

DEPARTMENT: CORPORATE			
POLICY TITLE: PRIVACY POLICY			
Authority: Legislative: ☒ (Council) Administrative: ☐		Effective Date: March 22, 2021 Date for Review: Every 2 (two) years	
		Issue Date: March 22, 2021 Revision Date:	

1. PURPOSE

The District of Hope offers a wide range of services to the public. These include, but are not limited to, parks and recreation, land development, fire and emergency response, roads, sewers, water, garbage, bylaw enforcement, animal control and cemetery administration. To deliver these services the District needs to collect, use and disclose many kinds of personal information. The District also needs personal information in order to improve these services and to better understand what other services its residents and businesses need or desire.

The District values the privacy of individuals who interact with it. This policy explains how the District collects, uses and discloses personal information, and how it protects personal information. This policy gives examples of what personal information the District needs, and examples of how it uses and discloses personal information. Of course, the District's services and activities change over time, so this policy therefore will be updated as required to reflect changes in applicable legislation.

2. SCOPE

- 2.1 This policy applies to personal information that the District collects, uses or discloses in any form (including verbal, electronic or written personal information).
- 2.2 This policy does not apply to the RCMP Police Service. This is a separate public body under the *Freedom of Information and Protection of Privacy Act* (Act).
- 2.3 The Act and the Regulations under it prevail over this policy.
- 2.4 This policy does not create any legal rights, benefits, duties, obligations or requirements of any kind. Among other things, this policy does not limit or otherwise affect the authority, powers, duties or functions of the District under the Act.

3. DEFINITIONS

Act: means the *Freedom of Information and Protection of Privacy Act* of British Columbia.

Council: means the Council of the District of Hope.

District: means the District of Hope.

Disclose: means the sharing of personal information with a separate entity that is not a part of the local government body in control or custody of that information.

Employee: means an employee of the District of Hope.

Personal Information: means recorded information about an identifiable individual.

Privacy Breach: means an unauthorized collection, use or disclosure of personal information, regardless of whether the information ends up in a third party's possession.

Service Provider: means a person, or company, retained under a contract to perform services for the District.

Use: means the internal utilization of personal information by a public body, including the sharing of personal information in such a way that it remains under the control of the public body.

Volunteer: means a person who voluntarily offers their time and skills to participate in service programs provided by the District, including Committees and Commissions.

In this policy, any italicized text found inside square brackets is for information purposes.

4. ACCOUNTABILITY

4.1 The District's Chief Administrative Officer and Director of Corporate Services, who are the District's "head" for the purposes of the Act, are responsible for compliance with this policy. The Chief Administrative Officer and/or Director of Corporate Services may designate others to act on her or his behalf respecting implementation of this policy and compliance with the Act.

5. COLLECTION OF PERSONAL INFORMATION

5.1 The District collects personal information as follows:

- a) where the collection is expressly authorized under an Act, including the *Community Charter, Local Government Act* and where authorized under District policies or bylaws;
- b) for the purposes of its services, programs and activities, *[examples of District programs and activities include programs, land use development applications, building permit applications and proceedings of Council and its Committees.];*
- c) for the purposes of planning or evaluating services, programs or activities, *[examples include public surveys and open house surveys conducted by the District to help plan or evaluate services that it offers or is considering offering.];*
- d) for law enforcement purposes, including enforcement of District bylaws;
- e) by observation at presentations, ceremonies, performances, sport and recreation events and festivals, at which an individual voluntarily appears and that are open to the public, *[examples include public events such as open*

District Council, Public Hearings or Council Committee meetings, annual events such as festivals, Canada Day celebrations etc. The information collected may include photographs and/or video recordings of those attending.].

