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Rationale and Relationship to Mission, Principles and Values

- Momiji Health Care Society (Momiji) recognizes an individual's right to privacy and is committed to maintaining the accuracy, confidentiality and security of the personal information in its custody. In pursuit of our mission, Momiji pledges to treat everyone with respect and dignity and protect their privacy.
- Momiji adheres to the highest standards of quality, transparency, and accountability. To demonstrate this commitment, the organization has developed policies and procedures about the collection, use and disclosure of information that align with federal and provincial legislation and with industry standards.

Policy Objective

- This Policy acts as the articulation of Momiji's privacy practices and standards about the collection, use and disclosure of personal information and personal health information in the course of its activities. It is intended to guide all staff, volunteers and third-parties who are given access to personal information in Momiji's possession.
- As used in this Policy, the term personal information is inclusive of personal health information, unless the latter term is used exclusively. In that case, it applies only to personal health information.

Policy Application

- This policy applies to volunteers and staff at all levels.
- In addition, Momiji requires that any individual or third-party who collects, uses or discloses personal information on behalf of the organization complies with the provisions of this policy in relation to the respective work.

Policy Details

A. Momiji property

Any and all records referred to in the document as being personal information or personal health information are, and will remain the property of Momiji. Volunteers and staff are required to maintain the privacy and confidentiality of all records in any and all formats both while acting as an active volunteer or staff member and after they leave Momiji.

B. Compliance with relevant legislation

Momiji will comply with all applicable provisions of privacy legislation.

Federal and provincial privacy legislation

Momiji considers the Personal Information Protection and Electronic Documents Act (PIPEDA) - the federal privacy law for private-sector organizations - the standard by which personal information should be protected. PIPEDA sets out the rules for how business must handle personal information in the course of commercial activities. Most Momiji activities are not “commercial activities” as defined by PIPEDA. One Momiji activity that is regulated under the provisions of PIPEDA is “the selling, bartering or leasing of donor, membership or other fund raising lists”; as from time to time, Momiji exchanges donor lists (name and address only) with like-minded organizations.

Personal health information legislation

Momiji is a health care custodian by law, it has adopted personal health information legislation.

Canada’s Anti-Spam Legislation (CASL)

This policy supports Momiji’s compliance with Canada’s Anti-Spam Legislation.

C. Personal and health information collected

To achieve its mission, Momiji collects certain personal information about its members, donors, clients, event participants, staff and volunteers, meeting legal obligations and as otherwise permitted or required by law. Such information enables Momiji to deliver programs and services, pursue government relations and advocacy initiatives, deliver public education, fundraise, process donations, administer memberships, conduct marketing efforts, undertake statistical reporting, etc.

Momiji collects the minimum amount of information needed to establish and maintain a service, volunteer, participant, donor or program relationship with an individual. Subject to the application of the consent principle outlined in Section 3 below, personal information collected by Momiji may include, but is not limited to:

- Contact and identification information, such as name, address, telephone number and email address;
- A brief summary of the service requested and or received (programs and services database);
- Membership status and history (date when one became a member, current membership status, etc.);
- Participation in Momiji online campaigns and fundraising events;
- Donation information such as date of gift, amount of gift, the campaign to which one contributed;

- Financial information such as payment methods and preferences, billing and banking information (credit card number and expiry date or chequing account transit numbers which are required to process a donation).
- Other personal information used for purposes that a reasonable person would consider appropriate in the circumstances.

D. Privacy and Confidentiality Principles

Momiji will abide by the following 10 principles when collecting, using and disclosing personal information:

1. Accountability

Momiji is responsible for the personal information under its control.

- Momiji will designate an individual or individuals to ensure the compliance with this Policy.
- Momiji will implement practices and procedures to carry out the policy, including:
 1. Implementing procedures to protect personal information;
 2. Establishing procedures to receive and respond to complaints and inquiries from individuals regarding their personal information;
 3. Training volunteers and staff and communicating to volunteers and staff information about this Privacy and Confidentiality policy and practices; and
 4. Developing information to explain its Privacy policy and practices.

2. Identifying Purposes

Momiji will identify the purposes for which personal information is collected. The identified purposes will be specified at or before the time of collection to the individual from whom the personal information is collected. When personal information that has been collected is to be used for a purpose not previously identified, Momiji is obligated to communicate the new purpose to each individual and obtain their consent to use the information.

3. Consent

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where consent is not required for very specific reasons. It is anticipated that instances in which knowledge and consent of the individual would not be required would be extremely rare and would include legal, medical or security reasons which would have to be fully documented.

Consent is considered valid only if it is reasonable to expect that individuals to whom Momiji's activities are directed would understand the nature, purpose and consequences of the collection, use or disclosure, to which they are consenting.

1. Typically, Momiji staff and volunteers will seek consent for the use or disclosure of the information at the time of collection. The form of the consent sought by Momiji may be either **express** or **implied**, depending upon the circumstances and the sensitive nature of the personal information.
2. **Express** consent is required from an individual before Momiji will disclose personal health information about that individual to an external organization or individual. Express consent can be provided verbally or in writing.
3. The provision of personal information to Momiji constitutes **implied** consent to collect, use and disclose their personal information in accordance with this policy, unless an individual expressly instructs otherwise.

