

OPERATIONS | Policy: Privacy Breach (PIPEDA)

Introduction

At MCEC, respecting privacy and personal information has always been an important part of our commitment to our constituents, employees and contractors. That is why we have developed The Mennonite Church Eastern Canada Privacy Policy. The Mennonite Church Eastern Canada Privacy Policy follows a Statement of Principles and provides guidelines regarding the minimum requirements for the protection of personal information provided by MCEC to its constituents, employees and contractors. The objective of The Mennonite Church Eastern Canada Privacy Policy is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of *The Personal Information Protection and Electronic Documents Act Canada* (“PIPEDA”).

MCEC is responsible for the protection of personal information in its control and the fair handling of such personal information at all times, throughout the organization and in dealings with third parties.

MCEC will review The Mennonite Church Eastern Canada Privacy Policy at least every five years to make sure it is relevant and remains current with changing technologies and laws and the evolving needs of MCEC, its constituents, employees and contractors.

Scope and Application

The ten principles that form the basis of The Mennonite Church Eastern Canada Privacy Policy are interrelated and MCEC shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the following commentary. As permitted by PIPEDA, the commentary has been drafted to reflect personal information issues specific to MCEC.

The scope and application of The Mennonite Church Eastern Canada Privacy Policy are as follows:

- a. The Mennonite Church Eastern Canada Privacy Policy applies to personal information about MCEC’s constituents, employees and contractors that is collected, used, or disclosed by MCEC in the course of its operational activities.
- b. The Mennonite Church Eastern Canada Privacy Policy applies to the management of personal information in any form whether oral, electronic or written.
- c. The Mennonite Church Eastern Canada Privacy Policy does not impose any limits on the collection, use or disclosure of the following information by MCEC:
 - i. an individual’s name, address and telephone number that appears in a telephone directory that is available to the public, where the individual can refuse to have their personal information appear in such a directory;

- ii. an employee's name, title, business address or business telephone, e-mail or fax number; or
- iii. other information about the individual that is publicly available and is specified by regulation pursuant to PIPEDA.

The application of The Mennonite Church Eastern Canada Privacy Policy is subject to the requirements and provisions of PIPEDA, the regulations enacted thereunder and any other applicable legislation, regulation, court order, or other lawful authority.

Definitions

Collection - the act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

Consent - voluntary agreement with the collection, use and disclosure of personal information for defined purposes. Consent can be either expressed 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 MCEC. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

Constituent - an individual who:

- is a member of an MCEC congregation or a Staff person or representative of an MCEC Ministry Partner
- supports MCEC financially
- subscribes to MCEC publications
- volunteers to work with MCEC Councils/ committees/ projects, etc.

Contractor – a contractor engaged by MCEC.

Disclosure - making personal information available to a third party.

MCEC Network - Mennonite Church USA, Mennonite Church Canada (including Mennonite Church British Columbia, Mennonite Church Alberta, Mennonite Church Saskatchewan, Mennonite Church Manitoba and Mennonite Church Eastern Canada) and MCEC Ministry Partners (as per the most recent listing held by MCEC).

Employee – an employee of MCEC.

Personal information - information about an identifiable individual, but does not include aggregated information that cannot be associated with a specific individual or the name, title or business address or business telephone number, e-mail or fax number of an employee of an organization.

- For a constituent such information may include opinions, evaluations, comments, recorded complaints, and donation records, but does not include certain publicly available information exempted by regulation such as a constituent's name, address, telephone number and electronic address.
- For an employee, such information may include information found in employment files, performance appraisals, and medical and benefits information.
- For a contractor, such information may include information found in services contracts.

Third party - an individual or organization outside of MCEC.

Use - the treatment, handling, and management of personal information by and within MCEC or by a third party with the knowledge and approval of MCEC.

Volunteer – a volunteer of MCEC.

1. Accountability

MCEC is responsible for personal information under its control. The Mennonite Church Eastern Canada Privacy Coordinator is accountable for compliance with The Mennonite Church Eastern Canada Privacy Policy. An annual compliance audit of the personal information management practices of MCEC will be reported to the Executive Council.