- 5.2 When the District collects personal information directly from an individual it will inform the individual from whom it is collected, verbally or in writing, why the information is collected and the legal authority for collecting it. The District will also give the title, business address and telephone number of a District employee who can answer the individual's questions about the collection.
- 5.3 The District will only collect personal information directly from the individual whose information is being collected. There are exceptions to this which may include;
- a) collection from another source if the individual whose personal information is being collected consents to collection from another source. *[examples include where someone who has applied for District employment lists references, thus consenting to the District contacting the references.];*
 - b) collection from another source is permitted by another law, *[examples include collection of personal information from ICBC for bylaw enforcement or from BC Assessment for property taxation purposes.];*
 - c) collection for the purpose of law enforcement, for a proceeding before a court or tribunal, or for collection of a debt or fine or making a payment; *[example, if someone owes the District money but does not pay, the District may collect that person's information from other sources in order to collect the debt.];*
 - d) the personal information is necessary for delivering or evaluating a common or integrated program or activity;
 - e) the personal information is about the District employee and the collection is necessary for the purposes of managing or terminating an employment relationship between the District and the employee;
 - f) the personal information may be disclosed to the District under Part 3 of the Act; and
 - g) the personal information is collected for the purpose of the District determining the individual's suitability for an honour or award.

6 USE AND DISCLOSURE OF PERSONAL INFORMATION

- 6.1 The District will use personal information only for the purpose for which the District collected it, but the District may also use information for a consistent use. In addition, the District may use personal information for another purpose if the individual has identified the personal information and consented to the other use. Lastly, the District may use personal information for a purpose for which that information may be disclosed to the District under Part 3 of the Act. *[examples include the District disclosing an individual's information to a person acting on behalf of the individual, or disclosing personal information to a District service provider.]*

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- 6.2 The District will only disclose personal information for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose. In addition, the District may disclose personal information:
- a) to an employee or service provider if the information is necessary for the employee's or service provider's duties. *[example is where the District gives a service contractor the names and other registration information of individuals who have signed up for a District-sponsored program.];*
 - b) to an employee or service provider if the information is necessary for the delivery of a common or integrated program or activity, or for the purposes of planning or evaluating a District program or activity;
 - c) if the individual the information is about has identified the information and consented in writing to its disclosure;
 - d) if the information is made publicly available in British Columbia by a law that authorizes or requires it to be made public. *[example includes the publication of minutes or recordings of open Council meetings including Public Hearings that contain personal information, such as the names and contact information of individuals appearing before Council or who made submissions to Council. Related examples include the images of individuals and the sound of their voices, and what they say, at an open meeting.];*
 - e) to a public body or law enforcement agency to assist in a specific investigation;
 - f) to a representative of a Union that represents an employee, but only where the employee has given written authority consenting to the representative to make the inquiry;
 - g) to legal counsel for the District for the purpose of legal advice or for use in legal proceedings involving the District;
 - h) to a member of the Legislative Assembly who has been asked by the individual to help resolve a problem whereby written consent has been made; or
 - i) as otherwise permitted under Part 3 of the Act.
- 6.3 All information provided at open meetings of Council or its Committees is considered to be public. By providing information, including personal information, to the District for that purpose, an individual is considered to have consented to that information being available to the public, including through posting on the District's website. This information is part of the public record and cannot be removed or changed. However, if an individual can establish to the District's reasonable satisfaction that the individual has legitimate personal safety concerns for themselves or immediate family members, the District will permit the individual to submit correspondence to Council or a Committee in confidence and will not make it publicly, their name or contact information. That information will, however, be retained in the District Legislative Services Office.

7 RETENTION OF PERSONAL INFORMATION

- 7.1 Where the District uses personal information to make a decision about an individual, the District will retain the information for at least one (1) year.
- 7.2 The District will retain personal information in accordance with the District's applicable records retention schedules. The District will securely destroy personal information when permitted or required by the applicable records retention schedules.

