

Our Voice

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Reducing Risk/Protecting People: Focus on Privacy

Community Literacy of Ontario is pleased to provide the first of four newsletters as part of our project entitled *Reducing Risk/Protecting People: Resources and Tools to Build Risk Management Capacity in Your LBS Agency*.

Risk management is an extremely important topic: to LBS agencies, to MTCU, to other government ministries and to the general public. CLO's *Reducing Risk/Protecting People* project is designed to give LBS agencies tools, resources and training to help them to improve their risk management processes and policies.

This project will also provide helpful and timely resources to support agencies with the requirements of MTCU's Risk Management Framework initiative and other government directives such as privacy legislation.

As part of the *Reducing Risk/Protecting People* project, CLO will be producing four webinars and four newsletters on the topics of:

- ⇒ **Privacy** (November 2012)
- ⇒ **Cyber Risks** (January 2013)
- ⇒ **Safety and Security** (February 2013)
- ⇒ **Risk to Reputation** (March 2013)

Registration information for the webinars will be sent by email. Each webinar will be followed by a newsletter. All of the webinars will also be recorded and available online through CLO's Vimeo channel.

CLO's **PRIVACY** webinar can be viewed at the following link: <http://vimeo.com/52630059>

In this newsletter, we will share information about the importance of privacy, MTCU's privacy requirements for LBS agencies, privacy legislation, sample policies and helpful resources.



"OF COURSE I VALUE MY PRIVACY... THAT'S WHY I ONLY SHARE MY PERSONAL INFORMATION WITH 700 OF MY CLOSEST FRIENDS!"

Source: Office of the Privacy Commissioner

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Focus on Privacy

Protecting Privacy

Protecting privacy is an important component of risk management. When privacy is compromised, there can be consequences to both the individual and to the agency. These consequences can impact financial safety, personal safety, legal proceedings, and reputation.

Keeping personal information private is required by law, but it is also good management practice. Privacy practices and policies should protect everyone involved in a literacy agency: learners, staff, volunteers, Board members, agency members and funders.

Personal information can only be used or disclosed with the informed consent of the individual. Information that must be kept confidential is anything that can identify an individual. The list includes (but is not limited to):

- ⇒ Full name
- ⇒ Address
- ⇒ Phone number
- ⇒ Birth date
- ⇒ Email address
- ⇒ SIN or other identification numbers
- ⇒ School transcripts
- ⇒ Police checks and criminal records
- ⇒ Income information
- ⇒ Financial information
- ⇒ Ethnicity
- ⇒ Medical records/other health information



"I KNOW THAT YOU'RE WORRIED ABOUT LOSING YOUR PERSONAL IDENTIFICATION, DEAR, BUT SURELY THERE ARE BETTER WAYS OF PROTECTING IT!"

We take your privacy seriously, because we'd expect it ourselves.

What's up with the cartoons? They come from the Office of the Privacy Commissioner and are available at www.priv.gc.ca/information/illustrations/index_e.asp

MTCU Requirements

All organizations are required by both provincial and federal laws to protect personal information. Literacy agencies that are funded by MTCU are bound by the *LBS Service Provider Guidelines* (Section 4.1.4) to ensure the following:

- ⇒ Agencies must have a publicly available privacy policy that complies with the Personal Information Protection and Electronic Documents Act (PIPEDA) (<http://laws-lois.justice.gc.ca/eng/acts/P-8.6/page-1.html>) or with the Canadian Standards Association Privacy Code (www.csa.ca/cm/ca/en/privacy-code/publications/view-privacy-code)
- ⇒ Agencies must have a designated person responsible for ensuring privacy compliance
- ⇒ Agencies must provide privacy training to their staff
- ⇒ Learners must consent to MTCU collection of personal information

Complete details about MTCU requirements are available in the Guidelines at: www.tcu.gov.on.ca/eng/eopp/publications/2012_lbs_sp_guidelines.pdf



Privacy Policies

Privacy policies should include the following:

- ⇒ What personal information will be collected and documented
- ⇒ Why specific information is being collected
- ⇒ How that information will be documented
- ⇒ Who has access to the information
- ⇒ How the information will be protected
- ⇒ How long the information will be kept
- ⇒ How and where the information will be stored
- ⇒ How the information will be destroyed (both hard and soft copies)
- ⇒ How soft copy information (data) will be protected if and when computers and/or servers are replaced

As part of the research phase for this project, CLO staff collected a number of privacy policies and statements. We are sharing them in this newsletter to help you develop or update privacy policies for your agency.



"IT'S BEEN COMPLETELY RECONDITIONED... AND FOR AN EXTRA FIFTY BUCKS I'LL PUT BACK ALL THE JUICY STUFF I FOUND ON THIS GUY'S HARD DRIVE!"

