

# Sample Privacy Policy

True North Non-Profit Homes

## Privacy of Personal Information Policy

Approved by the Board of Directors: date

True North Non-Profit collects a great deal of personal and sensitive information on tenants during the application process and throughout the duration of the tenancy. We also have personal information on staff, board members and volunteers.

The Non-Profit must comply with the Federal *Privacy Information Protection and Electronic Documents Act (PIPEDA)*, which applies to the standards for personal information with respect to commercial activity.

The Non-Profit must also comply with the *Social Housing Reform Act* regulations that set the standards for the collection, use, disclosure and safeguarding of privacy of personal information and the individual right of access of their own information as it applies to rent-geared-to-income tenants. **[omit if you are not prescribed under the SHRA, and have no rent supplement units ]**

This policy meets the requirements of the *Social Housing Reform Act* and the *Privacy Information Protection and Electronic Documents Act*.

The collection and storage of personal information should be treated in a manner that is respectful of the individual.

## Privacy Officer

The Manager **[insert title of appropriate person]** is the Privacy Officer. He/she will be responsible for the organization's compliance with all privacy legislation.

The Privacy Officer's duties are to:

1. review the Non-Profit's policies and practices with regard to personal information
2. implement the necessary changes to guarantee that the collection and retrieval of personal information follow the Non-Profit's policy
3. inform the tenants and public on how the Non-Profit treats personal information
4. handle complaints

## Definition of Personal Information

For the application of this policy, personal information means:

1. The personal address, telephone number or email address of the individual
2. Any identifying number assigned to an individual which can lead to their identification (e.g. Social Insurance Number)
3. Information about an individual's income and assets
4. Bank account and credit card information
5. Information about rent payment history
6. Information relating to the race, national or ethnic origin, citizenship status, colour, religion, age, sex, sexual orientation, marital or family status of the individual
7. Information relating to the education, medical, psychiatric, psychological, criminal or employment history of the individual
8. Credit and rental history reports
9. Financial information for the purposes of establishing Rent-Geared-to-Income Assistance
10. An individual's blood type or fingerprints
11. Information about an individual's personal or political opinions
12. Correspondence sent to the Non-Profit that is of a private or confidential nature, and any replies from the Non-Profit that would reveal contents of the original correspondence
13. The individual's name if it appears with other confidential information (e.g. rental arrears reports)
14. Employee information including résumés, salary and benefits, disciplinary action, bank account information, tenant complaints about the individual, and problems between staff.

Personal information does NOT include the name, position and business phone number of employees.

Personal information does NOT include statistical data, which is summarized in such a way as to not identify any individuals.

Business contact information and certain publicly-available information such as name, address and telephone number (as published in telephone directories) are not considered personal information.

## Collection of Information

- Personal information will be collected only for the following purposes:
  1. to approve tenancy and determine appropriate unit type and size
  2. to determine income and assets for rent calculation
  3. to demonstrate compliance with funding requirements
  4. to protect the health and safety of the tenant
  5. to ascertain service levels required in special needs housing
  6. to conduct reference and employment checks
  7. to retain relevant information on employees for government reporting purposes
- Staff must not seek out personal information about tenants or applicants unless it is relevant to their work.
- All documents used for collection of personal information shall state
  - a. the purpose or purposes of the collection;
  - b. the reasons for collection, including the fact that the information may be shared as necessary for the purpose of making decisions or verifying eligibility for assistance under the *Social Housing Reform Act*, the *Ontario Disability Support Program Act, 1997*, the *Ontario Works Act, 1997* or the *Day Nurseries Act*; or as authorized by an agreement under section 163 or 164 of the *Social Housing Reform Act*;
  - c. the name, title, business address and business telephone number of the Privacy Officer who can answer questions and respond to complaints about the collection, use or disclosure of the information;  
and will include
  - d. a consent form to be signed by the applicant or tenant authorizing the collection, use, verification and disclosure of the information being collected

## Protection of Information

- All staff and board members will be required to sign a confidentiality agreement.
- Applicant, tenant and employee files (including information on databases) must be safeguarded against unauthorized access.
- Applicant/tenant information and employee information must be stored in a locked filing cabinet. Secure storage facilities must be provided for archived applicant/tenant/employee and accounting information.

- Staff and members of the Board, where appropriate, should have access to records containing personal information only if required in order to fulfil their duties.
- When communicating tenant issues to the Board, staff should use non-identifying information as much as possible. For example, arrears report should use codes in place of the actual names of tenants.
- Databases containing files with personal information, and other confidential electronic files must be password protected against unauthorized access.
- Screen-savers or other protective action will be used to protect confidentiality of personal information on computer monitors.
- All staff have a responsibility to ensure that unauthorized individuals do not have unsupervised access to areas where files are kept and used.
- Personal information will be disposed of at the end of the required storage period for tenant records of 5 years after the tenant has moved out, and for financial records of 7 years after the end of the fiscal year.
- Paper-based personal information must be shredded prior to disposal. Electronic media must be purged prior to disposal.