8 SECURITY OF PERSONAL INFORMATION

- 8.1 The District will make reasonable security arrangements to protect personal information against such risks as unauthorized access, collection, use and disclosure.
- 8.2 The District will use contractual measures to protect personal information that it discloses to service providers, with those measures varying according to the nature and sensitivity of the personal information. All service providers will be required not to use or disclose personal information other than for the purpose of performing services for the District.
- 8.3 All District employees are required to respect the confidentiality of personal information they receive or compile and are required to use and disclose it only in accordance with this policy.

9 ACCURACY OF PERSONAL INFORMATION

- 9.1 The District will make a reasonable effort to ensure that personal information it uses to make a decision directly affecting an individual is accurate and complete.

10 CORRECTION OF PERSONAL INFORMATION

- 10.1 An individual who believes there is an error in his or her personal information, or who believes that personal information is missing, may ask the District to correct the information. A request for correction must be made in writing, with reasons why the correction is required. If the District is satisfied that a request for correction is reasonable, the personal information will be corrected as soon as reasonably possible. If the District does not correct the information, it will note the requested change on the information and will note the reasons for not making the requested correction. This section applies only to personal information that is in the District's custody or control and it also applies only to factual errors or omissions.

11 ACCESS TO PERSONAL INFORMATION

- 11.1 An individual may provide a written request that the District disclose a copy of the individual's own personal information in the District's custody or control.
- 11.2 The written request may be made by contacting the responsible department directly or by making a formal request for records under the Act. A formal request may be made by email to records@hope.ca. District employees who would like a copy of their own personal information must do so directly through Human Resources.
- 11.3 For formal access requests, the Act gives the District thirty (30) business days after the request is received to respond (and the Act allows this time to be extended). In some

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cases, the District may be required under the Act to refuse access to personal information. The District will give written reasons in these situations.

- 11.4 Before disclosing personal information, the District will ask the individual seeking disclosure to verify their identity, to show that they are the individual whose information is to be disclosed.

12 COMPLAINTS

- 12.1 Any complaint about any privacy-related matter under this policy or under the Act must be made to the District in writing, addressed to the Chief Administrative Officer / FOI Head and the District Corporate Officer / FOI Officer.
- 12.2 The District will respond to all complaints, including complaints about breaches of privacy, and will disclose the outcome of any investigation to the complainant.
- 12.3 An individual may seek advice from the Office of the Information and Privacy Commissioner for British Columbia at, info@oipc.bc.ca and, if appropriate, file a written complaint with that office. The District encourages the use of the District's complaints procedure first.

13 GENERAL

- 13.1 The District will not sell or rent personal information.
- 13.2 The District will store information only in Canada unless allowed by the Act to do otherwise.
- 13.3 To ensure the compliance with this policy all new processes or changes to processes will be required to complete a Privacy Impact Assessment (PIA) before being implemented by the District. The PIA will assess the actual or potential effect on privacy and will mitigate adverse impacts if identified.
- 13.4 Privacy protection will be required by all Service Providers. All contracts entered into by the District that may involve the transfer of personal or confidential information will contain the District's Information Sharing Addendum or clauses.

14 RESPONSIBILITIES

Chief Administrative Officer: is designated the Head for the purposes of the Act under the *District of Hope Freedom of Information and Protection of Privacy Bylaw*, as amended and such has full responsibility for compliance with the Act.

Corporate Officer (Clerk): is also designated one of the Heads for the purpose of the Act, has overall responsibility for:

1. ensuring appropriate policies and processes are in place to safeguard the personal information in the District's custody and control;
2. monitoring the District's compliance with its privacy policies and legislative requirements; and
3. investigating and providing access to records in compliance with this policy.

Directors and Managers: are responsible for overseeing the collection, use, disclosure, retention and disposal of personal information within their departments to ensure compliance with the District's policies.

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Employees, Volunteers, Service Providers: are responsible for securing and protecting personal information in the custody and control of the District.

15 REVIEW

15.1 This policy will be reviewed every two (2) years and published in a timely manner.

16 CONTACT

16.1 If you have any questions about this policy or your personal information that is held by the District please contact the Director of Corporate Services.