

Privacy Policy

Intent

The YMCA of Hamilton/Burlington/Brantford [YMCA HBB] respects the right of individuals to the protection of their personal information. The purpose of this policy is to specify how YMCA HBB implements the Personal Information Protection and Electronic Document Act (PIPEDA), the federal privacy law.

Definitions

PIPEDA defines *Personal information* as information about an identifiable individual:

- For example, name, address, gender, age, ID numbers, income, racial or ethnic origin, relationship status, employee files, payment or medical/health records, assessments or evaluations.
- An individual's name *does not* need to be attached to the information in order for it to qualify as personal information.
- Personal information *does not* include name, title, business address, or business phone number of an employee of an organization.

Policy Statement

YMCA HBB respects the right of individuals to the protection of their personal information.

Policy Description

- 1.1 Appendix A outlines the procedures to be followed by YMCA HBB in accordance with PIPEDA.
- 1.2 Appendix B outlines YMCA HBB's website and cyber privacy practices.
- 1.3 This policy is published on the YMCA HBB website.

Accountability

The President and CEO is accountable to the YMCA HBB Board for implementation of this policy.

Related documents and/or relevant legislation

- YMCA HBB Data Breach Policy
- YMCA HBB Cyber Incident Response Plan
- YMCA HBB Fundraising Policy

- Canadian Code of Practice for Consumer Protection in Electronic Commerce

- Personal Information Protection and Electronic Document Act (PIPEDA)
 - Office of the Information and Privacy Commissioner/Ontario
<http://www.ipc.on.ca>

 - Privacy Commissioner of Canada
<http://www.privcom.gc.ca>

Appendix A:

YMCA HBB volunteers and staff with access to personal information must follow PIPEDA's ten fair information principles and steps for implementing these principles.

PRINCIPLE 1 - ACCOUNTABILITY

YMCA HBB is responsible for personal information under its control and shall designate an individual or individuals who are accountable for YMCA compliance with established privacy principles.

The Vice President, Communications & Digital Transformation is the designated Chief Privacy Officer. The Executive Leadership Team is responsible for overseeing compliance by their staff with the YMCA privacy protection procedure and fair information principles, to ensure:

- a) Purposes are defined for collection of personal information;
- b) Consents are obtained for the collection, use and disclosure of personal information, except where inappropriate;
- c) Collection, use and disclosure of personal information is limited to that which is necessary for defined purposes;
- d) Information used is accurate, complete and up-to-date;
- e) Adequate safeguards protect personal information in the YMCA's control;
- f) Retention and destruction timetables are maintained;
- g) Access requests by individuals are processed promptly;
- h) Timely response is provided to an inquiry or complaint regarding YMCA handling of personal information; and
- i) Contracts with third parties that process YMCA information shall include privacy protection requirements.

Supervisors are responsible for the day-to-day collection, processing and safeguarding of personal information under their control. Supervisors shall inform and train staff, and volunteers having access to personal information. Staff and volunteers shall follow the privacy protection practices established by YMCA HBB when collecting, using, disclosing and safeguarding personal information.

PRINCIPLE 2 - IDENTIFYING PURPOSES

YMCA HBB shall identify the purposes for collecting personal information before or at the time personal information is collected.

YMCA HBB needs to collect, use and disclose some information about its participants, members, donors, parents/guardians, staff and volunteers in order to conduct its operations and deliver YMCA programs and services to the communities it serves.

YMCA HBB's purposes for collecting personal information include:

- a) To establish and maintain responsible relationships with its participants, members, donors, parents/guardians, staff and volunteers;
- b) To manage, develop and enhance YMCA operations, programs and services;
- c) To acknowledge gifts, issue tax receipts, and other administrative requirements including information requests;
- d) To process and collect fees for service;
- e) To assess participant needs;
- f) To conduct participant satisfaction research;
- g) To determine program, service, employment or volunteer eligibility;
- h) To provide safe and secure YMCA environments;
- i) To collect data for statistical purposes;
- j) To better understand the changing needs of communities we serve;
- k) To communicate a range of programs, services, and philanthropic opportunities that benefit people we serve;
- l) For administration, management, strategic planning, decision-making, research, and allocating of resources within the YMCA;
- m) For fundraising and marketing; and
- n) To meet legal, regulatory and contractual requirements.

YMCA HBB shall indicate either verbally, electronically or in writing, at or before the time personal information is collected, the purpose for which it is being collected.

