

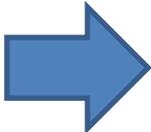
COMMUNITY LITERACY OF ONTARIO
PRIVACY E-COMMUNIQUE
MARCH 2013

Privacy matters – to learners and clients, to staff and volunteers and to our communities and funders.

In this e-communique, Community Literacy of Ontario shares information, resources and tools on the important issue of privacy.



It is a requirement of the Ministry of Training, Colleges and Universities that all funded programs have available a public privacy policy that complies with the Canadian Standards Association *Code for the Protection of Personal Information* or with the *Personal Information Protection and Electronic Documents Act (PIPEDA)*. These instruments are similar and follow the same principles regarding informed consent, collection, protection and disclosure of personal information. For more information, see MTCU’s privacy requirements in the LBS Guidelines.



Code for the Protection of Personal Information

The *Code for the Protection of Personal Information* was first created in March 1996 under the jurisdiction of the Canadian Standards Association Steering Committee and has been approved as a National Standard of Canada by the Standards Council of Canada. The Standard addresses two broad issues: the way organizations collect, use, disclose, and protect personal information; and the right of individuals to have access to personal information about themselves, and, if necessary, to have the information corrected.

The objective of this Standard is to assist organizations in developing and implementing policies and practices to be used when managing personal information.

See: www.csa.ca/cm/ca/en/privacy-code/publications/view-privacy-code



There are 10 principles that form the basis of the Standard, which are described in detail and put into context for organizations. The principles are:



1. ***Accountability***

Agencies are responsible for protecting the personal information under their control. They are required to designate one or more people to ensure that agencies have appropriate policies and procedures in place to safeguard personal information and that these policies and procedures are followed. Designated individuals are also responsible for ensuring that all staff are trained and in compliance.

2. ***Identifying Purposes***

Agencies must state why they are collecting information when they collect it. You can make a “statement of purpose” either verbally or in writing. If you need the information for a new purpose at another time, you need to let the individual know and once again gain consent. This links with #4, i.e., you should only collect information that you need.

3. ***Consent***

People need to know why their personal information is being collected and how it will be used and/or disclosed (except in special circumstances such as for legal, medical or security reasons). Consent is generally obtained at the same time that the information is collected. Consent can be indicated in a variety of ways including a signature, a check box or verbally. Individuals may withdraw their consent to use their personal information at any time.

4. ***Limiting Collection***

Information must only be used for the reasons identified when it was collected. Only necessary information shall be collected.

5. ***Limiting Use, Disclosure and Retention***

Information shall only be used for the purposes for which it was collected unless additional consent is obtained. Information shall only be kept as long as it is needed for those purposes. If the information is needed for a new purpose, that needs to be documented. Information that is no longer required shall be destroyed or made anonymous.

6. ***Accuracy***

Personal information shall be kept accurate, complete and up-to-date as required by the purposes it is needed for.

7. ***Safeguards***

Personal information must be protected against loss, theft, unauthorized access, disclosure, copying, use or modification. This applies to both electronic data and hard copy information. This also means that information needs to be destroyed or disposed of properly.

8. ***Openness***

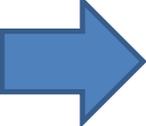
Agencies must share their policies and procedures related to privacy and personal information. They shall also make available the name and contact information of the individual(s) designated for privacy protection.

9. Individual Access

Individuals have the right to know how their information is being used and to have access to their information. They also have the right to have their information updated or amended. Access to information must be granted within a reasonable time and at minimal or no cost. The information must also be understandable (i.e., short forms or specific terminology must be explained).

10. Challenging Compliance

If an individual feels that privacy policies and procedures have not been followed, he/she can challenge an organization. Agencies must have a complaint process in place to handle these challenges. All complaints must be investigated.



