

## ***Excerpted from YMCA of Greater Toronto: YMCA Operating Policies***

### **Protecting the Privacy of Personal Information Policy – 3.VS.2**

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#### **1. Introduction**

The YMCA is committed to maintaining the confidentiality, privacy, and accuracy of personal information it collects, uses and discloses about its participants, members, donors, parents/guardians, staff and volunteers.

People are concerned about their ability to exercise a substantial degree of control over the collection, use and disclosure of their personal information.

#### **2. Definitions**

**Access to information** as described under Canada's *Personal Information Protection and Electronic*

*Documents Act (PIPEDA)* provides individuals access to their personal information on request, in a complete and timely manner with little or no cost to the requester.

**Personal information** is information about an identifiable individual.

Examples of personal information include, but are not limited to, name, address, e-mail address, gender, age, ID numbers, income, racial or ethnic origin, relationship status, employee files, payment or medical/health records, assessments or evaluations. An individual's name does not need to be attached to the information in order for it to qualify as personal information. Personal information does not include an employee name and title, business address, or business phone number of an employee of an organization.

#### **3. Legislative Context**

• **Personal Information Protection and Electronic Documents Act (PIPEDA)** – outlines how organizations may collect, use or disclose personal information

#### **4. Roles and Responsibilities**

All YMCA staff and volunteers handling or having access to personal information shall follow the ten principles and responsible information handling practices outlined in section 5 below.

See also *YMCA Management Practices* for additional privacy procedures, tools and resources available for supervisors.

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#### **5. Procedures**

All staff and volunteers with access to or handling personal information shall follow responsible information handling practices captured in the ten principles described below.

##### **Principle 1 – Accountability**

The YMCA of Greater Toronto is responsible for personal information under its control.

**General Managers, Vice Presidents and Senior VPs** are responsible for and shall oversee compliance by staff in their program area(s) with YMCA privacy protection procedures to ensure:

- a) Purposes are defined for collection of personal information.
- b) Consents are obtained.
- c) Collection, use and disclosure of personal information is limited.

- d) Information used is accurate, complete and up-to-date.
- e) Adequate safeguards protect personal information in the YMCA's control.
- f) Retention and destruction timetables are maintained.
- g) Access requests by individuals are processed promptly.
- h) Timely response is provided to an inquiry or complaint about privacy and YMCA handling
- i) of personal information.
- j) Contracts with third parties that process YMCA information shall include privacy
- k) protection requirements.

**Supervisors** are responsible for the day-to-day collection, processing and safeguarding of personal information under their control. Supervisors shall inform and train staff, and volunteers having access to personal information.

**Staff** (and volunteers with access to personal information) shall follow privacy protection practices established by the YMCA when collecting, using, disclosing and safeguarding personal information. Upon request by an individual, staff/volunteers shall make known the contact information of their program GM or VP or Senior VP to whom privacy inquiries or complaints can be forwarded. The YMCA shall designate an individual or individuals (VP Risk Intelligence and Senior VP Information Technology) who have special responsibility for advancing the objectives of this policy, privacy and data protection principles.

## **Principle 2 – Identifying Purposes**

The YMCA shall identify the purposes for collecting personal information before or at the time personal information is collected.

The YMCA needs to collect, use and disclose some information about its participants, members, donors, parents/guardians, staff and volunteers, in order to conduct its operations, and deliver YMCA programs and services to the communities it serves. The YMCA's purposes for collecting personal information are:

- a) To establish and maintain responsible relationships with its participants, members,
- b) donors, parents/guardians, staff and volunteers.
- c) To manage, develop and enhance YMCA operations, programs and services.
- d) To acknowledge gifts, issue tax receipts, and other administrative requirements including
- e) information requests.
- f) To process and collect fees for service.
- g) To assess participant needs.
- h) YMCA of Greater Toronto: YMCA Operating Policies Page 106 of 167
- i) f) To determine program, service, employment or volunteer eligibility.
- j) g) To provide safe and secure YMCA environments.
- k) h) To collect data for statistical purposes.
- l) To better understand the changing needs of communities we serve.
- m) To communicate a range of programs, services, and philanthropic opportunities that
- n) benefit people we serve.
- o) To meet legal, regulatory and contractual requirements.

