

**PROTECTION OF PRIVACY
POLICIES AND PROCEDURES**

Vancouver Heritage Foundation

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PART I: INTRODUCTION

Introduction to *Personal Information Protection Act* (Privacy Legislation)

As of 1 Jan. 2004, the *Personal Information Protection Act* (hereafter referred to as PIPA or the Act) will come into force. PIPA applies to all private sector organizations, including businesses, non-profit organizations, and unions in British Columbia. PIPA contains rules designed to protect the privacy of personal information that is collected, used, and disclosed by organizations/businesses in the course of their activities.

Purpose of the *Personal Information Protection Act*

As indicated in section 2 of the Act, the purpose of PIPA is to:

"govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of individuals to protect their personal information and the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances."

Responsibilities of the Foundation as Proscribed by the *Protection of Personal Information Act*

Pursuant to section 3 of the Act, the Vancouver Heritage Foundation (hereafter referred to as the Foundation) is subject to PIPA. In order to comply with the Act, the Foundation must:

1. develop and follow policies and practices that are necessary for the Foundation to meet the obligations under this Act;
2. develop a process to respond to complaints that may arise respecting the application of this Act; and,
3. designate one or more individuals responsible for ensuring compliance with this Act.

Freedom of Information versus Protection of Privacy

The Foundation is responsible for the collection, use, and disclosure of personal information collected in the course of its business activities. It is responsible for responding to requests regarding the personal information of the applicant only.

For example, a previous member can make a request to see records related to his/her membership and the Foundation must comply. However, the member has no legal right to access records related to other members. The Foundation will not provide access to such records.

Terminology

Personal information means "information about an identifiable individual and includes employee personal information but does not include contact information or work product information."

Examples of personal information include photographs, social insurance numbers, information about family life, license plates, etc.

Contact information means "information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual."

Document means "a thing on or by which information is stored, and a document in electronic or similar form"

Work product information means "information prepared or collected by an individual or group of individuals as a part of the individual's or group's responsibilities or activities related to the individual's or group's employment or business but does not include personal information about an individual who did not prepare or collect the personal information."

Additional definitions are provided in the Act.

PART II: MANAGING THE COLLECTION, USE, AND DISCLOSURE OF PERSONAL INFORMATION AT THE FOUNDATION

Privacy Statement

The Vancouver Heritage Foundation is committed to ensuring that all personal information is gathered in accordance with protection of privacy legislation and it is accurate, confidential, and safeguarded. To make certain that this commitment is maintained, the Foundation has established ten privacy principles that govern the collection, use, and disclosure of personal information.

Principle 1: Accountability

The Vancouver Heritage Foundation is responsible and accountable for personal information under its control. A privacy officer designated by the Vancouver Heritage Foundation is responsible for coordinating the Foundation's compliance with the established privacy principles.

Principle 2: Accuracy

The Foundation maintains personal information in as accurate, complete, and up-to-date format as is necessary for the purposes for which it was collected.

Principle 3: Challenge compliance

An individual can challenge compliance with these principles to the designated individual responsible for Vancouver Heritage Foundation's compliance.

Principle 4: Consent

The individual will be informed and asked for consent for the collection, use, or disclosure of personal information, except where permitted by law.

Principle 5: Identifying purposes

The purpose for which information is collected will be identified by the Vancouver Heritage Foundation at or before the time information is collected.

Principle 6: Individual's right to access

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information and will be given access to that information, within the confines of the law. An individual will be able to challenge the accuracy and completeness of this information and have it amended as appropriate.

Principle 7: Limiting collection

The collection of personal information will be limited to that which is necessary for the operational purposes identified by Vancouver Heritage Foundation. Information will be collected by fair and lawful means.

Principle 8: Limiting use, disclosure, and retention

Personal information is not used or disclosed for purposes other than those for which it was collected, except with the informed consent of the individual or as required by law. Personal information will be retained only as long as necessary for the fulfillment of these purposes.

Principle 9: Openness

The Vancouver Heritage Foundation will make readily available to individuals, specific information about its policies and practices related to the management of personal information.

Principle 10: Safeguards

Personal information is protected by security safeguards appropriate to the sensitivity of the information.

Person Responsible for Handling all Requests for Personal Information

The Foundation has designated the Executive Director to be responsible for coordinating the business' compliance with the established privacy principles.

The Executive Director can be contacted by telephone at (604) 264 9642, or by mailing correspondence to: Vancouver Heritage Foundation, 453 West 12th Avenue, Vancouver, BC, V5Y 1L1.

