

PSEA Personal Information Protection Policy

1. General

1.1 Adoption

This Personal Information Protection Policy ("Policy") outlines the guidelines that must be followed at all times to ensure that personal information, in any format, is collected, used, disclosed and protected as required by law and regulations. All Employees and contractors of The Post-Secondary Employers' Association ("Association") must comply with the terms of this Policy.

1.2 Relation to Laws and Other Policies

This Policy should be reviewed in conjunction with any other policies or procedures relating to collection, use, disclosure and protection of personal information. The management of personal information is subject to federal and provincial legislation and regulation. This Policy complies with Canadian federal and provincial personal information protection legislation.

1.3 Definitions

"Collection" – The act of gathering, acquiring, recording, or obtaining Personal Information from any source, including sources other than the Individual to whom the Personal Information belongs, by any means.

"Consent" – Voluntary agreement to the collection, use or 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 Association. Implied consent is consent that can reasonably be inferred from an Individual's action or inaction.

"Disclosure" – Making Personal Information available outside the Association.

"Employee" – An employee, former employee or volunteer of the Association.

"Identified purposes" – The purposes identified in this Policy.

"Individual" – Any person who directly or indirectly provides their Personal Information to the Association as described in the Policy.

"Association" – The Post-Secondary Employers' Association.

"Personal Information" – Information about an identifiable Individual but does not include:

- (a) business contact information or
- (b) work product prepared in their employment except to the extent that it includes Personal Information about an individual who did not prepare or collect the information.

Examples:

- A person's employee identification number, salary or salary range and whether they attended a course are "personal information".
- Collective demographic information from an institution which cannot be linked to an individual by combining it with other information (like position title) is likely not "personal information".
- A person's position title, work phone number and work email address are not "personal information".
- A letter drafted by a person for their work is not their "personal information" but it may contain the "personal information" of others.

"Privacy Officer" – The Chief Executive Officer is designated as the privacy officer of the Association.

"Use" – The treatment, handling, management and retention of Personal Information.

1.4 Scope

This Policy applies to Personal Information provided to the Association that is collected, used or disclosed by the Association and applies to the management of Personal Information in any form whether oral, electronic or written.

2. Accountability

2.1 Scope of Accountability

The Association is responsible for Personal Information in its custody and under its control, and has designated a Privacy Officer who is generally accountable within the organization and is responsible for the Association's compliance with this Policy, and for ensuring that the Policy complies with the *Personal Information Protection Act* and other applicable privacy laws.

3. Identifying Purposes for Collection of Personal Information

3.1 Purposes Identified at Time of Collection

The Association identifies the purposes, through either direct explanation or use of other notification means, for which it collects Personal Information at or before the time of collection from an Individual, and collects only that information necessary for such identified purposes.

3.2 New Purposes

When the Association wishes to use or disclose the Personal Information for a purpose other than an identified purpose, it will identify the new purpose prior to such use or disclosure. The Individual whose Personal Information is at issue must consent before the Association can use or disclose the information for this new purpose, unless such use or disclosure without consent is permitted or required by law.

3.3 Purposes Limited

The Association ensures that the purposes for collection, use and disclosure are limited to purposes that a reasonable person would consider appropriate in the circumstances.

3.4 List of Purposes

Some of the purposes for which the Association collects, uses and discloses or communicates Personal Information are:

- to provide services to institutions as defined in the *College and Institute Act* and special purpose teaching universities as defined in the *University Act* in accordance with the *Public Sector Employers Act*, the Association's Constitution and Bylaws, or as otherwise approved by the Association's Board of Directors, including coordination of collective bargaining, benefits administration, labour relations and human resources advice and grievance arbitrations and other labour proceedings;
- to develop and implement strategies and resources to address labour market trends and demands, including exempt compensation and learning and development;
- advise and support members and Government with budget, financial and staff planning, collective bargaining, analyzing and reporting on demographics and human resource trends, and compliance with applicable law, including the management and administration of the Human Resources Database (HRDB);

- as set out in Appendix “A” in relation to Employees of the Association;
- to contractors we engage to manage and process personal information;
- to manage and protect assets and physical security of the staff;
- to communicate with individuals through our website;
- for audit and record-keeping purposes;
- to manage and develop operations, including administering and monitoring information technology;
- to develop, implement and manage events and training programs for the Association’s members; and
- as required or authorized by law.

