



CORPORATE POLICY

Sub Topic: Protection of Personal Information

Policy No. CORP. 1-08

Topic: Corporate Records

Applies to: All Employees

Section: Legislative Services

Council Adoption Date: May 5, 2014

Effective Date: May 5, 2014

Revision No: Date:

Policy Statement & Strategic Plan Linkages

The collection and use of personal information about Newmarket residents and other members of the public is a necessary part of the Town's regular business processes. Part II of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) requires institutions to use appropriate methods for the collection, use, retention and disposition of personal information.

This Policy relates to the key area of focus: "Well-Equipped and Managed" of the Strategic Plan. The collection, use and management of personal information in a responsible and transparent manner links directly to the Core Values of Accountability and Accessibility.

Purpose

In order to provide greater accountability and to protect the privacy of staff and the public, this policy outlines the standards and procedures for the collection, use and management of personal information by all Town employees. This policy applies to all personal information, personal health information and personal information banks which are collected and maintained by the Town of Newmarket.

Definitions

Personal information

Personal Information Bank (PIB)

Personal Health Information

Privacy Audit

Privacy Breach

Privacy Impact Assessment (PIA)

Records

Procedures

1. Personal information will be collected, used and retained in accordance with MFIPPA and other privacy legislation and all related procedures attached as Appendix B.
2. A privacy audit will be conducted for the Corporation every two to three years by the Legislative Services Department to evaluate employee knowledge and execution of the Town's privacy related policies and procedures. Interim audits will be conducted on an as needed basis for individual departments or business units. The Audit will be conducted according to the procedures attached as Appendix C.
3. All privacy complaints and either suspected or evident privacy breaches will be reported immediately according to the procedures in Appendix D.
4. All personal information about Town employees will be collected used and retained in accordance with Appendix B and Appendix F.

Responsibilities of Employees

All Town of Newmarket employees shall take all reasonable measures to protect against theft, loss, unauthorized use, and unauthorized disclosure of any personal information.

All employees shall ensure that all records containing personal information are disposed of in a safe and secure manner and in accordance with the Records Retention Policy CORP.1-06.

Employees who do not comply with this policy may be subject to progressive discipline up to and including termination of employment.

Responsibilities of Management

All supervisors, managers, directors, and commissioners must maintain all personal information of staff and the public in accordance with the established procedures in this policy.

Cross-References

Alternative Work Arrangement Policy HR.2-07

Employee Code of Conduct Policy CAO.3-01

Municipal Freedom of Information and Protection of Privacy Act, R.S.O., 1990, C. M.56

Personal Information Protection and Electronic Documents Act S.C. 2000, c.5

Records Retention Policy CORP.1-06

Routine Disclosure and Active Dissemination Policy (TBD)

Risk Management Policy (TBD)

Video Surveillance System Policy (TBD)

Use of External and Mobile Devices Policy (TBD)

Harassment and Discrimination Free Workplace Program

Violence Free Workplace Program

Appendices (which may be amended from time to time)

Appendix A - Definitions

Appendix B - Procedures for the Collection, Retention and Disclosure of Personal Information

Appendix B.i - Privacy Impact Assessment Form

Appendix B.ii - Privacy Impact Assessment Guidelines

Appendix B.iii - Notice of Collection Template

Appendix B.iv - Personal Information Bank Listing - Town of Newmarket (TBD)

Appendix C - Privacy Audit Procedures

Appendix D - Privacy Breach/Complaint Procedures

Appendix E - Website Privacy Policy

Appendix F – Procedures for Staff Access to Human Resources Personal Information

**Appendix A – Definitions
To
Town of Newmarket
Protection of Personal Information Policy CORP.1-08**

Personal information means recorded information about an identifiable individual, including,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c) any identifying number, symbol or other particular assigned to the individual,
- d) the address, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except if they relate to another individual,
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual, and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

(Municipal Freedom of Information and Protection of Privacy Act)

Personal Information Bank (PIB) means a collection of personal information that is organized and capable of being retrieved using an individual's name or an identifying number or particular assigned to the individual; (Municipal Freedom of Information and Protection of Privacy Act)

Personal Health Information means identifying information about an individual in oral or recorded form, if the information,

- a) relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family,
- b) relates to the providing of health care to the individual, including the identification of a persona as a provider of health care to the individual,
- c) is a plan of service within the meaning of the Home Care

