



## **Privacy Policy**

Policy 1-15 / Resolution # R347-21 .5

Effective December 20, 2021

CASTLEGAR

# Privacy Policy

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### Policy Statement

The City of Castlegar is committed to protecting privacy and ensuring awareness of how we protect personal information and privacy, and the circumstances under which we use personal information. Any personal information provided to the City is collected, used and disclosed in accordance with the *Freedom of Information and Protection of Privacy Act*.

### 1. Definitions

*"The Act"* means the *Freedom of Information and Protection of Privacy Act of British Columbia* and the amendments and replacements thereto. This is the legislation that sets out rules for how organizations such as the City of Castlegar can collect, use and disclose personal information.

*"The City"* means the City of Castlegar.

*"Personal Information"* means information about an identifiable individual, including but not limited to: name, contact information, home address, social insurance number, sex, income, or family status.

*"Personal Information Bank Directory"* means the document listing the ways the City of Castlegar collects, uses and/or shares personal information.

*"Privacy Assessment"* means a method used to review privacy risks, associated with collecting, accessing, using, processing, storing, modifying, sharing, disclosing and /or destroying personal information, typically undertaken during the initial or conceptual stage of an initiative.

*"Privacy Impact Assessment"* means a detailed diagnostic tool used to identify and resolve privacy risks inherent to initiatives undertaken by the City of Castlegar.

### 2. Collection of Personal Information

The City of Castlegar uses and maintains personal information necessary to its operations and the provision of services. The City maintains a complete listing in the Personal Information Bank Directory (PIBD) of ways information is collected, how it is used and who it may be shared with.

### 3. Privacy Assessment

3.1. The City will conduct Privacy Assessments to review risks and ensure compliance with the City's privacy protection responsibilities. A Privacy Assessment helps to determine whether initiatives involving the use of personal information raise any privacy risks.

3.2. All initiatives must undergo, at a minimum, an initial Privacy Assessment to determine whether a more detailed Privacy Impact Assessment is required.

### 4. Consent

4.1. *The Act* deems that an individual has consented to the collection, use or disclosure of personal information about that individual if, at the time consent is deemed to be given,

the purpose would be considered obvious to a reasonable person. In such circumstances, the City will collect, use, disclose or retain personal information without obtaining a written or verbal consent to do so.

- 4.2. Where required by *the Act*, the City will provide the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use, disclose, or retain personal information for clearly specified purposes, by either:
  - a) obtaining express consent of the individual; or
  - b) providing the individual with the opportunity to decline within a reasonable amount of time to have his or her personal information collected, used, disclosed or retained for the stated purpose.
- 4.3. The City will only collect personal information directly from the individual whose information is being collected. There are exceptions to this which may include:
  - a) collection from another source if the individual whose personal information is being collected consents to collection from another source. [examples include where someone who has applied for City employment lists references, thus consenting to the City contacting the references.];
  - b) collection from another source is permitted by another law, [examples include collection of personal information from ICBC for bylaw enforcement or from BC Assessment for property taxation purposes];
  - c) collection for the purpose of law enforcement, for a proceeding before a court or tribunal, or for collection a debt or fine or making a payment; [example, if someone owes the City money but does not pay, the City may collect that person's information from other sources in order to collect the debt.]
  - d) the personal information is necessary for delivering or evaluating a common or integrated program or activity;
  - e) the personal information is about the City employee and the collection is necessary for the purposes of managing or terminating an employment relationship between the City and the employee;
  - f) the personal information may be disclosed to the City under Part 3 of the Act; and
  - g) the personal information is collected for the purpose of the City determining the individual's suitability for an honour or award.
- 4.4. On request by the individual, the City will provide the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection of personal information.

## 5. Use and Disclosure of Personal Information

- 5.1. The City will only use or disclose an individual's personal information where necessary to fulfil the purposes for which it was collected, or when collection, use or disclosure is authorized by legislation.
- 5.2. The City will not use or disclose individual personal information for any additional purposes unless the City obtains consent to do so.

5.3. The City will not sell any lists or personal information to other parties.

## **6. Retaining Personal Information**

6.1. The City's Records and Information Management Bylaw and Polices, guided by the Local Government Management Association of British Columbia (LGMA) records management program sets the guidelines for the retention and disposition of records.

6.2. If the City uses individual personal information to make a decision that directly affects the individual, the City will retain that personal information for at least one year so that individual has a reasonable opportunity to request access to it.

6.3. Subject to section 6.1, the City will retain individual personal information only as long as necessary to fulfil the identified purposes, statutory or legal requirements, or business.

## **7. Ensuring Accuracy of Personal Information**

7.1. The City will make every effort to ensure that personal information collected, used, disclosed and retained for its intended uses is as accurate and complete as possible.

