

Policy Type:	Governance	Policy #:	3.14
Section:	Board Governance Process		
Policy Name:	3.14 Privacy	Effective Date:	June 2016
Responsibility for Review:	Governance, Risk, and Planning Committee	Approval Date:	October 7, 2020
		Next Revision Date:	October 6, 2022
Procedure:	Privacy Procedures	Procedure #:	3.15.1

Purpose:

The purpose of this policy is to define the Canadian Mental Health Association – Calgary Region’s commitment to the safeguarding of the personal information entrusted to us.

Background:

This privacy policy, in accordance with applicable Alberta Privacy Legislation, outlines the principles and practices followed in protecting personal information. Health services provided directly or as agents of Alberta Health Services are governed by the Health Information Act (HIA). CMHA Calgary follows the standards of the Personal Information Protection Act (PIPPA) in managing all other personal information in its custody and control. Our privacy commitment includes ensuring the accuracy, confidentiality, and security of Individuals’ personal information and allowing Individuals to request access to, and correction of, their personal information. We inform Individuals of why and how we collect, use and disclose their personal information; obtain their consent where required; and only handle their personal information for the purpose that it has been collected.

Definitions:

1. **“Personal Information”** means information about an identifiable Individual, (e.g., name, age, date of birth, home address, e-mail address, phone number, social insurance number, marital status, ethnicity, income, medical and health information, education, employment information, banking information, credit card information, and emergency contact information). Personal information does not include business contact information (described below).
2. **“Business Contact Information”** means information that would enable an Individual to be contacted at a place of business and includes name, position name or title, business telephone number, business address, business email or business fax number. Contact information is not covered by this policy or PIPA.
3. **“Control”** is the responsibility and obligation that CMHA Calgary has for information collected or received as part of its functions, activities and programs, including information collected or received by third party service providers who are completing such activities on behalf of CMHA Calgary.
4. **“Individual”** includes any identifiable Individual receiving services or products from CMHA Calgary Region, including, clients, participants, Board members, volunteers, employees and donors.

Statement of Principles

CMHA Calgary will use the fair information principles to guide privacy practices for the organization.

PRINCIPLE 1 - ACCOUNTABILITY

CMHA Calgary is responsible for all information under its control. It must appoint someone to be accountable for its compliance with these fair information principles.

PRINCIPLE 2 - IDENTIFYING PURPOSES

The purposes for which the personal information is being collected must be identified by the organization before or at the time of collection.

PRINCIPLE 3 - CONSENT

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where authorized or required by privacy or other laws.

PRINCIPLE 4 - LIMITING COLLECTION

The collection of personal information must be limited to only that which is needed for the purposes identified by the organization. Information must be collected by fair and lawful means.

PRINCIPLE 5 - LIMITING USE, DISCLOSURE, AND RETENTION

Unless the individual consents or it is required or authorized by privacy or other laws, personal information can only be used or disclosed for the purposes for which it was collected. Personal information must only be kept as long as required to serve those purposes or as required by legislation.

PRINCIPLE 6 - ACCURACY

Personal information must be as accurate, complete, and as up-to-date as possible in order to properly satisfy the purposes for which it is to be used.

PRINCIPLE 7 - SAFEGUARDS

Personal information must be protected by appropriate security relative to the sensitivity of the information.

PRINCIPLE 8 - OPENNESS

CMHA Calgary must make detailed information about its policies and practices relating to the management of personal information publicly and readily available.

PRINCIPLE 9 - INDIVIDUAL ACCESS

Individuals have a right of access to their own personal information and upon request, an individual must be informed of the existence, use, and disclosure of their personal information and be given access to that information, unless clear legislative exceptions to the right of access apply. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

PRINCIPLE 10 - CHALLENGING COMPLIANCE

An individual shall be able to challenge CMHA Calgary's compliance with the above principles to the Privacy Officer or to the Office of the Information and Privacy Commissioner when the information is under this office's jurisdiction.

Policy:

1. Scope

This privacy policy applies to the CMHA Calgary, including all employees, volunteers, contractors' programs, and services. This policy also applies to all information, including personal information that is collected, used, retained, disclosed or disposed of on behalf of CMHA Calgary. A copy of this policy is provided to any client, employee, contractor or volunteer on request.

2. Purpose of Collection of Personal Information

CMHA Calgary collects only the personal information that is needed for the purposes of providing services, employment or volunteer opportunities. Unless the purposes for collecting personal information are obvious and the Individual voluntarily provides their personal information for those purposes, CMHA Calgary will communicate the purposes for which Personal Information is being collected, either orally or in writing, before or at the time of collection.