The YMCA shall indicate either verbally, electronically or in writing, at or before the time personal information is collected, the purpose for which it is being collected. Privacy statements, explaining the purpose for collecting information, shall be established for YMCA programs. Speak to your supervisor or manager for more information about privacy statements, which outline the purpose for collecting and using personal information in your program area.

Staff and volunteers collecting personal information shall use reasonable efforts to explain identified purposes, or refer the individual to a supervisor who shall explain the identified

purposes for collecting personal information.

Unless required or permitted by law, staff and volunteers shall not use or disclose for any new purpose personal information that has been collected, without the consent of the individual. Staff shall notify their GM or VP of a potential new identified purpose. Any new identified purpose must be approved by a VP or Senior VP, documented and consent obtained from individuals prior to YMCA use or disclosure.

### **Principle 3 – Consent**

The knowledge and consent of an individual is required for the collection, use, or disclosure of personal information, except where not required by law (see exceptions).

In obtaining consent, staff and volunteers shall advise participants, members, donors, parents, staff and volunteers of identified purposes for which personal information will be used or disclosed. Purposes shall be communicated in clear, understandable language, so that individuals including children and vulnerable persons can understand why personal information is being collected, and how the YMCA uses the information, and might disclose it in certain circumstances if required.

For **children under 12 years of age**, the YMCA will obtain permission from a parent or legal guardian to collect and use personally identifiable information about a child.

The YMCA obtains consents and permission slips for children and youth to participate in a number of YMCA programs and services. For more information on consents in your program or service area, please speak with your supervisor or general manager or vice president.

The YMCA takes into account the sensitivity of the personal information when determining what form of consent is appropriate for the circumstances.

In general, the following actions by an individual constitute implied consent for the YMCA to collect, use and disclose personal information for purposes identified to the individual:

- a) Registration for YMCA programs and services.
- b) Completion of a donation pledge form.
- c) Acceptance of employment and benefits enrollment by an employee.
- d) YMCA of Greater Toronto: YMCA Operating Policies Page 107 of 167
- e) Acceptance of a volunteer position or student placement.

For most YMCA employment and community service programs, the YMCA is obligated by its contract with the government to obtain the express written consent from a participant to collect, use and disclose their personal information.

Express consent is required from an individual when dealing with more sensitive information, such as personal financial and medical data. Speak with your supervisor for more information about when express consent is required in your program or service area.

For electronic communications there are specific consent and information requirements that apply. Please refer to **Electronic Communications Policy 5.VS.7** for procedures including *express consent* requirements, when sending electronic messages on behalf of the YMCA.

Individuals may at any time withdraw their consent to the YMCA's use or disclosure of their personal information, subject to certain service, legal or contractual restrictions.

Individuals wishing to withdraw consent or not wanting to receive YMCA communications can click on an 'unsubscribe' link we provide in all YMCA emails, or they may visit our website and submit an opt-out form, or contact the YMCA Contact Centre for more information. Our Contact Centre ensures that YMCA centralized databases are updated accordingly.

## **Exceptions**

The YMCA may collect, use or disclose information without an individual's prior knowledge or consent in certain circumstances permitted by law.

For example, the YMCA may collect, use or disclose personal information without prior knowledge or consent, if it is clearly in the best interest of the individual to do so, such as in an emergency situation where the life, health or security of an individual is threatened.

The YMCA may disclose personal information without prior knowledge or consent of the individual to:

- a) A lawyer or other legal representative of the YMCA.
- b) A government body or agency in certain circumstances.
- c) Collect a debt, or comply with a subpoena, warrant or other court order, or as may be otherwise required by law.

For more information about consent or disclosing information, please speak with your GM.

## **Principle 4 – Limiting Collection**

The YMCA shall limit the collection of personal information to that which is necessary for the purposes identified, and all information shall be collected by fair and lawful means. When collecting personal information, staff and volunteers will usually collect it directly from the individuals about whom the personal information pertains.

Personal information may be collected from other sources with prior consent from the individual, for example, from prior employers, personal references or from other third parties having the right to disclose the information.

To avoid the complications of privacy laws, the YMCA will consider using whenever possible non-YMCA of Greater Toronto: YMCA Operating Policies Page 108 of 167

identifiable information, such as coded or anonymous data, that does not identify individuals.