Source: Office of the Privacy Commissioner

Privacy Policy Sample #1

All staff will abide by ABC Literacy's privacy statement and practices to ensure that all information gained in respect to learners, tutors, directors or staff members is kept confidential. Enquiries and complaints about staff handling of personal information should be referred to the Executive Director.

As a charitable, community-based organization, ABC Literacy is committed to protecting your privacy. The personal information provided to ABC Literacy by learners, volunteers, staff and others will be used to support the work of ABC Literacy.

ABC Literacy requires personal information from learners, in compliance with Ministry of Training, Colleges and Universities requirements, in order to offer services and to ensure safety and security to all participants.

Safeguards are in place to protect the privacy of all participants. Only authorized personnel have access to such information. Information is collected only for the purpose appropriate for a charitable, community-based literacy agency. Information is not sold or shared with third parties.

ABC Literacy's procedures and systems are designed to protect information from error, loss, and unauthorized access. ABC Literacy assumes implied consent for collection, use and disclosure of personal information as it relates to the work of the agency. ABC Literacy monitors compliance with applicable privacy legislation.

Staff, Board members, volunteers, tutors and learners are required to sign a confidentiality agreement which remains in effect during their tenure with ABC Literacy. Tutors will be notified as to whether they can or cannot leave a message at a learner's home, as indicated by that learner during initial assessment.

Focus on Privacy

Privacy Policy Sample #2

XYZ Literacy Council respects the privacy of our members, clients, volunteers, staff, donors, sponsors and stakeholders. We are committed to ensuring that appropriate measures and safeguards are in place to protect specific information that is held for the purpose of the program. We adhere to all legislative requirements with respect to privacy. We do not share, rent, sell or trade mailing lists.

Accountability

- ⇒ XYZ Literacy Council will ensure the safe custody and control of all private information.
- ⇒ Information will not be transferred to third parties without the consent (express or implied) of the individual.
- ⇒ The Board of Directors will designate an individual to be responsible for ensuring privacy and compliance with the Personal Information Protection and Electronic Documents Act (PIPEDA) and all other privacy legislation. This person will also be responsible to implement procedures and train all employees and volunteers.



"HELLO, IS THIS THE DOCTOR'S OFFICE?... THANK YOU FOR SENDING ME ALL THAT INFORMATION, BUT MY NAME ISN'T AMBER AND I'M PRETTY SURE I'M NOT PREGNANT!"

Source: Office of the Privacy Commissioner

Identifying Purpose

We understand that some of the information we hold on members, clients, volunteers, staff, donors, sponsors and stakeholders is private, which is why we collect personal information only for the following purposes:

- ⇒ To establish and maintain a responsible relationship and provide ongoing service and support
- ⇒ To conduct appropriate screening procedures for those volunteers and staff who may find themselves in a position of trust with the clients of the organization
- ⇒ To develop, enhance, market or provide opportunities consistent with the program mandate
- ⇒ To maintain, manage and develop our programs and operations, through statistical review, solicited feedback and support
- ⇒ To meet program and government requirements

Consent

Members, clients, volunteers, staff, donors, sponsors and stakeholders do have choices and can refuse or withdraw consent for us to keep and use information. They may request that their name be removed from our various lists; they can refuse to provide personal information us; they may withdraw consent at any time. In all cases, this may limit XYZ Literacy Council's ability to provide appropriate service and support to these individuals.

Limiting Collection

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

Limiting Use, Disclosure and Retention

Personal information shall 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 must be retained only as long as is necessary for the fulfillment of those purposes.

Accuracy

At all times we strive to keep personal information accurate and up-to-date for the purposes identified.

Safeguard

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information. Access to information will be on a “need to know” basis only.

Openness

XYZ Literacy Council will make readily available to interested parties specific information about its policies and practices related to the management of personal information.

Individual Access

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Challenging Compliance

XYZ Literacy Council will investigate all privacy complaints and respond in a timely manner.



Privacy Policy Sample #3 (Community Literacy of Ontario)

Definition

Private information shall include any personal or business contact information about a person or an organization that is not available from public sources, such as internet, telephone or business directories.

CLO will ensure:

- ⇒ compliance with all privacy, personal information and freedom of information acts and government regulations
- ⇒ respect for the privacy rights of all individuals and organizations
- ⇒ accountability to all parties from where CLO has gathered private information
- ⇒ restricted access to private information for authorized CLO purposes only
- ⇒ disclosure of our privacy practices to all interested parties through a privacy statement



Collection and Use

Private information will be collected only as required for CLO’s operational requirements and as voluntarily submitted. Private information will only be used for the purposes for which it was provided.