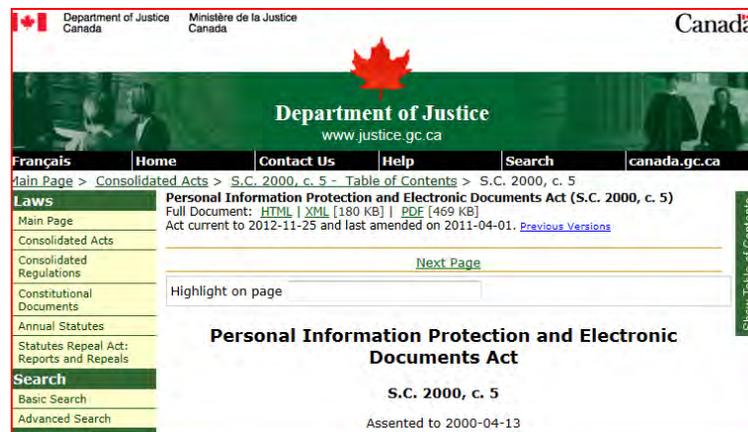
Personal Information Protection and Electronic Documents Act (PIPEDA)

The Personal Information Protection and Electronic Documents Act (PIPEDA) website is hosted by the Department of Justice Canada. This website contains the actual Canadian law relating to data privacy which governs how organizations collect, use and disclose personal information in certain circumstances during the course of their business. It is 72 pages long and includes all special schedules and the updates made since it became law in April 2000. In addition, the Act contains various provisions to facilitate the use of electronic documents.

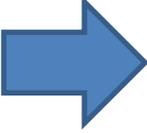
Literacy agencies should consult the Fact Sheet regarding the application of PIPEDA to charitable and non-profit organizations at www.priv.gc.ca/resource/fs-fi/02_05_d_19_e.asp. For specific circumstances and questions, also refer to the Office of the Privacy Commissioner's guidelines at www.priv.gc.ca/information/guide/index_e.asp

If LBS service providers are not subject to PIPEDA, their privacy policy must be based on the 10 basic principles set out in the Canadian Standards Association *Code for the Protection of Personal Information* (as described on pages 1-3 above and which is available at www.csa.ca/cm/ca/en/privacy-code/publications/view-privacy-code).

For more information on PIPEDA, see: <http://laws-lois.justice.gc.ca/eng/acts/P-8.6/page-1.html>



The screenshot shows the Department of Justice Canada website. The header includes the Canadian flag, the text "Department of Justice Canada" and "Ministère de la Justice Canada", and the word "Canada". Below the header is a navigation bar with links for "Français", "Home", "Contact Us", "Help", "Search", and "canada.gc.ca". The main content area displays the title "Personal Information Protection and Electronic Documents Act (S.C. 2000, c. 5)" and provides links for "Full Document: HTML | XML [180 KB] | PDF [469 KB]" and "Act current to 2012-11-25 and last amended on 2011-04-01. Previous Versions". A "Next Page" link is also visible. The page is framed by a red border.



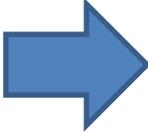
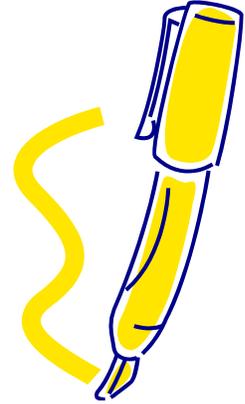
MTCU's Privacy Tip Sheet

This helpful two-page resource from the Ontario Ministry of Training, Colleges and Universities can be printed out and posted in a handy spot or shared with staff, volunteers and Board members. It clearly states:

- What a literacy agency's privacy obligations are
- How to explain to learners why the Ministry is collecting their personal information and what they do with it
- How to protect personal information

The Privacy Tip Sheet also provides frequently asked questions and answers, as well as some helpful resources.

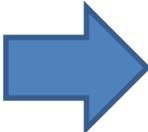
See: www.tcu.gov.on.ca/eng/eopg/publications/sp_privacy_tipsheet.pdf



EOIS-CaMS Frequently Asked Questions – “How Does EOIS-CaMS Ensure the Protection of Client Privacy?”

The Ministry of Training, Colleges and Universities overviews how client privacy is protected under the Employment Ontario Information System - Case Management System (EOIS-CAMS) on page 5, section 1.4 of its “*EOIS-CaMS Frequently Asked Questions*” (February 2013).

See: www.tcu.gov.on.ca/eng/eopg/publications/eois_cams_faq.pdf



LBS Service Provider Guidelines

This most recent version of the Ontario Ministry of Training, Colleges and Universities (MTCU) guidelines for Literacy and Basic Skills delivery agencies become effective April 1, 2013. The guidelines have the most-up-to-date information on all aspects of the LBS program including information related to access to information and protection of client privacy.

The guidelines are always the most current source of information on the LBS program. In terms of privacy, see section 4.1.4 (pages 45-47) of the guidelines for “*Access to Information and Protection of Privacy*”.

