



Policy and Procedure

Subject: Privacy and Security of Personal Information
Manual: Fundraising
Developed by: VP Development, Foundation
Issued by: Fund Development Committee
Approved by: Board of Directors
Date Issued: January 31, 2017 **Version Number:** 1
Effective Date: January 31, 2017 **Last Verified:** New

Policy Statement

West Park Healthcare Centre Foundation (“WPHCF”) is committed to protecting the privacy of our donors. We value our donors' trust and recognize that maintaining this trust requires that we be open and accountable in our treatment of the Personal Information that you choose to share with us. We do not trade, rent or sell the names of our valued supporters

In compliance with federal and provincial standards for personal privacy protection, and in support of our ongoing effort to operate within generally accepted norms for personal information handling, WPHCF recognizes the ten principles of fair information practices contained in the CSA Model Code for Personal Information (1996) and their adoption in the federal *Personal Information Protection and Electronic Documents Act, 2001* (“PIPEDA”). WPHCF also recognizes its duty to comply with the Ontario *Personal Health Information Protection Act, 2004* (“PHIPA”), as the fundraising agent of West Park Healthcare Centre (“WPHC”). These principles will guide WPHCF’s approach to the implementation of personal information, industry regulation, and best practices.

It is WPHCF policy to protect the privacy of personal information in accordance with the Personal Health Information Protection Act 2004 (Ontario), best practices for privacy, and internationally accepted fair information principles. In doing so, WPHCF recognizes, and complies with, WPHC privacy policies.

This policy applies to all WPHCF employees, Board members, contractors, vendors, consultants and volunteers, (each of which may individually be an “information agent within WPHCF” and collectively, will be included within the meaning of the term “WPHCF”) and who, on behalf of or for the purposes or benefit of WPHCF, collect, use, disclose or have access to personal information, which is in the custody or control of WPHCF.

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The following sections establish WPHCF's intent with respect to privacy accountability and our commitment to appropriate collection, use, disclosure and access to personal information.

Procedure

Accountability for Personal Information

WPHCF is responsible for personal information under its control and has designated a Privacy Officer as the contact person who is accountable for WPHCF's compliance with this Policy. The WPHCF Privacy Officer works closely with the WPHC privacy office, particularly with regard to past patient contact information permitted for use in fundraising.

Public Record of Contact Person

The Privacy Officer of WPHCF can be contacted via telephone at 416-243-3604 or via email at foundation@westpark.org or via mail by writing to:

West Park Healthcare WPHC Foundation
82 Buttonwood Avenue
Toronto, Ontario M6M 2J5

The privacy office of WPHC can be reached by writing to:

Privacy Office
West Park Healthcare WPHC
82 Buttonwood Avenue
Toronto, Ontario M6M 2J5

Openness

WPHCF will be open about its information practices with respect to the management of personal information. Individuals will be able to acquire information about WPHCF policies and practices without unreasonable effort. This information will be made available in a form that is generally understandable.

Description of Information Practices

A written statement has been made available to the public by WPHC that:

- a) provides a general description of WPHC's information practices, including Fundraising;
- b) describes how to contact the contact person
- c) describes how an individual may obtain access to or request correction of a record about the individual that is in the custody or control of the WPHC (including WPHCF); and

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- d) describes how to make a complaint to WPHC and to the Information and Privacy Commissioner (IPC)

A written statement will be made available by WPHCF on our website and through other public notices that:

- a) provides a general description of WPHCF's information practices;
- b) describes how to contact the WPHCF contact person, as well as the WPHC contact person
- c) describes how to make a complaint to WPHCF and to the IPC

Confidentiality Contracts:

WPHCF is responsible for personal information in its custody or control, including information that has been disclosed under contract and will use contractual or other means to ensure a comparable level of privacy protection while the information is being used or otherwise processed by any third party including, where appropriate, volunteers of the Foundation.

Identifying Purposes for the Collection of Personal Information

WPHC will identify the purposes for which personal information is collected, including fundraising, at or before the time information is collected. WPHCF will also do so via public notice.

Personal information will not be used without express permission.

When WPHCF collects personal information directly from its constituents, WPHCF will identify the purposes for which personal information is collected at or before the time of collection.

Limiting Collection

The Limiting Collection Principle requires WPHCF to collect only that information necessary for the purposes that have been identified. Identifying purposes for which personal information is collected will allow WPHCF to determine the information necessary to fulfill these purposes. For this process, WPHCF has developed the following Privacy Statement to be used on all communications, solicitations and mailings:

“West Park Healthcare Centre Foundation considers your privacy a priority. We do not rent, sell or trade your information. Your personal information will be used to provide you with information about how your gift is used and updates on West Park Healthcare Centre.”