4. Obtaining Consent for Collection, Use or Disclosure of Personal Information

4.1 Knowledge and Consent

The knowledge and Consent of the Individual are required for the collection, use, or disclosure of Personal Information by the Association, except where the collection, use or disclosure of Personal Information without such knowledge and Consent is permitted or required by law. In appropriate circumstances, Consent may be implied.

4.2 Consent to be Meaningful

The Association uses reasonable efforts to ensure that Individuals are advised of the purposes for which their Personal Information will be used. To make the Consent meaningful, the purposes are stated in such a manner that the Individual can reasonably understand how the Personal Information will be used or disclosed.

4.3 New Purposes

Typically, the Association seeks consent for the use or disclosure of Personal Information at the time of its collection. In certain circumstances, Consent for the use or disclosure for a particular purpose may be sought after the information has been collected, but before it is so used or disclosed (for example, when the Association wants to use Personal Information for a purpose not previously identified).

4.4 Consent Legitimate

The Association does not, as a condition of the supply of a product or service, require an Individual to Consent to the collection, use, or disclosure of Personal Information beyond that required to fulfill the explicitly specified and legitimate identified purposes.

4.5 Sensitivity of Personal Information

In determining the appropriate form of Consent, the Association takes into account the sensitivity of the Personal Information involved. The Association generally seeks express Consent when the Personal Information is likely to be considered sensitive, and implied Consent when the information is less sensitive.

4.6 Reasonable Expectations of Individual

In obtaining Consent, the Association also considers the reasonable expectations of the Individual.

4.7 Types of Consent

The Association may seek Consent in various ways, depending on the circumstances and the type of information collected, including, for example, using an application form as notice, or collecting oral consent.

4.8 Withdrawal of Consent

An Individual may withdraw Consent at any time, on reasonable notice, subject to legal or contractual restrictions. The Association will inform the Individual of the implications of such withdrawal.

4.9 Exceptions to Requirement for Consent

The applicable privacy laws set out specific circumstances under which the Association may collect, use or disclose personal information without the knowledge or Consent of the individual.

5. Limiting Collection of Personal Information

5.1 Fair and Lawful Means

The Association limits the collection of Personal Information to that which is necessary to fulfil the identified purposes. The Association collects the Personal Information by fair and lawful means.

5.2 Collection Limited by Amount and Type

The Association does not collect Personal Information at random without regard to an identified purpose or in a misleading manner. Both the amount and the type of Personal Information collected is limited to that which is necessary to fulfill the identified purposes.

5.3 Confidentiality for Data Collection and Reporting

It is recognized that the Association may collect data on employees or other members of the community of its members as part of its statutory mandate.

It is the policy of the Association not to collect data that would reveal Personal Information about an individual employee except as necessary for these purposes. This policy will be reviewed in conjunction with the *Freedom of Information and Protection of Privacy Act*, as applicable.

6. Limiting Use, Disclosure and Retention of Personal Information

6.1 Use and Disclosure Limited

The Association does not use or disclose Personal Information for purposes other than those identified purposes for which it was collected, except with the Consent of the Individual or as necessary for the fulfillment of those purposes, or as permitted by applicable law.

6.2 “Need to Know” Principle

Only the Association Employees and contractors with a business “need-to-know”, or whose duties reasonably so require, to fulfil the identified purposes, are granted access to Personal Information.

6.3 Retention Limited

The Association will develop guidelines for the retention of Personal Information, which include minimum and maximum retention periods. The Association keeps Personal Information only as long as remains necessary or relevant for the identified purposes; and as required by law. Where the Personal Information has been used to make a decision about an Individual, the Personal Information will be retained for long enough to allow the Individual access to the information for a reasonable period of time after the decision has been made, and in any case, for at least one year after such decision has been made; and where the Personal Information is the subject of a request from an Individual, for as long as is necessary to allow the Individual to exhaust any recourse under the *Personal Information Protection Act* generally or other applicable privacy laws.

7. Accuracy of Personal Information

7.1 Accuracy on Collection

The Association keeps Personal Information as accurate, complete, and up-to-date as is necessary for the identified purposes.