CMHA Calgary will only collect Personal Information that is necessary to fulfill the following purposes:

For clients to:

- Deliver requested workshops and/or presentations
- Provide programs and services
- Raise funds to assist in the continuation of programs and services
- Provide required reports for funders as outlined in funding agreements Note: Client information is subject to applicable Alberta privacy legislation.

For employment and volunteer opportunities to:

- Determine eligibility for employment or volunteer work, including verifying qualifications and references
- Issue tax receipts
- Contact and thank volunteers and supporters
- Establish training and development requirements
- Assess performance and manage performance issues, if they arise
- Administer payroll and benefits
- Award education bursaries
- Elect Board Members
- Keep members informed and up to date on activities, special events and opportunities
- Meet regulatory requirements (for example the Canadian *Income Tax Act* or the Alberta *Employment Standards Code*)

3. Consent

Individual consent will be obtained to collect, use or disclose Personal Information, except in specific circumstances where collection, use or disclosure without consent is authorized or required by law. Consent is assumed in cases where the individual volunteers' information for an obvious purpose (for example, producing a credit card to pay a program fee when the information will be used only to process the payment).

Consent can be provided orally, in writing, electronically, through an authorized representative or it can be implied where the purpose for collecting, using or disclosing the Personal Information would be considered obvious and the Individual voluntarily provides Personal Information for that purpose.

Consent for the use and disclosure of Personal Information may be withdrawn at any time, in writing, unless the Personal Information is necessary for CMHA Calgary to fulfill legal obligations.

4. Maintaining Personal Information

CMHA Calgary makes every reasonable effort to ensure that Personal Information is accurate and complete. We rely on Individuals to notify CMHA Calgary if there is a change to their Personal Information. If an Individual is aware of an error in information about them, it is their responsibility to notify CMHA Calgary and information will be corrected upon request wherever possible. In some cases, written request for correction may be required.

5. Access to Personal Information

CMHA Calgary will provide access to personal information for any individual requesting access to their personal information collected and used by CMHA Calgary, in compliance with legislative requirements for access. Access will be provided within a reasonable period of time from the date of the request, normally not more than one week. Individuals may request that their personal information be updated for accuracy and completeness and CMHA Calgary will update the information as requested by the individual. The cost of providing access to information shall be borne by the requestor on a cost recovery basis. (e.g. photocopying expense)

6. Security of Personal Information

CMHA Calgary will ensure that access to personal information is restricted to those individuals who need the information to either provide services or to report on the provision of services to funders. This information is restricted through password access to electronic files and through physical security to hardcopy files.

CMHA Calgary will notify as soon as reasonably possible all affected individuals or potentially affected individuals of any breach in the security of the personal information stored with CMHA Calgary.

7. Complaints

CMHA Calgary is committed to having an accessible and responsive complaint-handling process in place to ensure Individuals are able to make complaints about our organization's compliance with the Personal Information Privacy Act (PIPA).

Individuals should direct any complaints, concerns or questions regarding CMHA Calgary's compliance in writing to the Privacy Officer. If the Privacy Officer is unable to resolve the concern, the Individual may also write to the Information and Privacy Commissioner of Alberta.

8. Roles and Responsibilities

The protection of Personal Information is a responsibility shared by all.

All employees, including staff, management and volunteers, are responsible for:

- Complying with this policy and appropriate Alberta privacy legislation;
- Comply with terms of agreements with funders and third-party providers of service;
- Participating in privacy training provided by CMHA Calgary;
- Requesting clarification where needed; and
- Reporting concerns, complains and requests for information to the Privacy Officer.

Program Managers are responsible for:

- Ensuring compliance with this policy applicable Alberta legislation in their program.

The Privacy Officer is responsible for:

- Ensuring CMHA Calgary compliance with this policy and applicable Alberta legislation;
- Advising employees on specific questions relating to release of information and privacy;
- Reviewing and updating this policy regularly, or as applicable legislation is amended from time to time;
- Providing training and education to all employees;
- Receiving, processing and exclusively responding to formal right of access requests from individuals;
- Responding to complaints; and
- Liaising with the Office of the Information Privacy Commissioner for AB, where appropriate.

Program Directors and the Executive Director (ED) are responsible for:

- Providing the time and resources for employees to attend training;
- Supporting employees in implementing this policy in their program or area.

9. Complaints and Requests for Information

Privacy Officer Contact Information:

Canadian Mental Health Association – Calgary Region

Attention: Privacy Officer

105, 1040 – 7 Ave. SW.

Calgary, AB T2P 3G9

Phone: 403-297-1700

Reference:

1. Fair Information Practices sourced from: https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/p_principle/