

# Highland Mennonite Brethren Church Governance Manual – ADMINISTRATION Personal Information Privacy Policy

## **Introduction**

Highland Mennonite Brethren Church (HMBC) is governed by privacy legislation enacted by the Province of Alberta and the Government of Canada. The Personal Information Protection Act (PIPA) of Alberta protects the personal information of employees, members, adherents, volunteers and visitors of organizations operating in Alberta. It governs the collection, use, disclosure and retention of personal information by organizations in a manner that recognizes and balances the right of an individual to have his or her personal information protected, and the need of an organization to collect, use, disclose or retain personal information for purposes that are reasonable.

HMBC is bound by the requirements of PIPA as well as other provincial and federal legislation, and HMBC collects, uses, discloses and retains personal information in accordance with this legislation. In keeping with provincial and federal legislation, HMBC has enacted its Personal Information Privacy Policy (PIPP).

## **I. THE PURPOSE OF PIPP**

The purpose of PIPP is to govern the collection, use, disclosure and retention of personal information by HMBC in a manner that recognizes: 1) the right of an individual to have his or her personal information protected; and 2) the need of HMBC to collect, use, disclose and retain personal information for purposes that are reasonable.

HMBC will also develop reasonable practices and procedures to implement PIPP so that it can meet its obligations under provincial and federal legislation.

## **II. THE SCOPE OF PIPP**

PIPP shall apply to the following persons and in the following circumstances:

- A. HMBC's employees, members, adherents and volunteers (including board members);
- B. Visitors and donors of HMBC;
- C. Individuals who request information about HMBC as well as those who apply to work, or become a member;
- D. Any personal information that identifies an individual, in whatever form or medium (paper, digital, audio-visual, graphic, website etc.) created or received in the course of carrying out HMBC's mandated functions and activities; and,
- E. All facilities and equipment required to collect, manipulate, transport, transmit, or keep information at HMBC.

## **III. THE PRIVACY PRINCIPLES OF PIPP**

HMBC is committed to protecting the privacy of employees, members, adherents, volunteers, visitors, and donors. To that end, HMBC has implemented the following provisions to ensure that personal information is protected:

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**A. Accountability**

1. HMBC is responsible for protecting the confidentiality of personal information in its custody or under its control in compliance with the applicable federal or provincial legislation.
2. HMBC has identified and designated a Privacy Officer to be responsible for implementing the privacy program and ensuring compliance with legislation.
3. Where HMBC engages the services of a person or corporation, whether as an agent, by contract or otherwise, HMBC is responsible for that person's or corporation's compliance with PIPP.
4. Where HMBC discloses or transfers personal information to a third party, HMBC is responsible for that third party's compliance with PIPP.

**B. Identifying Purposes**

1. HMBC collects information that it requires to carry out its functions as a Christian community of believers. The information that is collected is necessary for HMBC to fulfill its mandate, duties and obligations as a church.
2. HMBC will identify the purposes for which personal information is collected. The purposes for which personal information is collected shall be identified either in writing or verbally before or at the time the information is collected. HMBC may also provide the name of a Church representative who may provide additional information concerning the purpose for the collection, use, disclosure and retention of the personal information.

**C. Consent**

1. HMBC collects personal information only for reasonable purposes and with the consent of the individual, except where otherwise authorized by legislation. More specifically, HMBC will not:
  - a) collect personal information about an individual unless that individual consents to the collection of that information;
  - b) collect personal information about an individual from a source other than the individual, unless that individual consents to the collection of that information from the other source;
  - c) use personal information about an individual unless that individual consents to the use of that information; or
  - d) disclose personal information about an individual unless that individual consents to the disclosure of that information.
2. HMBC shall not require an individual to consent to the collection, use or disclosure of personal information beyond what is necessary for HMBC to carry out its mandate, duties and obligations.

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3. An individual may give his or her consent in writing or orally to the collection, use disclosure and retention of personal information about the individual. An individual is deemed to consent to the collection, use, disclosure or retention of personal information for a particular purpose if:
  - a) the individual, after being advised of the purpose for collecting and using the information, provides the information for that purpose; and
  - b) it is reasonable that a person would voluntarily provide that information.
4. When HMBC collects, uses, discloses or retains personal information about an individual for a particular purpose, it will provide the individual with a notice in a form that the individual can reasonably be expected to understand. The said notice will:
  - a) Indicate that HMBC intends to collect, use or disclose personal information about the individual for a particular purpose.
  - b) Give the individual a reasonable opportunity to decline or object to having his or her personal information collected, used or disclosed for those purposes.
5. An individual may convey his or her consent to HMBC in writing. If it is not feasible to obtain written consent, then an individual may convey his or her consent verbally or by electronic means.
6. An individual may at any time withdraw or vary his or her consent to the collection, use, disclosure or retention of personal information. Upon receiving notice that an individual intends to withdraw or vary his or her consent, HMBC will endeavor to inform the individual of the likely consequences of withdrawing or varying the consent.
7. If an individual withdraws or varies his or her consent to the collection, use, disclosure or retention of personal information, HMBC will:
  - a) Stop collecting, using, disclosing or retaining the information upon receipt of the withdrawal of consent; or
  - b) Abide by the directions of individual in the case of a variation of consent.