7.2. If the individual believes that any personal information is inaccurate or incomplete, the individual may advise the City to update the personal information, in writing with sufficient detail to identify the personal information and the correction being sought.

## **8. Security of Personal Information**

8.1. The City is committed to ensuring the security of individual personal information in order to protect it from unauthorized access, collection, use, disclosure, retention, copying, modification or disposal or similar risks.

8.2. The City will protect the personal information it has gathered by maintaining reasonable safeguards that comply in all material respects with industry standards to guard personal information against unauthorized access, disclosure, loss, destruction, or modification, including but not limited to:

- a) using locked filing cabinets;
- b) physically securing areas where personal information is kept;
- c) the use of ID's, passwords, encryption, and firewalls for computer; and
- d) restricting employee access to personal information as appropriate to the circumstances.

8.3. The City will use appropriate security measure when destroying individual personal information including but not limited to:

- a) shredding documents;
- b) deleting electronically stored information; and
- c) wiping electronic equipment's storage data before disposing of the electronic equipment.

8.4. The City will continually review and update its security policies and controls as technology changes to ensure ongoing personal information security.

- 8.5. Wherever the City collects sensitive information through electronic means (such as personal and payment information, credit card data), that information is encrypted and transmitted to the City in a secure way. The City does not store credit card information.
- 8.6. Only employees who need the information to perform a specific job or task are granted access to personal information.
- 8.7. The computers/servers in which the City stores individual personal information are kept in a secure environment.

## 9. Providing Access to Personal Information

- 9.1. An individual has a right to access his or her personal information, subject to the exceptions laid out in *the Act*.
- 9.2. Upon reasonable notice, the City will allow an individual to access and review their personal information collected by the City.
- 9.3. The City will make the requested information available within 30 business days or provide written notice of an extension where additional time is required to fulfil the request.
- 9.4. If a request is refused in full or in part, the City will notify the individual in writing, providing reasons for the refusal and the recourse available to the individual.

## 10. Web Privacy

- 10.1. When an individual visits the City website, the web server automatically collects a limited amount of information about the individual essential for the operation and security of the website. Some of this information, such as browser type, does not identify who the person may be, while other information, such as the internet domain name or IP address, may identify the individual and may be considered personal information.
- 10.2. The City collects information on user sessions to compile reports on the use of the website. These reports are statistical in nature and do not identify or profile individual users.
- 10.3. Some sections of the website may distribute minimal information (called cookies) to web browsers to assist users when they return to specific areas on the site. If users have concerns about this, they can change their web browser settings to not accept this information or to display warning messages.

A cookie contains no personal identifying information and the City of Castlegar acquires no knowledge of an internet visitor's browsing habits. Apart from providing a performance measure, the data collected by the cookie is otherwise meaningless.

## 11. Privacy Breach Notification

- 11.1. A person must notify the Corporate Officer as soon as possible, if the person notices a privacy breach, even if that person is the one responsible for causing the privacy breach.

11.2. In the event of a privacy breach, the following chart which outlines the steps to take the address the privacy breach applies:

Action Required	Recommended Timeline
Contain the breach	Immediate
Report the breach to the Corporate Officer	Same day as breach is discovered
Preserve the evidence	Same day as breach is discovered
Contact the Police if necessary	Same day as breach is discovered
Conduct preliminary analysis of risks and cause of breach	Within 2 days of breach discovery
Determine if breach should be reported to the Privacy Commissioner	Within 2 days of breach discovery
Take further containment steps, if required based on preliminary assessment	Within 2 days of breach discovery
Evaluate risks associated with breach	Within 1 week of breach discovery
Determine if notification of affected individuals is required	Within 1 week of breach discovery
Conduct notification of affected individuals	Within 1 week of breach discovery
Contact others as appropriated	As needed
Determine if further in-depth investigation is required	Within 2 to 3 weeks of breach discovery
Conduct further investigation into cause and extent of breach, if necessary	Within 2 to 3 weeks of breach discovery
Review investigative finding and develop prevention strategies	Within 2 months of breach discovery
Implement prevention strategies	Timing will depend on depth of strategy
Monitor prevention strategies	Annual privacy and security audits

## 12. Roles and Responsibilities

12.1. The Corporate Officer is ultimately responsible for the management of City records. The Corporate Officer:

- a) ensures all privacy and security requirements are met across the organization;
- b) complies with *the Act*;
- c) reviews allegations that the Privacy Policy has been violated.

- 12.2. Employees of the City are required to assist the Corporate Officer in carrying out his or her responsibilities under this policy.
- 12.3. An individual should direct any complaints, concerns, or questions regarding this policy to the Corporate Officer. If the Corporate Officer is unable to resolve the concern, the individual may also contact the Office of the Information and Privacy Commissioner of British Columbia.