## **Principle 5 - Limiting Use, Disclosure and Retention**

The YMCA shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individual. See exceptions above under Principle 3 – Consent.

Personal information shall be retained only as long as necessary for the fulfillment of those purposes for which it was collected, or as required by law, or by contract with a funding partner.

Where personal information has been used to make a decision about an individual, the YMCA shall retain, for a period of time that is reasonably sufficient to allow for access by the individual, either to actual information or the rationale for making the decision.

See section 6 – Responding to Privacy Incidents, for response requirements in the event that staff suspect a privacy incident involving unintended disclosure, or unauthorized access to information under the YMCA's control.

Supervisors shall maintain schedules for records retention and destruction, which apply to personal information that is no longer necessary or relevant for the identified purposes for collection, or required to be retained by law or under contract. Such information shall be destroyed, erased or rendered anonymous.

See **Records Retention Guidelines** in the YMCA Management Practices. Speak with your General Manager, or VP or senior VP for more information on records retention and destruction requirements for your program or service area.

### **Principle 6 – Accuracy**

Personal information shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

Personal information used by the YMCA shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inaccurate information is being used to make a decision about an individual.

If staff and volunteers are aware of any inaccuracy or changes in their personal information that the YMCA holds about them, please contact Human Resources or staff contact if a volunteer.

Staff handling personal information shall update personal information about participants, members, donors, parents/guardians, staff and volunteers, as and when necessary.

Speak with your supervisor or GM or VP if you have questions about correction requests or on how accurate, complete and up-to-date personal information needs to be.

### **Principle 7 – Safeguards**

The YMCA shall protect personal information using security safeguards appropriate to the sensitivity of the information. All staff and volunteers with access to information shall be required as a condition of employment or volunteer role, to respect the confidentiality of personal information.

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The more sensitive personal information is, the more security is required. Speak with your supervisor or GM or VP for more information about safeguards appropriate to the sensitivity of personal information in your program or service area.

Staff shall protect personal information in their control (regardless of format) against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security safeguards.

Safeguards may include physical measures (such as locked doors, locked file cabinets), organizational measures (such as staff training, limited access, security clearances) and technological measures (such as passwords, anti-virus software for computer systems). See also ***Acceptable Use of Technology Policy 5.VS.6*** for safeguards that apply with respect to YMCA systems, computers or electronic media including e-mail, the internet and intranet.

Personal information shared with a third party for processing shall be protected through contractual agreements with requirements for confidentiality and privacy safeguards. See *Third Parties with Custody of Personal Information Procedures* in YMCA Management Practices.

### **Principle 8 – Openness**

The YMCA shall make readily available to individuals, information about its procedures and practices relating to the management of personal information.

Information on YMCA commitment to privacy is available to the public on the [YMCA web site](http://www.ymcagta.org) at [www.ymcagta.org](http://www.ymcagta.org) or by contacting the YMCA Contact Centre.

Staff and volunteers shall make known upon request the contact information for a program GM or VP or SVP to whom inquiries or complaints can be forwarded. See Principle 10 – Challenging Compliance.

### **Principle 9 – Individual Access**

The YMCA shall, upon request, inform an individual of the existence, use and disclosure of his or her personal information and shall give the individual access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Staff and volunteers shall refer requests about personal information held about an individual to their supervisor or GM. Supervisors shall follow procedures for *Handling Access to Information Requests* in *YMCA Management Practices*.

For requests to access information involving separated spouses, supervisors shall refer to *the Child Custody Information and Reference Guide* for more information.

Staff shall immediately inform their supervisor or GM of a request for access by an individual to his or her personal information collected by the YMCA. A GM or designate shall respond to a written request for individual access by providing access to the individual's data, except in limited circumstances. See *Exceptions to Access* below. Supervisors shall also refer to 'Handling Access to Information' procedures in *YMCA Management Practices*.

In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit YMCA to account for the existence, use and disclosure of personal information, and authorize access to the individual's file.

A GM or designate shall respond to a written request for access in a reasonable time, and at YMCA of Greater Toronto: *YMCA Operating Policies* Page 110 of 167

minimal or no cost. Personal Information shall be provided in a format that is understandable, along with any explanation needed to facilitate the individual's understanding.

A GM or designate shall provide the individual a reasonable opportunity to review and challenge the accuracy and completeness of personal information. A statement of disagreement will be attached to records where a requested amendment cannot be made.

