subsidiaries, if any.

62. The Corporation may make available its policies and practices in a variety of ways, including through the distribution of documents at its head office or mail, on its website, or by phone.

Principle 10: Compliance

63. The Secretary of the Board of Directors will be responsible for ensuring that the Corporation is in compliance with this Policy and with PIPEDA.
64. Any complaints, questions or concerns should be addressed to the Secretary of the Board of Directors with regards to this Policy and PIPEDA.
65. The Corporation will investigate, as needed, any complaint it receives, and take appropriate measures to amend its policies, procedures and practices if needed.
66. If the Secretary of the Board is unable to resolve the concern of the Stakeholder, the Stakeholder may also communicate with the Privacy Commissioner of Canada.