(Personal Health Information Protection Act, 2004 S.O. 2004 C.3 Sched. A, section 4)

**Appendix A – Definitions
To
Town of Newmarket
Protection of Personal Information Policy CORP.1-08**

Privacy Audit means an assessment or examination of current policies, procedures and practices related to the collection, use, retention, and disclosure of personal information in any format or medium;

Privacy Breach occurs when personal information is collected, retained, used or disclosed in a way that is not in accordance with MFIPPA;

Privacy Impact Assessment (PIA) is a process that helps determine whether new technologies, information systems, and proposed programs or policies meet basic privacy requirements;

Records means any recorded information, whether in printed form, on film, by electronic means or otherwise, including: correspondence, memoranda, plans, maps, drawings, graphic works, photographs, film, microfilm, microfiche, sound records, videotapes, e-mail, text message, machine readable records, and any other documentary material regardless of physical form or characteristics, and including “official records” and “transitory records”;

**Appendix B - Procedures for the Collection, Retention and
Disclosure of Personal Information
to
Town of Newmarket
Protection of Personal Information Policy CORP.1-08**

Collection of Personal Information

1. Personal information will not be collected by Town staff unless essential for business purposes or authorized for collection under legislation, or Town bylaw;
2. A Privacy Impact Assessment (PIA) will be conducted for:
 - any new administrative program or new type of municipal service collecting, storing or using personal information;
 - significant changes made to an existing program or service such as conversion from a paper to electronic system or changes to the type or amount of personal information collected etc; and
 - significant changes to technology based business applications or implementation of new systems, which collect or retain personal information;
 - a. The privacy impact assessment will be completed by staff implementing the program or service and reviewed by the supervising Manager or Director;
 - b. The completed PIA will be provided to the Records and Projects Coordinator;
 - c. See Appendix B.i for the Privacy Impact Assessment form and Appendix B.ii for the guidelines for completing the assessment;
3. When personal information is collected there will be a 'notice of collection' statement setting out: the legal authority for collection, the principle purpose of collection, the title, business address, and contact information of the responsible employee or department. See Appendix B.iii for the Notice of Collection Template.
 - a. This statement will be provided on all written or electronic forms collecting personal information, will be available upon request when personal information is collected verbally, and will be clearly posted in municipal facilities where necessary;
4. Personal information will not be collected without the knowledge or consent of the individual to whom the information relates except in certain exceptions under s. 29 of the *Municipal Freedom of Information and Protection of Privacy Act* or when providing emergency care or treatment;
5. Personal information of minors (under 16) will not be collected without express or implied authorization of a parent / guardian except in the case of providing emergency treatment; and
6. All personal information collected will be complete and accurate.

**Appendix B - Procedures for the Collection, Retention and
Disclosure of Personal Information
to
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Protection of Personal Information Policy CORP.1-08**

Retention of Personal information

1. Personal Information will be retained for one year after it is collected or used unless authorized under another retention period in the Classification and Retention Schedule (Appendix F of the Records Retention Policy CORP. 1-06); and
2. All personal information whether in paper or electronic form will be retained in a safe and secure manner.

Use and Disclosure of Personal Information

1. All personal information banks maintained by the Town will be kept as accurate and up to date as is reasonably possible. All personal information banks will be identified and the resulting listing shall be made available to all employees and the public upon request. See Appendix B.iv;
2. Personal information will only be used for the purpose for which it was collected unless for a 'consistent purpose' the individual to whom the information relates might reasonably expect, or unless authorized under statute or policy;
3. The use and disclosure of personal information for any purpose other than the one for which it was collected will only be permitted with the consent of the individual to whom the information relates, or in accordance with the provisions of s. 31 and s. 32 of the *Municipal Freedom of Information and Protection of Privacy Act*;
4. Access to personal information will be restricted to only those employees requiring access in order to carry out their duties;
5. Personal information will not be left exposed or visible on desks or computer screens;
6. Records containing personal information shall not be removed from the workplace unless authorized under another policy or statute. External and mobile devices containing or accessing personal information will be kept secure and managed according to data security and governance policy; and
7. Sensitive, personal or confidential information should wherever possible, be sent by regular mail or courier. If transmitting such information by email or fax, addresses and fax numbers must be verified to ensure that they are accurate.