Staff and volunteers collecting personal information shall use reasonable efforts to explain identified purposes or refer the individual to a supervisor who shall explain the identified purposes for collecting personal information.

Unless required by law, staff and volunteers shall not use or disclose for any *new* purpose personal information that has been collected, without the consent of the individual. Staff shall advise their Vice-President of a potential new identified purpose. Any new identified purpose must be approved by the Chief Privacy Officer, documented and consent obtained from individuals prior to YMCA HBB use or disclosure.

PRINCIPLE 3 - CONSENT

The knowledge and consent of an individual is required for the collection, use, or disclosure of personal information, except where not required by law (see Exceptions).

In obtaining consent, staff and volunteers shall advise individuals (e.g. participants, members, donors, parents, staff and volunteers) of identified purposes for which personal information will be collected, used or disclosed. Purposes shall be communicated in clear, understandable language.

YMCA HBB takes into account the sensitivity of the personal information when determining what form of consent is appropriate for the circumstances.

In general, the following actions by an individual constitute *implied* consent for the YMCA to collect, use and disclose personal information for purposes identified to the individual:

- a) registration for YMCA programs and services;
- b) completion of a donation pledge form;
- c) acceptance of employment and benefits enrollment by an employee; or
- d) acceptance of a volunteer position or student placement.

Individuals may at any time withdraw their consent for YMCA HBB's use or disclosure of their personal information, subject to legal requirements.

Individuals wishing to withdraw consent may contact YMCA HBB for more information regarding the implications of withdrawing consent, including how it may affect their continued participation in programs and services.

Exceptions

YMCA HBB may collect, use or disclose information without an individual's prior knowledge or consent in certain circumstances permitted by law. For example, YMCA HBB may collect, use or disclose personal information without prior knowledge or consent; if it is clearly in the best interest of the individual to do so, such as in an emergency situation where the life, health or security of an individual is threatened.

YMCA HBB may disclose personal information without prior knowledge or consent of the individual:

- a) to a lawyer or other legal representative of the YMCA;
- b) to a government body or agency in certain circumstances;
- c) to collect a debt, or comply with a subpoena, warrant or other court order; or
- d) in circumstances otherwise required or permitted by law.

PRINCIPLE 4 - LIMITING COLLECTION

YMCA HBB shall limit the collection of personal information to that which is necessary for the purposes identified by the YMCA. Information shall be collected by fair and lawful means.

When collecting personal information, staff and volunteers will usually collect it directly from the individuals about whom the personal information pertains. Personal information may be collected from other sources with prior consent from the individual, for example, from prior employers, personal references or from other third parties having the right to disclose the information.

To help safeguard an individual's privacy, YMCA HBB will consider using whenever possible non-identifiable information, such as coded or anonymous data, that does not identify individuals.

PRINCIPLE 5 - LIMITING USE, DISCLOSURE, AND RETENTION

YMCA HBB shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

In certain circumstances, personal information can be collected, used or disclosed without the knowledge and consent of the individual. See *Exceptions* above under *Principle 3 - Consent*.

Personal information shall be retained only as long as necessary for the fulfillment of those purposes for which it was collected (including as required by contract with a funding partner) or as required by law.

Depending on the circumstances, where personal information has been used to make a decision about an individual, the YMCA shall retain, for a period of time that is reasonably sufficient to allow for access by the individual, either to actual information or the rationale for making the decision.

Supervisors shall maintain schedules for records retention and destruction, which apply to personal information that is no longer necessary or relevant for the identified purposes for collection, or required to be retained by law or under contract. Such information shall be destroyed, erased or rendered anonymous.

PRINCIPLE 6 - ACCURACY

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

Personal information used by YMCA HBB shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inaccurate information is being used to make a decision about an individual. Staff handling personal information shall update personal information about participants, members, donors, staff and volunteers, as and when necessary.

PRINCIPLE 7 - SAFEGUARDS

YMCA HBB shall protect personal information by security safeguards appropriate to the sensitivity of the information.

All staff and volunteers with access to information shall be required as a condition of employment or volunteer role, to respect the confidentiality of personal information. Staff shall protect personal information in their control (regardless of format) against such risks as loss or theft, or unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security safeguards.

Safeguards may include physical measures (such as locked doors, locked file cabinets), organizational measures (such as staff training, limited access, security clearances) and technological measures (such as passwords, anti-virus software for computer systems).