See: www.tcu.gov.on.ca/eng/eopg/publications/2013-2014_lbs_sd_guidelines.pdf

**EMPLOYMENT
ONTARIO**
Ontario's employment & training network



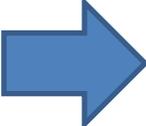
Community Literacy of Ontario's Privacy Newsletter

CLO's privacy newsletter was written in December 2012. This newsletter will help Literacy and Basics Skills agencies learn more about privacy issues and access valuable tools, resources and sample policies.

CLO privacy newsletter covers the following topics:

- Protecting privacy
- MTCU requirements for client privacy
- Privacy policies
- Confidentiality agreements
- Agency privacy checklists
- Links to other resources

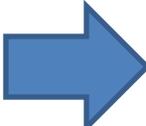
See: www.nald.ca/clo/newslet/dec_2012_our_voice.pdf



Community Literacy of Ontario's Privacy Webinar

In November 2012 Community Literacy of Ontario delivered a webinar on the important topic of privacy. The webinar was recorded and it is freely available to any interested stakeholder. In this one-hour webinar, CLO explored a variety of resources relating to privacy in Ontario's literacy agencies. Privacy procedures and good practices were discussed. CLO also shared real-life examples relating to privacy in order to highlight the importance of protecting the privacy of learners, clients, staff, volunteers and other stakeholders.

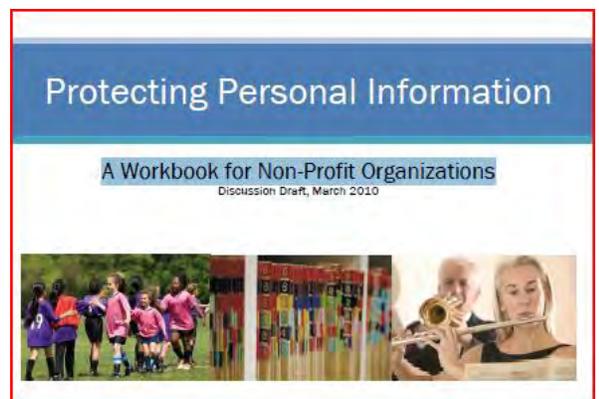
See: <http://vimeo.com/52630059>

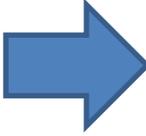


Protecting Personal Information: A Workbook for Non-Profit Organizations

While some of the tasks and forms apply to organizations in Alberta that must comply with its privacy legislation, the *Protecting Personal Information Workbook* has best practices that apply to all non-profits and will be useful for any organization seeking to update or draft policy and privacy statements.

See: <http://servicealberta.ca/pipa/documents/npworkbook.pdf>

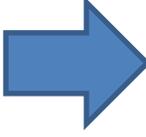




The Office of the Privacy Commissioner of Canada Psst!... A Word in Private?

The website of the Office of the Privacy Commissioner of Canada contains links to privacy resources, up-to-date information about PIPEDA and other legislation, numerous articles, a blog and a quiz to test your knowledge about privacy issues. There is also a 'legal corner' that helps people understand and interpret laws related to privacy.

See: www.priv.gc.ca/index_e.asp



Information and Privacy Commissioner for Ontario

The Office of the Information and Privacy Commissioner of Ontario was established in 1988 and acts independently of government to “uphold and promote open government and the protection of personal privacy in Ontario”. The IPC site is regularly updated with links, tools, and information related to privacy. You can also sign up for the IPC newsletter, “Privacy Access by Design”.

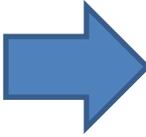
See: www.ipc.on.ca/english/Home-Page/



Strategies for Privacy Compliance

This online video called *Strategies for Privacy Compliance* was presented by Lydia Wakulowsky for Maytree Foundation in May 2011. *Strategies for Privacy Compliance* emphasizes how privacy should be viewed by nonprofit organizations as a solid business practice, not as a compliance issue. The webpage also has links to other related resources.

See: <http://maytree.com/fgi/2010/strategies-for-privacy-compliance.html>



Acknowledgements

CLO's Privacy E-communique was researched and written by Vicki Trottier, Joanne Kaattari and Cindy Davidson.

Community Literacy of Ontario is grateful to the Ontario Ministry of Training, Colleges and Universities, under Employment Ontario, for funding our Privacy E-communique, as one of our business plan deliverables.



**EMPLOYMENT
ONTARIO**
Ontario's employment & training network