Access and Sharing

CLO will grant access to private information only to staff, the Board of Directors, and other parties acting on CLO’s behalf and only on a “need to know” basis to complete work for CLO. CLO will not sell, rent or distribute any private information or contact lists.

Focus on Privacy

Confidentiality Agreements

Along with implementing privacy policies and procedures, literacy agencies should also ensure that staff, volunteers, contractors, learners, Board members and others understand that maintaining the confidentiality of personal information is essential.

All individuals with access to personal information (i.e. staff, volunteers, Board members, learners, contractors) should be required to sign and adhere to a confidentiality agreement. As always, it is important that everyone understands what they are signing, so the importance of confidentiality should be explained to individuals and should also form part of an agency's privacy training.

Below are two sample agreements that literacy agencies can use or adapt. The first one is appropriate for staff as well as for some contractors and volunteers. The second one is more generic and could be used with staff, volunteers, learners, Board members and other individuals who might have access to confidential information.



Sample Confidentiality Agreement #1

- ⇒ I acknowledge that I have read and understood XYZ Literacy Council's policies on privacy and confidentiality.
- ⇒ I understand that all confidential and/or personal information that I have access to or learn through my employment or affiliation with XYZ Literacy Council is confidential.
- ⇒ I understand that as a condition of my employment or affiliation with XYZ Literacy Council, I must comply with these policies and procedures.
- ⇒ I understand that my failure to comply may result in the termination of my employment or affiliation with XYZ Literacy Council and may also result in legal action being taken against me.
- ⇒ I agree that I will not access, use or disclose any confidential and/or personal information that I learn of or have access to because of my affiliation with XYZ Literacy Council unless it is necessary for me to do so to perform my job or volunteer responsibilities.
- ⇒ I understand that under no circumstances may confidential and/or personal information be communicated either within or outside of XYZ Literacy Council except to other persons or organizations who are authorized to receive such information.
- ⇒ I agree that I will not alter, destroy, copy or interfere with any confidential and/or personal information, except with authorization and in accordance with policies and procedures.
- ⇒ I agree to keep any computer access codes and passwords confidential and secure. I will protect physical access devices (e.g., keys) and the confidentiality of any information being accessed.
- ⇒ I will not lend my access codes, passwords or devices to anyone, nor will I attempt to use those of others. I understand that I am accountable for all work done under these codes. If I have reason to believe that my access codes or devices have been compromised or stolen, I will immediately contact _____.

Sample Confidentiality Agreement #2

I, _____, as an employee/volunteer/learner/contractor with ABC Literacy Council, promise that any and all information obtained while working with the Council shall remain confidential.

Furthermore, I will respect the privacy of others and their right to confidentiality. I will not share pictures or other information about employees/volunteers/learners/contractors or others on social media or elsewhere. I will not discuss the progress or attendance of others. A breach of this Confidentiality Agreement shall be considered a breach of the trust relationship between the Council and myself and may be cause for termination of involvement with the Council.

Agency Privacy Checklist

The following are some questions that we suggest you ask to determine if your agency is in compliance with privacy requirements. If you can answer “yes,” that’s wonderful! If you identify that, for some areas, work is still in progress or not complete, we’ve included some resources that can help you answer “yes” to all of the questions. And of course, sharing samples and examples with your colleagues is also a great way to develop policies and procedures.