Notification of Purposes for Collection

Unless it is not reasonable in the circumstances, it is reasonable to believe that an individual knows the purposes of the collection, use or disclosure of personal health information about

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the individual by WPHC if WPHC and/or WPHCF has provided notice describing the purposes where it is likely to come to the individual's attention or provides the individual with such a notice.

Authorized Purposes

WPHCF collects, uses and discloses personal information for the purposes of fundraising, including:

- Processing donations and providing a charitable gift receipt
- Soliciting donors for support of our mission
- Inviting donors to attend special events
- Providing communications to WPHCF stakeholders
- Providing governance documents to members of Committees and the Board of Directors

Timeliness of Identification

WPHCF will specify the identified purposes at or before the time of collection to the individual from whom the personal information is collected. Depending on the way in which the information is collected, this can be done orally or in writing. Alternatively, notice of the purposes will be provided by the WPHC and/or WPHCF in the form of a poster or brochure or website, located in a place where it is likely to come to the individual's attention or given to the individual.

Identification of New Purposes Prior to Use

When personal information that has been collected is to be used for a purpose not previously identified to the individual, the new purpose will be generally identified prior to use. Unless the new purpose is otherwise permitted or authorized by law, the consent of the individual will generally be obtained before their information can be used for the new purpose. In circumstances where obtaining prior consent is impractical, the individual may be notified at the first reasonable opportunity, except as permitted or required by law, and a note of the new use or disclosure will be kept in the record.

Clarity

Upon request, WPHCF will explain to individuals the purposes for which the information is being collected. This information may be provided in writing or orally (or both, depending on the circumstances), in a language known to the individual or substitute decision maker.

Consent for the Collection, Use and Disclosure of Personal Information

The knowledge and consent of the individual is required for the collection, use or disclosure of personal information, except where mandated by law. Individuals can give consent in many ways. For example:

- **Opting Out** – When provided with an opportunity to be removed from selected or all contacts with WPHCF and not responding, the donor has given implied consent for the organization to continue contact with the individual.

Elements of Consent

Where consent to the collection, use or disclosure of personal information is required, the consent shall be:

Consent of the Individual: An individual who is assumed to be capable of giving consent to the collection, use or disclosure of personal information may give consent. WPHCF generally presumes that an individual is capable of consenting to the collection, use or disclosure of personal health information unless it has reasonable grounds to believe otherwise. Capable individuals may give, withhold or withdraw consent.

Knowledgeable: A consent to the collection, use or disclosure of personal information about an individual is knowledgeable if it is reasonable in the circumstances to believe that the individual knows, (a) the purposes of the collection, use or disclosure, as the case may be; and (b) that the individual may provide or withhold consent.

WPHCF will make a reasonable effort to ensure that the purposes for which the information will be used are known by the individual, by providing information about the purposes orally or in written material. The information will be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.

Relative to the Information: Consent relates to the information known by the individual to be collected, used or disclosed.

Implied vs. Express Consent:

Implied Consent: Where WPHCF receives personal information about an individual from the individual, having made a donation or requested information, WPHCF is entitled, but not required, to assume that it has the individual's implied consent to collect, use or disclose the information for the purposes of fundraising, unless WPHCF is aware that the individual has expressly withheld or withdrawn the consent. An

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individual may withdraw consent at any time subject to legal or contractual restrictions and reasonable notice. WPHCF will inform the individual of the implications of such withdrawal. If the Withdrawal of Consent is requested, the donor record will be marked with the appropriate coding (*Do Not Contact, Do Not Solicit, Opt-Out etc.*).

Express Consent: WPHCF will generally seek express consent when the information is considered sensitive.

Assumption of validity: Where WPHCF has obtained an individual's consent, including their implied consent, WPHCF is entitled to assume that the consent fulfills the requirements of PHIPA and the individual has not withdrawn it, unless it is not reasonable to assume so.

Limiting Collection of Personal Information

WPHCF will limit the collection of personal information to that which is necessary for the purposes identified. Information will be collected by fair and lawful means. WPHCF does not collect any personal health information, other than that which is volunteered directly by the constituent.

Limited collection:

WPHCF will not collect personal information indiscriminately. Both the amount and type of information collected will be limited to fulfill the purposes identified. WPHCF may receive only contact information on patients from WPHC.