## Release of Information

- No personal information will be released to third parties without the written consent of the individual (for example: credit references, tenant or personal references). When responding to enquiries for references, staff should limit information provided to the questioner and confirm only the information already provided by the individual making the inquiry.
- It is not necessary to have a signed consent to release information to collect a debt, for example to a collection agency, or for an Ontario Rental Housing Tribunal or Small Claims action.
- Staff will take reasonable care to confirm the identity of the people to whom information is released.

Personal information will be released to the following:

1. Funders and Auditor: The Non-Profit, in order to be in compliance with funding program requirements, must release information to funders and auditors. People doing

these jobs have their own professional code of ethics and are required to maintain confidentiality. Staff should confirm that the person concerned is seeking access legitimately.

2. Access Centre: As part of its responsibilities to the Co-ordinated Access System, the Non-Profit will provide the Access System with information about tenants who have left in arrears. This information will be used by the Co-ordinated Access System as part of their screening process for applicants for non-profit housing.

3. Researchers: Occasionally, the Non-Profit may be asked to assist a researcher who may be from an academic institution or who may be independent. Authorization for such people to have access to files will depend on their credentials and the nature of their research. The Board of Directors must approve all such requests for personal information.

4. Credit Bureaus: Information on orders or judgements for money owing will be provided to any credit bureau of which the Non-Profit is a member.

5. Law Enforcement: While the Non-Profit has a responsibility to protect the rights of applicants and tenants to privacy, this responsibility must be balanced with an obligation to the broader community. Law enforcement agencies requesting personal information about applicants, tenants, employees, board members or volunteers, will be required to provide a written request or "warrant" before information will be released.

Personal information may be released to the police:

- i. In the context of reporting criminal activity, staff with personal knowledge should report theft, damage or fraud.
- ii. With respect to crimes against persons, witnesses are obligated to report and provide appropriate information to the police so that charges can be laid. Domestic violence is a criminal offence and should be reported to the police.
- iii. To report suspected criminal activity. If there is good reason to believe that there is a drug problem or other illegal activity in the building, this should be reported to the police.
- iv. Victims of crimes are responsible for reporting the crime directly to the police. However, if the victim is a child or a person with a disability that renders them incapable of making the decision to report, the legal responsibility lies with the Non-Profit to report the crime to the Police or Children's Aid Society, if it has relevant information.
- v. In the case of suspected child abuse, information will be provided to the Children's Aid Society. (This duty to report is required under the *Child and Family Services Act*, Section 72.)

6. Health and Safety Officials: Personal information will be provided to outside agencies, individuals and institutions when it can be clearly identified as contributing to the applicant or tenant's benefit, for example, information about an individual's medical condition to the fire department.

7. Next of Kin or Emergency Contacts: It may be appropriate to use personal information to contact a community service agency or a designated relative in exceptional circumstances, such as, when using an emergency contact provided by a tenant and held on file, or contacting medical support services when a tenant is unable to function and maintain his/her tenancy.

## Access to and Correction of Personal Information

- The Privacy Officer will respond to all requests for access to or correction of personal information.
- An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her own personal information.
- If the Privacy Officer believes that releasing personal information to an individual would prejudice the mental or physical health or security of any person, he or she will not release the information.
- An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate. If the Privacy Officer is not in agreement with the individual's request for correction, a counter-statement will be filed with the original information.

## Procedure for Handling Complaints

The Privacy Officer will respond to all complaints about collection, use, disclosure, storage and disposal of personal information within thirty days of the request being made, and advise the complainant as to the action that has been taken.

Each complaint will be assessed to determine whether:

- Correction of personal information is necessary.
- Information was collected, used, released or disposed of inappropriately.

- The non-profit's policies and procedures need to be strengthened.
- Disciplinary or other action needs to be taken with respect to a breach of a confidentiality agreement.

Where necessary, the Privacy Officer will make the necessary recommendations to the Board of Directors in connection with resolution of the complaint.

## Breach of Confidentiality

It is a breach of confidentiality to:

- Discuss any confidential information within or outside the organization where it may be heard by individuals who are not authorized to have access to that information.
- Provide confidential information or records to unauthorized individuals.
- Leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals.

A breach of confidentiality may be grounds for staff to be disciplined or terminated.

A breach of his or her confidentiality obligation may be grounds for a board member to be removed as a director of the corporation. A board member who breaches confidentiality may not be covered by the Non-Profit's insurance if he or she is sued for libel.

## CONFIDENTIALITY AGREEMENT

I understand that in the course of conducting my responsibilities as a staff person, director or volunteer of \_\_\_\_\_ Nonprofit, I may have access to personal information about applicants, tenants and employees of the corporation. I understand that there are legal restrictions on how this information may be collected, used, stored and disposed of and that privacy of personal information must be respected.

I hereby agree to abide by the Nonprofit's policy regarding confidentiality attached to this agreement and by the restrictions placed on this information by the *Personal Information Protection and Electronic Documents Act* and the *Social Housing Reform Act* and any other statute which is now or may later be in force.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 .

