

Deep Bay Improvement District

Confidential Information - Privacy Rights of Personal Information Policy

Policy Number: 14-02-01

1. INTRODUCTION

The Deep Bay Improvement District (DBID) is responsible to protect our ratepayers, employees, contractors, volunteers and trustees' legal right to privacy of their personal information under our custody and control. In all circumstances, DBID recognizes the value of an individual's personal information, which must be collected, used, disclosed and protected appropriately.

The purpose of this policy is to provide a framework for the consistent management of personal information collected, used, disclosed and protected by the DBID in accordance with the principles and requirements of various legislative Acts, including but not limited to BC's *Freedom of Information and Protection of Privacy Act* (the "Act"), and standards of practice.

2. POLICY

2.1. Privacy Right and Access to Personal Information

The right of privacy includes an individual's right to determine with whom he or she will share information and to know of and exercise control over collection, use, disclosure, access and retention concerning any information collected about him or her. The right of privacy and consent are essential to the trust and integrity of the relationships among ratepayers, employees, contractors, volunteers, and trustees.

2.2. Responsibility for Confidentiality

Personal information obtained in the course of ratepayers, employees, contractors, volunteers, and trustees' dealings with DBID must be held in confidence. All reasonable measures must be taken to ensure that personal information is collected, used and disclosed only in circumstances necessary and authorized in the conduct of the business of the organization. Collection, use, sharing or disclosure of information must be in accordance with the appropriate legislative authority (e.g. the *Act* and/or DBID policy).

Intentionally viewing confidential employee or ratepayer information that is not necessary to perform an individual's role is considered a breach of confidentiality even if that information is not disclosed to another party. Confidential information must not be discussed in any physical location where others, not entitled to receive that information, are present and likely to overhear, unless required in order to fulfill one's professional role, by law or with permission from an authorized individual.

Projects or initiatives concerning the collection, use or disclosure of personal information must have appropriate privacy protections in place.

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2.3. Confidentiality Acknowledgement

A signed Confidentiality Acknowledgement is a requirement for employees, contractors, volunteers, and trustees (see Schedule "A" attached).

All DBID ratepayers and designated DBID agents are required to be familiar with and abide by the DBID Confidential Information - Privacy Rights of Personal Information Policy during the course of their involvement with the DBID.

2.4. Breach of Confidentiality

Individuals will be held accountable for breaches of confidentiality.

Breaches of confidentiality include intentional and unauthorized access to, use and/or disclosure of, confidential information.

All DBID employees, contractors, volunteers, and trustees have a responsibility to report breaches of confidentiality without fear of reprisal.

If it is established that a breach of confidentiality has occurred, those individuals deemed responsible may be subject to penalty, prosecution or sanction up to and including termination.

3. SCOPE

This policy applies to:

1. All DBID employees, contractors, volunteers, and trustees.
2. All designated DBID agents.
3. Personal information in any format including, but not limited to, paper, electronic, film, verbal discourse.
4. Information as noted in #3 that is provided to, obtained from, or as a result of a relationship with the DBID, regardless of where that information may be subsequently stored or used.

All such information in the custody and control of the DBID is covered by this policy and the associated legislative and common law rules.

4. BREACHES

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4.1. Examples of Breaches (What you should NOT do)

These are examples only. They do not include all possible breaches of confidentiality covered by the DBID Confidential Information - Privacy Rights of Personal Information Policy and the Confidentiality Policy.

Accessing information that you do not need to know in the course of your duties:

Unauthorized reading of a ratepayer's account records.

Showing, telling, copying, selling, changing, or disposing of confidential information that is not pertinent to your role.

Providing or gaining unauthorized access to physical locations (e.g. file cabinets) which contain confidential information

Lending out your keys to someone else to access file cabinets, file storage areas or other areas where confidential information is stored, OR using another's keys for the same purpose

Leaving file storage areas unlocked when they should be locked.

Sharing, copying or changing information without proper authorization:

Making unauthorized marks on a ratepayer's record

Making unauthorized changes to a volunteer file.

Discussing confidential information in a public area such as at a board meeting.

Failing to report a breach of confidentiality

Being aware of a breach of confidentiality, but not reporting the breach to a ratepayer or the board of trustees

4.2. Breaches: Reporting, Investigation and Management

A privacy breach may occur should personal information be disclosed in a manner not consistent with the DBID privacy policy.