7.2 Individual to Ensure Personal Information is Current

Personal Information used by the Association is kept accurate, complete, and as up-to-date as possible to minimize the possibility that inappropriate information could be used to make a decision about the Individual. To ensure the foregoing with respect to Personal Information, the Association requires each Individual to ensure that the Personal Information, which they have provided to the Association, is accurate and remains current.

7.3 Accuracy on Disclosure

Personal Information that is used continually, including information that is disclosed to third parties, is generally kept accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

8. Safeguards

8.1 Security Safeguards

To protect Personal Information, regardless of the format in which it is held, against loss or theft, unauthorized access, collection, disclosure, copying, use, or modification, the Association has implemented security safeguards that are appropriate to the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. A higher level of protection is used to safeguard more sensitive information.

8.2 Methods of Protection

The methods of protection used include:

- physical measures, for example, locked filing cabinets and restricted access to offices;
- organizational measures, for example, limiting access on a “need-to-know” basis; and
- technological measures, for example, the use of passwords and encryption.

8.3 Third Party Contracts

The Association protects Personal Information disclosed to contractors by contractual agreements stipulating the confidentiality of the Personal Information and the purposes for which it may be used and disclosed.

8.4 Care in Disposal/Destruction

The Association uses care in disposing of or destroying Personal Information to prevent unauthorized parties from gaining access to the information.

9. Transparency

9.1 Understandable Policies

The Association makes readily available to Individuals specific information about this Policy and other policies and practices relating to the management of Personal Information, in a form that is generally understandable.

9.2 Information Made Available

The information made available includes the name or title and the address of the Privacy Officer as well as the means of gaining access to Personal Information held by the Association, a description of the type of Personal Information held by the Association and what Personal Information is made available to other organizations as well as the identity and the location of those organizations and for what purposes those organizations will use or disclose such Personal Information.

10. Individual Access

10.1 Information Provided to Access Requestor

Where the Association collects Personal Information on its own behalf, the Association shall, upon receiving the written request of an Individual to the Privacy Officer:

- inform such Individual of the existence (including the source of the Personal Information), use, and disclosure of their Personal Information;
- provide such Individual with access to that Personal Information subject to statutory exemptions; and
- provide such Individual with access to that Personal Information in accordance with the timelines set out in the applicable privacy legislation.

10.2 Fees for Access

Where the Association is entitled to charge a fee to implement the access request, it will advise the Individual of the amount of the fee and the statutory entitlement to challenge the amount of the fee or request a fee waiver.

10.3 Correction Requests

Individuals may make a request to correct or rectify Personal Information held by the Association. The request must be made in writing and provide sufficient detail to allow the Association to identify the Personal Information, and the correction being sought. If the Individual successfully demonstrates that the Personal Information is inaccurate or incomplete, the Association will correct the Personal Information, as required, and send the corrected Personal Information to any third party to which the Association disclosed the Personal Information in the prior year. If no correction is required to be made, the Association will note the request for correction and annotate the file accordingly.

11. Challenging Compliance

11.1 Complaint to Privacy Officer

An Individual can submit a complaint in writing to the Privacy Officer concerning the Association's compliance with the above principles.

11.2 Complaints About Policies and Practices

The Association will receive and respond to inquiries or concerns/complaints about its policies and practices relating to the handling of Personal Information.

11.3 Privacy Officer Contact Information

All inquiries should be in writing and addressed to the Privacy Officer at:

The Post-Secondary Employers' Association

Attention: Privacy Officer

300-2889 East 12th Avenue

Vancouver, BC V5M 4T5

psea@psea.bc.ca

Appendix A

Employee Personal Information Protection Policy

The Association is committed to protecting the privacy of Personal Information of Employees of the Association. Personal Information is collected, used and disclosed generally for the purposes of establishing, managing and terminating the employment relationship. The Association will ensure that the collection, use and disclosure is for reasonable purposes related to establishing, managing and terminating the employment relationship.

The Association may collect, use and disclose Personal Information about Employees for purposes that include, but are not limited to, the following:

- To assist in recruiting new employees
- To administer compensation, health and welfare benefits, and other monetary benefits of employment
- To manage, develop, and maintain a workforce that supports the Association's business goals
- To monitor and foster employee health and safety
- To comply with the Association's policies
- To administer the post-employment relationship
- To meet legal and regulatory requirements
- To protect the Association's assets
- To communicate with employees