\_\_\_\_\_  
Signature



# Sample Consent Form for Non-Profit Board Member

On January 1, 2004, the federal *Personal Information Protection and Electronic Documents Act* took effect. This act regulates the collection, use and disclosure of personal information.

I acknowledge that [True North Non-Profit] is required to collect and use personal information about me and that I have provided that information voluntarily. I understand that this information is required in order to comply with [True North Non-Profit's] legal obligations, such as reporting the names and addresses of directors and officers to the Ministry of Consumer and Business Services and our bank.

I also understand that as a director, my photo, name and/or job title may appear on publications, in the annual report, in member mailings and on the website (if applicable). If I do not wish them to appear I will contact the Privacy Officer who will ensure that they do not appear.

\_\_\_\_\_  
Name\_\_ \_ \_ \_ \_  
\_ \_ \_ \_

\_\_\_\_\_  
Signature\_ \_ \_ \_ \_

## Checklist for PIPEDA and SHRA

- Appoint a Privacy Officer
- Develop or review your existing Confidentiality and/or Privacy of Personal Information Policy to ensure that it includes:
  - a job description for the Privacy Officer
  - a description of the types of personal information that you collect, use and store
  - a list of who has access to personal information
  - a list of all individuals and agencies with whom you will be exchanging personal information
  - a description of the type of security systems that should be in place for the storage and retrieval of personal information
  - a complaints procedure
  - a system for effectively and properly discarding personal information on a timely and secure basis when it is no longer needed or you are no longer legally obligated to keep it
- Evaluate how personal information is presently being collected, used and stored and whether current practices protect the privacy of information you have. Bring practices in line with policy.
- Educate all Board members, Staff and agents on their responsibilities and liabilities under the legislation.
- Have the Board, Staff and volunteers sign a confidentiality agreement.
- Ensure that there is a consent clause in your lease that identifies the agencies and individuals with whom you may be exchanging information to confirm or establish a credit or rental history.
- Ensure that all documents used to collect personal information, including application forms and annual review forms, include:
  - consent for collection, verification and release of personal information
  - name and contact information for the Privacy Officer
  - statement that any complaints should be directed to the Privacy Officer
- Update tenant handbook and human resources policy to include:
  - name and contact information for the Privacy Officer
  - statement that any complaints should be directed to Privacy Officer

# Sample Consent Form

*for Collection, Use and Disclosure of Personal Information*

## What is "Personal Information"?

Personal information includes any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form, such as:

- age, name, ID numbers, income, assets, household composition, residency status, rent payment record, etc;
- opinions, evaluations, comments, social status, or disciplinary actions; and
- employee files, credit records, loan records, medical records, existence of a dispute between a landlord and a tenant, intentions (for example, to acquire goods or services, or change jobs).

Personal information does not include the name, title, business address or telephone number of an employee of an organization.

## Collection and Use of Your Personal Information

[True North Non-Profit] will collect, retain and use the personal information provided by you in this form and its attachments for the following purposes:

- **considering your application for tenancy;**
- **verifying the information that you have provided in your application and its attachments relating to the administration and processing of your application for tenancy;**
- **calculating your rent;**
- **meeting legal and regulatory requirements arising out of or relating to your tenancy;**
- **for the use of [True North Non-Profit's] auditor to verify our financial records;**
- **for the purpose of contacting necessary services or your next-of-kin in case of emergency;**
- **(Insert any other relevant uses, as appropriate).**

**Disclosure of Your Personal Information**

[True North Non-Profit] will disclose the personal information provided by you in this form to the following parties for the purposes described above: [Revise list, as appropriate]

- to any social agency providing any form of assistance to you, or other government subsidy under the *Ontario Works Act, 1997*, the *Ontario Disability Support Program Act, 1997* or the *Day Nurseries Act*, or any government department responsible for social housing programs under the *Social Housing Reform Act*, or [True North Non-Profit's] housing portfolio operating agreement;
- to the Government of Canada, a department, ministry or agency of it, without further notice to me if the information is necessary for the purpose of administering or enforcing the *Income Tax Act (Canada)* or the *Immigration Act*;
- to any agent working on behalf of [True North Non-Profit] for the purposes of complying with the *Social Housing Reform Act*;
- to relevant agencies or next of kin in case of emergency;
- to credit bureaus and other businesses that provide credit or rental history information about you;
- to a third party in connection with the potential or actual sale, reorganization, merger, consolidation or disposition of the business of [True North Non-Profit] and;
- [Insert the names or types of all other parties to which personal information will be disclosed, as appropriate].

**Consent**

I authorize and agree that [True North Non-Profit] may collect, use and disclose the personal information that I have provided in this form and its attachments as described above. I understand and acknowledge that, in addition to the foregoing, [True North Non-Profit] will also collect, use and disclose my personal information as required or permitted by law.

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Signature\_ \_ \_ \_ \_ Signature\_

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Signature\_ \_ \_ \_ \_ Signature\_

**To be signed by all household members living in the unit who are sixteen years or older**