Upon request, a GM or VP shall provide an account of the use and disclosure of personal information. A list of organizations to which the YMCA may have disclosed personal information shall be provided, when it is not possible to provide a list of actual disclosures.

Staff can request access to their employee file by contacting HR.

### *Exceptions to Access*

The YMCA may not be able to provide an individual with access to some or all of his or her personal information in certain circumstances permitted by law. Some exceptions include if:

- a) Doing so would likely reveal personal information about a third party.
- b) Disclosure could reasonably be expected to threaten the life or security of another individual.
- c) Information was collected in relation to the investigation of a breach of an agreement, or a contravention of law, or as otherwise permitted by law.

If access to personal information cannot be provided, a GM or VP shall provide the individual with written reasons for denying access. Speak with a supervisor or general manager, who has more information available in *YMCA Management Practices* on handling access to information requests.

### **Principle 10 – Challenging Compliance**

An individual shall be able to address a challenge concerning compliance with the above principles to the designated persons accountable for YMCA compliance.

Staff and volunteers shall refer any inquiries or complaints about YMCA handling of personal information, to their general manager or vice president or senior VP for response in a fair and timely manner. Individuals may contact a senior manager, GM or VP to discuss their question about YMCA privacy and information handling practices, or contact:

## **YMCA of Greater Toronto Contact Centre**

2200 Yonge Street, Unit #300, Toronto, ON M4S 2C6

Tel. 416-928-3362 or 1-800-223-8024

Email: [memberservices@ymcagta.org](mailto:memberservices@ymcagta.org)

Staff should encourage individuals with a complaint or concern to talk to the general manager or VP or senior VP for the YMCA program area. In most cases, talking with senior staff will resolve a complaint or concern.

If the problem is not resolved to the individual's satisfaction, the individual may contact the YMCA Contact Centre. The individual will be asked to provide the following information in writing:

- Name, address or fax number where the individual prefers to be reached.
- Nature of complaint, relevant details, what the individual would like the YMCA to do.
- Name of YMCA staff with whom the individual has already discussed the issue.

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The YMCA Contact Centre will immediately forward a privacy complaint to the attention of a program general manager or VP. The general manager or VP will investigate the complaint in consultation with the YMCA's Privacy Officer – GM/Director Risk Management. The YMCA shall respond or take the appropriate measures to resolve the complaint.

## **6. Responding to Privacy Incidents**

Any staff that suspects a privacy incident or potential breach must immediately notify their senior manager or general manager. Incident examples include the discovery of lost or stolen or misplaced records, or an unintended disclosure incident. The GM or VP shall immediately contact the Privacy Officer/Risk Management, and they will work together to ensure prompt, appropriate response including fulfilling any mandatory notification requirements.

The Privacy Officer/Risk Management shall maintain in a secured location, all incident documentation involving privacy incidents or breaches reported by staff.

## **7. Ongoing Relevancy**

The YMCA regularly reviews its policies and procedures to ensure we remain current with changing laws and evolving public expectations.

## **8. YMCA Related Policies/Procedures and Reference Documents**

- **Handling Information Access Requests Procedures** in YMCA Management Practices
- **Monitoring Privacy Compliance** in YMCA Management Practices
- **Privacy Impact Assessment Procedures** in YMCA Management Practices
- **Records Retention Guidelines** in YMCA Management Practices
- **Third Parties with Custody of Personal Information Procedures** in Management Practices
- **Child Custody Information Reference Guide** - includes privacy and information access procedures when working with separated spouses, available from YMCA Child and Family Development
- **Acceptable Use of Technology Policy 5.VS.6**
- **Electronic Communications Policy 5.VS.7**

## **9. Contacts and other Resources**

For more information about this policy, staff may speak with their general manager or vice president, or contact the VP Risk Intelligence or designate regarding a privacy concern, or the Senior VP Information Technology or designate regarding a data/system security concern.

The following sources also contain useful information about privacy:

- [Information and Privacy Commissioner of Canada](http://www.privcom.gc.ca) at [www.privcom.gc.ca](http://www.privcom.gc.ca)
- [Information and Privacy Commissioner of Ontario](http://www.ipc.on.ca) at [www.ipc.on.ca](http://www.ipc.on.ca)