- a. Responsibility for compliance with the provisions of The Mennonite Church Eastern Canada Privacy Policy rests with the MCEC Privacy Coordinator who can be reached at 226-476-2500 or 885-476-2500 or via e-mail at privacy@mcec.ca. Other individuals within MCEC may be delegated to act on behalf of the MCEC Privacy Coordinator or to take responsibility for the day-to-day collection and processing of personal information.
- b. MCEC is responsible for personal information in its possession or custody. MCEC shall use contractual or other means to provide a comparable level of protection while personal information is in the possession of the third party.
- c. MCEC shall implement policies and procedures to give effect to The Mennonite Church Eastern Canada Privacy Policy, including:
 - i. Implementing procedures to protect personal information and to oversee MCEC's compliance with The Mennonite Church Eastern Canada Privacy Policy
 - ii. Establishing procedures to receive and respond to inquiries or complaints
 - iii. Training and communicating to employees and contractors about MCEC's policies and procedures
 - iv. Developing information materials to explain MCEC's policies and procedures

2. Identifying Purposes for Collection of Personal Information

MCEC shall identify the purposes for which personal information is collected at or before the time the information is collected.

- a. MCEC collects personal information only for the following purposes:
 - i. To establish and maintain responsible relations with constituents
 - ii. To understand, develop, and/or enhance constituent needs, desires, concerns, or opinions
 - iii. To manage and develop MCEC's business and operations, including personnel and employment matters
 - iv. To provide to organizations who wish to thank constituents for a donation
 - v. To meet legal and regulatory requirements

- vi. To advance the goals of the MCEC Vision Statement or to provide the constituent with information about developments in the Mennonite community

For example, personal information collected, used and/or disclosed may include information on:

- i. the local congregation and the Area Church of which a constituent is a member
 - ii. constituents who have provided information to another member of the MCEC Network and which has been disclosed to MCEC
 - iii. employees, contractors and voluntary service workers, employed or engaged by MCEC
 - iv. constituents who contribute financially to MCEC
- a. MCEC shall specify orally, electronically or in writing the identified purposes to the constituent, employee or contractor at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within MCEC who shall explain the purposes.
 - b. When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is permitted or required by law, the consent of the constituent, employee or contractor will be required before the personal information will be used or disclosed for the new purpose.

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

The knowledge and consent of a constituent, employee or contractor are required for the collection, use, or disclosure of personal information, except where inappropriate.

- a. In obtaining consent, MCEC shall use reasonable efforts to ensure that a constituent, employee or contractor is advised of the identified purposes for which personal information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the constituent, employee or contractor.
- b. Generally, MCEC shall seek consent to use and disclose personal information at the same time it collects the information. However, MCEC may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.
- c. MCEC will require constituents, employees or contractors to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use and/or disclosure is required to fulfill the explicitly specified and legitimate purposes.
- d. In determining the appropriate form of consent, MCEC shall take into account the sensitivity of the personal information and the reasonable expectations of its constituents, employees and contractors.
- e. In general, the financial donation of a constituent, the subscription request of a constituent, the acceptance of engagement by a contractor, or acceptance of employment or benefits by an

employee, constitutes implied consent for MCEC to collect, use and disclose personal information for the identified purposes.

- f. A constituent, employee or contractor may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Constituents, employees and contractors may contact MCEC for more information regarding the implications of withdrawing consent.
- g. In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individual. For example:
 - i. if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated
 - ii. if seeking the consent of the individual might defeat the purpose of collecting the information, such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction
 - iii. if there is an emergency where the life, health or security of an individual is threatened
 - iv. if disclosure is to a lawyer representing MCEC, to comply with a subpoena, warrant or other court order, or otherwise required or authorized by law

4. Limiting Collection of Personal Information

MCEC shall limit the collection of personal information to that which is necessary for the purposes identified by MCEC. MCEC shall collect personal information by fair and lawful means.

- a. MCEC collects personal information primarily from its constituents, employees or contractors.
- b. MCEC may also collect personal information from other sources including employers or personal references, or other third parties who represent that they have the right to disclose the information.

5. Limiting Use, Disclosure, and Retention of Personal Information

MCEC 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. MCEC shall retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected.

- a. MCEC may disclose a constituent's personal information to:
 - i. A third party who, in the reasonable judgment of MCEC, is seeking the information as an agent of the constituent
 - ii. A third party engaged by MCEC to perform functions on its behalf
 - iii. A member of the MCEC Network where MCEC is of the view that such disclosure will further the MCEC Vision Statement or to any third party (typically denominational periodicals such as Canadian Mennonite Publishing Services) in order to provide the constituent with information about developments in the Mennonite community or to thank the constituent for a donation made by the constituent. Prior to receiving the information from MCEC, members of the MCEC Network will agree in writing to use the personal information of constituents for the purposes identified