Non-deceptive collection:

The requirement that personal information be collected by fair and lawful means is intended to prevent WPHCF from collecting information by misleading or deceiving individuals about the purposes for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

Limiting Use, Disclosure and Retention of Personal Information

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. WPHCF does not trade, rent or sell any personal information to third parties.

Limiting Use

WPHCF will honour donors' and prospective donors' requests to:

- limit the frequency of contact;
- not be contacted by telephone or other technology;
- receive printed material concerning the Foundation; and
- discontinue contact.

Record Retention and Disposal:

WPHCF will maintain electronic files on the database for historical information. This ensures that donors' wishes are respected and revisited (i.e., Do Not Contact, Do Not Solicit). WPHCF will retain hardcopy financial, gift and donor information for the Canada Revenue Agency guideline of seven years. Personal information that is no longer required to fulfill the identified purposes will be destroyed, erased or made anonymous.

Respecting Anonymity

WPHCF will honour donors' wishes with respect to anonymity and clearly identify all information that is to remain anonymous in donor records.

Ensuring Accuracy of Personal Information

Personal information will be accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

Limitations:

The extent to which personal information will be accurate, complete and up-to-date will depend upon the use of the information, taking into account the interests of the individual.

Updates:

WPHCF will routinely update personal information

Third Party Notification:

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.

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Ensuring Safeguards for Personal Information

Personal information will be protected by security safeguards appropriate to the nature and format of the information.

Scope and Format:

The security safeguards will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use or modification.

Appropriate Measures:

The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution and format of the information, and the method of storage. A higher level of protection using measures appropriate for the nature of the information involved will safeguard more sensitive information.

Measures: The methods of protection will include:

- Physical measures (locked filing cabinets, restricted access)
- Organizational measures (limiting access on a “need to know” basis)
- Technological measures (Use of passwords, access control encryption & audits)

Employee Awareness:

WPHCF will make its employees aware of the importance of maintaining the confidentiality of personal information. All staff and volunteers (operational, fundraising and governance) will sign a Confidentiality Agreement appropriate for their position within the organization. In addition, all staff will undergo annual privacy training under supervision of the WPHC privacy office.

Disposal:

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

Notice of Loss:

At the first reasonable opportunity, WPHCF shall notify the individual at the individual’s last known address or phone number, depending on the method of notification chosen, if the individual’s personal information has been lost, stolen or accessed by unauthorized persons unless otherwise required by law.

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Openness about Personal Information Policies and Practices

WPHCF will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

Reasonable Efforts:

WPHCF will be open about its policies and practices with respect to the management of personal information. Individuals will be able to acquire information about WPHCF policies and practices without unreasonable effort. The information will be made available in a form that is generally understandable.

Description:

The information made available will:

- (a) Provide a general description of WPHCF's information practices;
- (b) Describe how to contact the WPHCF Privacy Officer
- (c) Describe how an individual may obtain access to or request correction of a record of personal information about the individual that is in the custody or control of WPHCF

Availability:

WPHCF may make information on its privacy policies and practices available in a variety of ways.

Individual Access to Personal Information

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

Response to Request for Access to Personal Information:

Upon written request of the person to whom the personal information pertains, WPHCF will provide the individual access to this information and upon request provide a copy of the record to the individual, or will inform the individual that, after a reasonable search, the information is not available. Response to a request to access such information may be given within five business days of request unless otherwise permitted by law.

Identification Requirements:

An individual may be required to provide sufficient information to permit WPHCF to confirm his or her identity, and provide an account of the existence, use and disclosure of personal information. The information provided will only be used for this purpose.

Third-Party Identification:

In providing an account of third parties to which it has disclosed personal information about an individual, WPHCF will attempt to be as specific as possible.

Reasonable Response:

WPHCF will respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information will be provided or made available in a form that is generally understandable.

Amending:

When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, WPHCF will amend the information as required.

Challenging Compliance with WPHCF Privacy Policies and Practices

An individual will be able to address a challenge or complaint concerning compliance with the above principles to the WPHCF Privacy Officer or the privacy office of WPHC.

Documented Procedures:

WPHCF will have procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information. The WPHCF Privacy Officer is accountable for WPHCF compliance and will review all challenges and complaints to determine whether they have merit on a policy and best practice basis.

Accessibility:

The complaint procedures will be easily accessible and simple to use. WPHCF will inform individuals who make inquiries or lodge complaints of this existence of relevant complaint procedures.

Appropriate Measures:

WPHCF will investigate all complaints. If a complaint is found to be justified, WPHCF will take appropriate measures, including if necessary, amending its policies and practices.

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