PART III: REQUEST PROCEDURES

Procedures for Making a Request for Personal Information

1. Before submitting a written request for information, contact the Executive Director to determine if the records you want access to exist.
2. If the records exist, do submit your request in writing and mail it care of the Executive Director, Vancouver Heritage Foundation, 453 West 12th Avenue, Vancouver BC, V5Y 1V4.

Electronic, facsimile, and verbal requests are not accepted. Section 27 of the Act provides for the Foundation to require a written request.

3. When making a written request, be clear about the types of records and information to which you are seeking access.

Include your contact information.

- mailing address
- telephone number.

4. Upon receipt of your request, the Executive Director will mail you an *acknowledgement letter* and will notify you of any applicable fees.

If fees apply, the Foundation will process the request once the estimated fees have been paid (see *Fee Schedule* below). Under section 32 of the Act, the Foundation must provide a written estimate of any fees before processing the request, and can require the applicant to pay a deposit for all or part of the fee.

If you request access to records containing personal information about yourself the Foundation may ask you to present yourself in person to the Executive Director, with one piece of picture identification before the processing of the request continues. Exceptions may be made for employees or persons well known to the Foundation.

Once the request procedure is underway, the Foundation has thirty (30) days to respond to the applicant. If additional time is required, the Foundation must appeal to the *Office of the Privacy Commissioner of British Columbia*.

5. Records will be photocopied and sent to the requester directly by the Foundation (see fee schedule regarding any mailing charges).

6. Records to which exceptions apply may be withheld entirely or be "severed." A *decision letter* will explain in detail the exceptions applied and provide reasons.

Under section 30 of the Act, if access to personal information is denied, either all or in part, the Foundation must supply: reason(s) for refusal and detail the applicable section in the Act; and, the name, title, and business contact information for the person within the Foundation who can answer questions regarding the refusal.

However, the Foundation, under section 30, may refuse to confirm or deny the existence of personal information collected as part of an investigation.

7. If you are not satisfied with the Foundation's access decision and disclosure of records you can request a review by the *Office of the Information and Privacy Commissioner for British Columbia*. According to section 30 of the Act, you have must make the request for review within thirty (30) days of receiving the *decision letter* from the Foundation.

Procedures for Handling a Request to Correct Personal Information

1. An individual, according to section 24 of the Act, is entitled to request the Foundation correct any error or omission regarding personal information about the individual and is under the control of the Foundation.
2. If the Foundation agrees that an error or omission was made regarding the personal information about the individual and is under the control of the Foundation, according to section 24 of the Act, the Foundation must correct the personal information as soon as possible and send the corrected information to any organization to which the personal information was disclosed during the year the correction was made.
3. If the Foundation does not make a correction as requested by the individual, the Foundation must annotate the personal information under its control with the correction that was requested but not made.
4. If the Foundation does not agree with the applicant that a correction is warranted, the applicant, according to section 30 of the Act, has thirty (30) days after receiving the *decision letter* from the Foundation to make a request for review by the *Office of the Information and Privacy Commissioner for British Columbia*.

Fee Schedule

The purpose of the fee schedule is to:

1. ensure compliance with British Columbia's Personal Information Protection Act;
2. set fees to be charged when responding to a formal access request for personal information related to the applicant; and,
3. provide a fee schedule policy consistent that is fair and consistent.

Schedule of Maximum Fees:

1. Pursuant to section 32 of the Act, the Foundation cannot charge an individual any fees regarding access to employee personal information concerning the applicant.
2. Pursuant to section 32 of the Act, the Foundation can charge an applicant a minimal fee for access to the applicant's personal information, as long as it is not employee personal information concerning the applicant.
 - a. for locating and retrieving a record (regardless of format): \$7.50 per 15 minutes after the first 3 hours;
 - b. for shipping copies: actual costs of shipping method chosen by the applicant;
 - c. for copying records:
 - i. photocopies and computer printouts: \$.25 per page (8.5" x 11", 8.5" x 14"); \$.30 per page (11" x 17");
 - ii. floppy disks: \$10.00 per disk;
 - iii. computer tapes: \$40.00 per tape, up to 2 400 feet;
 - iv. microfilm to paper duplication: \$.50 per page;
 - v. photographs (colour or black and white):
\$5.00 to produce a negative;
\$12.00 each for 16" x 20";
\$9.00 each for 11" x 14";
\$4.00 each for 8" x 10";
\$3.00 each for 5" x 7";

- vi. plans: \$1.00 per square metre;
- vii. audio cassette duplication: \$10.00 plus \$7.50 per 15 minutes of recording; and,
- viii. video cassette duplication: \$10.00 per cassette plus \$7.50 per 15 minutes of recording;
\$20.00 per 120 minute cassette plus \$7.50 per 15 minutes of recording.