1. When any employee, trustee, or volunteer becomes aware of a potential or actual violation or breach, they will follow the **CAN DO** protocol:

- **CONTAIN** incident to limit its impact by acting to stop further spread of the private information. For example, by locking rooms, locking computers, retrieving and securing papers, mobile devices or other forms of information not properly stored or secured or by requesting individuals discussing Sensitive Information in public places to stop.
- **ASSESS** its associated impact by taking note of the nature, circumstances and time, what Sensitive Information was compromised and how that occurred, what role the physical environment had in the incident and all involved individuals to identify and minimize any immediate risks of harm to the ratepayer, other involved persons, staff or the organization.
- **NOTIFY** the DBID Administrator of the incident, the immediate containment steps taken and details of the assessment of its impact. Depending on the impact of the

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Breach, the Administrator may decide to immediately notify the Board of Trustees, the Chair of the Board may decide to call a special board meeting.

- **DOCUMENT** the facts
 - **OFFER** to assist in the investigation and prevention of subsequent incidents
2. Document the incident and report it to the DBID Information and Privacy Coordinator (the Coordinator). The Coordinator will conduct an internal investigation into the matter with the objectives of:
 - a. ensuring the immediate requirements of containment and notification have been addressed;
 - b. reviewing the circumstances surrounding the breach; and reviewing the adequacy of existing policies and procedures in protecting personal information;
 - c. Identifying and notifying those individuals whose privacy was breached and, barring exceptional circumstances, notify those individuals if the breach extended outside the organization or is found to be malicious in intent;
 - d. notifying the individuals whose privacy was breached by telephone or in writing;
 - e. providing details of the extent of the breach and the specifics of the personal information at issue;
 - f. advising of the steps that have been taken to address the breach, both immediate and long-term, including recovery of personal information as set out in the *Act*;
 - g. notifying the Office of the Information and Privacy Commissioner for BC should the board decide that notification is necessary.

5. DEFINITIONS

5.1. Personal and Confidential Information

Personal and confidential information is information provided to, collected or created by the DBID that exists regardless of form and includes, but is not limited to the following:

Personal information about an identifiable individual (e.g. trustee or ratepayer) including:

- The individual's name, street address, personal email address, or telephone number;
- The individual's age, sex, sexual orientation, marital status or family status;
- An identifying number, symbol or other particular assigned to the individual; and
- Information about the individual's education, financial, criminal or employment history.
- Confidential Information related to an identifiable individual under the custody and control of the DBID including:

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- Information (ratepayer records including banking information) prepared as part of a pending or ongoing review; and
- Employee, Contractor, Trustee, or Volunteer Information related to performance, discipline, incident reviews.

Any information considered in an in-camera (closed) meeting unless public release of information is authorized by the board.

5.2. Information Privacy

Information privacy refers to the right of an individual or data subject to determine with whom their personal information is shared, under what circumstances and to know of and exercise control over use, disclosure and access concerning any personally identifiable information collected about him or her.

5.3. Confidentiality

Confidentiality refers to the responsibility or obligation of an individual or organization to ensure that personal and confidential information is kept secure and is collected, accessed, used and disclosed appropriately.

5.4. Designated DBID Agents

Designated DBID agents are individuals or organizations who have a business relationship with the DBID and, at the discretion of the DBID, are deemed to have the potential to access, intentionally or inadvertently, all forms of DBID confidential information by virtue of their relationship to the DBID (e.g website hosting).

5.5. Authorized Individual

An authorized individual is an individual who has the authority under law or policy to access specific forms of confidential information.

POLICY HISTORY

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| Approved by Board: | February 19, 2014 |
| Amended | January 16, 2019 |

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Schedule 'A'

CONFIDENTIALITY ACKNOWLEDGEMENT

Please use a pen to complete

I (print name) _____ hereby acknowledge that I have read and understand the Deep Bay Improvement District's (hereinafter called "DBID") policy 14-02-01 regarding privacy and confidentiality. This policy outlines my responsibilities regarding information obtained during the course of my affiliation or assignment at the DBID. I further acknowledge that I have read and understand the consequences for breach of this policy.

RELATIONSHIP WITH DBID:

_____ Employee

_____ Trustee

_____ Volunteer

_____ Contractor

_____ Other (specify affiliation and name of DBID contact): _____

Signature: _____

Date _____ / _____ / _____
Day Month Year