Implied consent can also be inferred where there is an existing (i.e. past two years) business or non-business relationship between an individual and Momiji. Examples include but are not limited to a donor, a volunteer, a member, an event participant, a research grant applicant, someone who has contacted Momiji for services, etc.

Implied consent is considered to be sufficient for fundraising purposes to allow the trade of limited personal information (name and home address only) about a donor to another charitable organization if the individual has been informed that his/her personal information might be used in this manner and he/she has been given an opportunity in a clear and meaningful way to **opt-out**.

Implied consent is also considered sufficient for relevant commercial electronic messages (CEM) under CASL, provided the individual receiving the message has interacted with Momiji in the immediate two-year period the day before the CEM is sent to the them, the **sender clearly identifies themselves** and the CEM receiver has been given an opportunity in a clear and meaningful way to **opt-out**. Commercial electronic messages sent by Momiji that have fundraising as the primary purpose are exempt from CASL.

4. **No consent:** There are certain activities for which consent is not required to use or disclose personal information. These activities are permitted or required by law. For example, we do not need consent from individuals to (this is not an exhaustive list) respond to legal proceedings or comply with mandatory reporting obligations, investigations / fraud detection and prevention, witness statements in insurance claims, financial abuse, personal information produced in the course of employment, business or profession, or other as identified by law from time to time.

5. Momiji may use or disclose your personal information without consent where the Society believes, upon reasonable grounds, that it is necessary to protect the rights, privacy or safety of an identifiable group or person (including you) or the public.
 6. **Withholding or Withdrawal of Consent:** If consent is sought, an individual may choose not to give consent (“withholding consent”). If consent is given, an individual may withdraw consent at any time, but the withdrawal cannot be retrospective. The withdrawal may also be subject to legal or contractual restrictions and reasonable notice.
4. **Limiting Collection**
- The collection of personal information will be limited to that which is necessary for the purposes identified by Momiji. Information will be collected by fair and lawful means.
5. **Limiting Use, Disclosure and Retention**
- Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes.

Whenever possible, access to personal information will be limited to authorized users only. Personal information may only be used within the limits of each staff and volunteer role. Staff and volunteers may not read, look at, receive or otherwise use personal information unless they have a legitimate “need to know” as part of their position.

Personal information may only be disclosed within the limits of each staff / volunteer role. Staff and volunteers may not share, talk about, send to, or otherwise disclose personal information to anyone else unless that activity is an authorized part of their position.

Personal health information that is no longer required to fulfill the identified purposes will be destroyed, erased, or made anonymous safely and securely.

When Momiji discloses personal information to third-party service providers with whom it has a contractual relationship, the third-party providers will only be given access to personal information that is needed to perform the related function and may not use it for any other purpose.

6. **Accuracy**
- Momiji will take reasonable steps to ensure that personal information in its custody is accurate, complete, and up-to-date as is necessary for the purposes for which it is

to be used. Personal information that is used on an ongoing basis, including information that is disclosed to third parties, will generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out. Individuals will always have the opportunity to contact Momiji to update their personal information.

7. Safeguards

Momiji will use appropriate security safeguards (depending on the sensitivity of the information) to protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification, regardless of the format in which it is held. Safeguards will include: physical safeguards (such as locked filing cabinets and rooms); organizational safeguards (such as permitting access to personal health information by staff on a "need-to-know" basis only); and technological safeguards (such as the use of passwords, encryption, and audits).

Momiji requires that any individual or third-party who collects, uses or discloses personal information on behalf of the organization complies with the provisions of this policy. This will be done through the signing of confidentiality agreements, privacy training and other contractual means.

Care will be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.

8. Openness

Information about Momiji privacy policies and practices relating to the management of personal information will be available to the public, including:

0. Contact information for our Privacy Officer[s], to whom complaints or inquiries can be made;
1. The process for obtaining access to personal information held by Momiji, and making requests for its correction;
2. A description of the type of personal information held by Momiji, including a general account of our uses and disclosures; and
3. A description of how an individual may make a complaint to Momiji.
4. Copies of any brochures or other information that explain Momiji's policies, standards, or codes.

9. Individual Access

If an individual requests, Momiji will inform them of the existence, use, and disclosure of their personal information. The individual will be given access to that information, will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

In certain situations, Momiji may not be able to provide access to all the personal

information it holds about an individual. Exceptions to the access requirement will be limited and specific. The reasons for denying access will be provided to the individual upon request. Exceptions may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security, or commercial proprietary reasons, and information that is subject to solicitor-client or litigation privilege.

10. Challenging Compliance

An individual will be able to address a challenge concerning Momiji's compliance with its own Privacy and Confidentiality Policy to the privacy officer.

Privacy officers will receive and respond to complaints or inquiries about organizational policies and practices relating to the handling of personal information as outlined in the Privacy Breach Management Procedures document. They will inform individuals who make inquiries or lodge complaints of other available complaint procedures.

Momiji will investigate all complaints. If a complaint is found to be justified, Momiji will take appropriate measures to respond.