HMBC will not abide by the individual's decision to withdraw or vary his or her consent if this decision would frustrate HMBC's performance of a legal obligation as required or permitted by law.
8. HMBC may collect, use, disclose or retain personal information about an individual without the consent of that individual when it is permitted pursuant to PIPA, or when it is prescribed or permitted by a statute or regulation of the Province of Alberta or the Government of Canada.
9. Any information about an individual that was collected by HMBC prior to January 1, 2004, is deemed to have been collected with the consent of the individual.

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10. HMBC may collect, use, disclose or retain personal information about an individual without the consent of that individual as provided in sections 14, 17, and 20 of PIPA.

**D. Limiting Collection**

1. HMBC's collection of personal information shall be limited to that which is reasonably necessary for the identified purpose. HMBC shall only collect personal information in a fair and lawful manner.

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

1. HMBC will not use, disclose or retain personal information for purposes other than those for which the information was collected, except with the consent of the individual, or as permitted or required by law.

2. When an individual has given consent to HMBC to:

a) collect personal information from a third party, or

b) disclose personal information to a third party,

then before or at the time that the personal information is collected or disclosed, HMBC will notify the third party that the individual has consented to the collection or disclosure of the personal information.

3. Notwithstanding that an individual has withdrawn or varied his or her consent, HMBC may, for legal purposes, retain personal information as long as is reasonable.

**F. Accuracy**

1. HMBC will make all reasonable efforts to ensure that personal information collected, used, disclosed or retained by or on behalf of HMBC is accurate, complete and current.

**G. Safeguards**

1. HMBC will protect personal information by taking such measures as:

a) Implementing technological safeguards to secure personal information that is stored in electronic form;

b) Ensuring that the areas in which information is stored are reasonably secure;

c) Restricting access to personal information stored in paper form; and

d) Preventing unauthorized access, collection, use, disclosure, copying, modification, disposal, or destruction of the personal information.

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**H. Openness**

1. HMBC will develop and follow privacy and security policies that are compliant with legislation. HMBC will make information about PIPP, and related policies and practices available on request.

**I. Individual Access**

1. An individual has the right to access his or her personal information held by HMBC, subject only to limited and specific exceptions. Individuals can address any request for access to information to HMBC's Privacy Officer. All requests for access to personal information must be in writing.
2. HMBC will not provide an individual with access to his or her personal information if:
  - a) The disclosure of the information could reasonably be expected to threaten the life or security of a third party;
  - b) The information would reveal personal information about a third party;
  - c) The information would reveal the identity of a third party who has in confidence provided an opinion about the individual, and the third party does not consent to disclosure of his or her identity, or to release of the third party's information; or
  - d) HMBC is permitted by law to refuse access.
3. If HMBC is reasonably able to sever the information referred to in section 9.2 from a copy of the record that contains personal information about the individual who requested it, then HMBC will provide the individual with access to the record after the information referred to in section 9.2 has been severed.
4. Any right or power conferred on an individual by these policies may be exercised by a third party as provided in section 61 of PIPA,

**J. Challenging Compliance**

1. An individual may also challenge the accuracy and completeness of the information held by HMBC and have it amended as appropriate.
2. If an individual requests a correction of an error or omission in the personal information, HMBC will, subject to legal limitations, correct the information as soon as is reasonably possible or annotate it with the correction that was requested. Where HMBC has disclosed incorrect information to a third party, HMBC will send a notification containing the corrected information to each third party to which the incorrect information has been disclosed, if it is reasonable to do so.
3. HMBC will not correct or otherwise alter an opinion, including a professional or expert opinion, that is contained in personal information.

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4. HMBC's Privacy Officer will make every reasonable effort to assist individuals asking for access to or correction of their personal information, and will respond as accurately and completely as is reasonably possible within the time limits specified in PIPA.
5. All requests must be in writing and must set out in sufficient detail the scope of the request. Requests should be delivered or mailed to HMBC's Privacy Officer. If a request is complex and requires an extensive or detailed search, HMBC may, at its sole discretion, charge a reasonable fee. HMBC will give the applicant a written estimate of the total fee before providing the service, and may require the applicant to pay a deposit in the amount determined.
6. Individuals can address any complaint regarding compliance with the above principles with HMBC's Privacy Officer. An individual who makes a request respecting personal information may ask the Alberta Privacy Commissioner to review any Church decision, action, or refusal to act.

**K. Other Matters**

1. If HMBC is forwarding personal information outside the Province of Alberta, then HMBC will also comply with:
  - a) The Personal Information Protection and Electronic Documents Act (PIPEDA); and
  - b) The privacy legislation of the province to which the personal information will be forwarded.