- iv. A public authority or agent of a public authority if, in the reasonable judgment of MCEC, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information
 - v. Any other third party or parties, where the constituent consents to such disclosure or disclosure is required or permitted by law
- b. MCEC may disclose personal information about its employees or contractors:
 - i. For normal personnel and benefits administration
 - ii. In the context of providing references regarding current or former employees and/or contractors in response to requests from prospective employers
 - iii. Where the employee or contractor consents to such disclosure or disclosure is required or permitted by law
 - c. Only MCEC's employees, volunteers and/or contractors with a business need to know, or whose duties or services reasonably so require, are granted access to personal information about constituents, employees and contractors.
 - d. MCEC shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a constituent, employee or contractor, MCEC shall retain, for a period of time that is reasonably sufficient to allow for access by the constituent, employee or contractor, either the actual information or the rationale for making the decision.
 - c. MCEC shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

6. Accuracy of Personal Information

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

- a. Personal information used by MCEC shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a constituent, employee or contractor.
- b. MCEC shall update personal information about constituents, employees and contractors as necessary to fulfill the identified purposes or upon notification by the individual.

7. Security Safeguards

MCEC shall protect personal information through the use of security safeguards appropriate to the sensitivity of the information.

- a. MCEC shall use appropriate security measures to protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction regardless of the format in which it is held. MCEC shall use care in disposing of or destroying personal information, to prevent unauthorized parties from gaining access to the information.

For example:

- i. Security measures include secure locks on filing cabinets and restricted access to the vault where financial information is stored
 - ii. There is restricted access to sensitive personal information through secure passwords limited to those who have a need to use the personal information contained in sensitive databases
 - iii. Physical MCEC files containing personal information deleted from the files are shredded under the supervision of MCEC Staff. Deleted electronic files will be permanently removed from the system, although back-up tapes will contain information removed from the system until such time that the back-up tape is destroyed or reused
- b. MCEC shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
 - c. All of MCEC's employees and/or contractors with access to personal information shall be required as a condition of employment or engagement to respect the confidentiality of personal information.

8. Openness Concerning Policies and Procedures

MCEC shall make readily available to constituents, employees and contractors specific information about its policies and procedures relating to its management of personal information.

- a. MCEC shall make available information to help constituents, employees and contractors exercise choices regarding the use of their personal information.

9. Access to Personal Information

MCEC shall inform a constituent, employee or contractor of the existence, use and disclosure of his or her personal information upon request and shall give the individual access to that information. A constituent, employee or contractor shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- a. Upon request, MCEC shall afford constituents, employees and contractors a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in an understandable form within a reasonable time and at a minimal or no cost to the individual.
- b. In certain situations MCEC may not be able to provide access to all of the personal information it holds about a constituent, employee or contractor. MCEC shall provide the reasons for denying access upon request.

For example:

- i. if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual
 - ii. if disclosure would reveal confidential MCEC information
 - iii. if the information is protected by solicitor-client privilege
 - iv. if the information was generated in the course of a formal dispute resolution process
 - v. if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction
- c. Upon request, MCEC shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, MCEC shall provide a list of organizations to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
 - d. In order to safeguard personal information, a constituent, employee or contractor may be required to provide sufficient identification information to permit MCEC to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
 - e. MCEC shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, MCEC shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
 - f. Constituents can obtain information or seek access to their individual information by contacting the Mennonite Church Eastern Canada Privacy Coordinator during MCEC's office hours.
 - g. Employees and contractors can obtain information or seek access to their individual files by contacting their immediate supervisor within MCEC.

10. Concerns Regarding Compliance

A constituent, employee or contractor shall be able to address a concern regarding compliance with the above principles to the person accountable for MCEC's compliance with The Mennonite Church Eastern Canada Privacy Policy.

- a. MCEC shall maintain procedures for addressing and responding to all inquiries or complaints from its constituents, employees and contractors about MCEC's handling of personal information.
- b. MCEC shall inform its constituents, employees and contractors about the existence of these procedures as well as the availability of complaint procedures.
- c. The Mennonite Church Eastern Canada Privacy Coordinator may seek external advice where appropriate before providing a final response to individual complaints.

- d. MCEC shall investigate all complaints concerning compliance with The Mennonite Church Eastern Canada Privacy Policy. If a complaint is found to be justified, MCEC shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A constituent, employee or contractor shall be informed of the outcome of the investigation regarding his or her complaint.

Additional Information

For more information regarding The Mennonite Church Eastern Canada Privacy Policy, please contact the MCEC Privacy Coordinator at 226-476-2500 or 885-476-2500 or via email at privacy@mcec.ca.

For a copy of *The Personal Information Protection and Electronic Documents Act* (Canada) or to contact the Privacy Commissioner of Canada, please visit the Office of the Privacy Commissioner of Canada's web site at: www.privcom.gc.ca