<p>Do we have a publicly available, written privacy policy and procedures support that policy?</p>	<p>⇒ CLO’s <i>Our Voice</i> newsletter (January 2009: Performance Management Bulletin): www.nald.ca/clo/newslet/jan09/jan09.pdf</p> <p>⇒ CLO’s <i>Literacy Basics</i> online training: Exit and Follow-up Module: www.nald.ca/literacybasics/exit/exit/01.htm</p> <p>⇒ MTCU’s <i>Privacy Tip Sheet</i>: www.tcu.gov.on.ca/eng/eopg/publications/sp_privacy_tipsheet.pdf</p>
<p>Do we have someone designated for privacy compliance?</p>	<p>⇒ <i>LBS Provider Guidelines</i> (April 2012), Section 4.1.4: www.tcu.gov.on.ca/eng/eopg/publications/2012_lbs_sp_guidelines.pdf</p>
<p>Do we obtain informed consent for the collection and use of personal information?</p>	<p>⇒ Consent forms are written in clear language</p> <p>⇒ Section 9.3(e) of the transfer payment agreement with MTCU: www.tcu.gov.on.ca/eng/eopg/publications/2012_2013_lbs_so_agreement_template.pdf</p>
<p>Do we have policies about who has access to what information?</p>	<p>⇒ Determine “need to know” levels for all confidential information</p>
<p>Do we ensure that all stakeholders understand their obligations related to privacy?</p>	<p>⇒ Policies are written in clear language</p> <p>⇒ Policies are reviewed with stakeholders (staff, volunteers, contractors, board members and learners) prior to consent forms being signed</p>
<p>Do we have policies related to disclosing information to third parties?</p>	<p>⇒ Disclosure statements are included on consent forms</p> <p>⇒ Samples from CLO’s <i>Effective Evaluation Strategies and Techniques Toolkit</i>: www.nald.ca/clo/resource/clo_toolkit_effective_evaluation_strategies_and_techniques.pdf</p>
<p>Do we ensure that personal information is stored securely and protected?</p>	<p>⇒ Filing cabinets and offices are locked. Passwords are secure. Highly confidential data is encrypted.</p>
<p>Do we ensure that personal information is disposed of securely?</p>	<p>⇒ Data is erased. Confidential paper records are shredded.</p> <p>⇒ We ensure the personal information does not remain on any computers that are being repaired, sold or disposed of</p> <p>⇒ Old hard drives are destroyed.</p>
<p>Do we have a compliance/complaints policy?</p>	<p>⇒ CLO’s Sample Customer Complaint and Resolution Process (from Chapter 5 of <i>Capacity Plus</i>): www.nald.ca/clo/resource/capacity_plus_book_02.pdf</p> <p>⇒ CLO’s <i>Our Voice</i> newsletter (October 2010: Focus on Customer Service): www.nald.ca/clo/newslet/oct2010_customer_service.pdf</p> <p>⇒ CLO’s sample <i>Customer Service Complaints Resolution Policy</i> (December 2011 E-Communique): www.nald.ca/clo/communique/dec11.pdf</p>

Focus on Privacy

CLO's BOARD OF DIRECTORS

- Lorraine Bergstrand (Haldimand Norfolk)
- Nanditta Colbear (Sturgeon Falls)
- Elizabeth Debergh (Wellington County)
- Pierrette Desrochers-Kavanagh (Iroquois Falls)
- Keith Harford (Picton)
- Alfred Jean-Baptiste (Toronto)
- Teresa Kerr (Peterborough)
- Eileen Lee (Huntsville)
- Patti Miller (London)
- Maria Reolin (Mississauga)
- Marsha Roadhouse (Belleville)
- Johanna White (Red Lake)

CLO's STAFF

- Joan Beaudry (Office Administrator)
- Jette Cosburn (Co-Executive Director)
- Joanne Kaattari (Co-Executive Director)
- Vicki Trottier (Online Learning Consultant)

November 2012 Newsletter

Research and writing by Vicki Trottier

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EMPLOYMENT ONTARIO

More Helpful Resources

- ⇒ Application of the Personal Information Protection and Electronic Documents Act to Charitable and Non-Profit Organizations (Office of the Privacy Commissioner of Canada): www.priv.gc.ca/resource/fs-fi/02_05_d_19_e.asp
- ⇒ Privacy Tip Sheet (MTCU): www.tcu.gov.on.ca/eng/eopg/publications/sp_privacy_tipsheet.pdf
- ⇒ Privacy and Information Management Toolkit: www.pimedu.org/files/toolkit/PIMtoolkit.pdf
- ⇒ Strategies for Privacy Compliance (The Maytree Foundation): <http://maytree.com/fgi/2010/strategies-for-privacy-compliance.html>
- ⇒ The recorded version of CLO's **PRIVACY** webinar can be viewed at: <http://vimeo.com/52630059>
- ⇒ Community Literacy of Ontario's *Capacity Plus*: www.nald.ca/clo/resource/capacity_plus_book_02.pdf
- ⇒ Imagine Canada: <http://nonprofitrisk.imaginecanada.ca>
- ⇒ Protecting Personal Information: A Workbook for Non-Profit Organizations: <http://servicealberta.ca/pipa/documents/npworkbook.pdf>
- ⇒ A Guide for Businesses and Organizations on the Personal Information Protection Act: http://servicealberta.ca/pipa/resources/brochures-and-guides.cfm#jm_guide_for_B&O
- ⇒ Hospital Privacy Toolkit: www.oha.com/KnowledgeCentre/Library/Toolkits/PublishingImages/Hospital%20Privacy%20toolkit.pdf
- ⇒ Office of the Privacy Commissioner of Canada: www.priv.gc.ca
- ⇒ Office of the Information and Privacy Commissioner/Ontario: www.ipc.on.ca
- ⇒ Nonprofit Risk Management Centre: www.nonprofitrisk.org