Personal information shared with a third party for processing shall be protected through contractual agreements with requirements for confidentiality and appropriate safeguards.

PRINCIPLE 8 - OPENNESS

YMCA HBB shall make readily available to individuals, information about its procedures and practices relating to the management of personal information.

Information on YMCA HBB's commitment to privacy is available to the public on the YMCA HBB website at ymcahbb.ca or by contacting privacy.hbb@ymcahbb.ca.

PRINCIPLE 9 - INDIVIDUAL ACCESS

YMCA HBB shall upon request inform an individual of the existence, use and disclosure of his or her personal information and shall give the individual access to that information, except where inappropriate. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Staff and volunteers shall refer requests about personal information held about an individual to their supervisor or Vice- President.

A Vice-President or designate shall respond to a written request for individual access by providing access to the individual's data, except in limited circumstances. See *Exceptions to Access* below.

To safeguard personal information, an individual may be required to provide sufficient identification information to permit YMCA HBB to account for the existence, use and disclosure of personal information, and authorize access to the individual's file.

A Vice President shall respond to a written request for access in a reasonable time, and at minimal or no cost. Personal information shall be provided in a format that is understandable, along with any explanation needed to facilitate the individual's understanding.

A Vice President or designate shall provide the individual a reasonable opportunity to review and challenge the accuracy and completeness of personal information. A statement of disagreement will be attached to records where a requested amendment cannot be made.

Upon request, a Vice President or designate shall provide an account of the use and disclosure of personal information to the individual to whom the information relates. A list of organizations to which YMCA HBB may have disclosed personal information shall be provided when it is not possible to provide a list of actual disclosures.

Exceptions to access

YMCA HBB may not be able to provide an individual with access to some or all of their personal information in certain circumstances permitted by law. Some exceptions to access include if:

- a) doing so would likely reveal personal information about a third party;
- b) disclosure could reasonably be expected to threaten the life or security of another individual;
- c) information was collected in relation to the investigation of a breach of an agreement, or a contravention of law.

If access to personal information cannot be provided, a Vice President or designate shall provide the individual with written reasons for denying access.

PRINCIPLE 10 - CHALLENGING COMPLIANCE

An individual shall be able to address a challenge concerning compliance with the above principles to the Chief Privacy Officer accountable for YMCA HBB compliance.

An individual with any questions, concerns or complaints about YMCA HBB's Privacy Policy or its compliance with PIPEDA may speak to our staff or to the Chief Privacy Officer. Staff and volunteers shall refer any inquiries or complaints about YMCA HBB's handling of personal information to the Chief Privacy Officer for response in a fair and timely manner.

Please contact YMCA HBB at:

- Telephone: (905) 529-7102
- Fax: (905) 529-6682
- E-mail: privacy.hbb@ymcahbb.ca

Appendix B: Website Privacy Practices

Webpage Statement

This website is owned and operated by YMCA HBB. Your privacy is important to us and we will take all means possible to ensure that all personal information is kept private.

If you have any questions, concerns or complaints about YMCA HBB's Privacy Policy please contact us at:

YMCA of Hamilton/Burlington/Brantford

Email: privacy.hbb@ymcahbb.ca

Phone: (905) 529-7102

Fax: (905) 529-6682

If your concern or complaint is not resolved to your satisfaction, you can contact our Chief Privacy Officer. You will be asked to provide the following information in writing:

- Your name, address, email or fax number where we can reach you
- Nature of your complaint, relevant details and what you would like YMCA HBB to do
- The name of any YMCA HBB staff or volunteers with whom you have already discussed the issue.

YMCA HBB will investigate to try and resolve your concern.

Our Website Policy

YMCA HBB is committed to protecting the personal information of individuals who visit this website by following responsible information handling practices in keeping with privacy laws. You can access this site's home page and browse our site without disclosing your personal information.

The only personal information captured through our website is the information you volunteer, such as your email address or mailing address that will enable us to send you requested information. In the case of donations, personal information is collected to facilitate the recording of your gift. Our on-line donation processing is secure. The security certificate may be viewed by clicking on the security lock. If you have made a donation, you may also hear from us about other YMCA programs and services that may interest and benefit you.

Information Sharing

YMCA HBB does not sell personal information we collect.

We will not disclose your personal information to anyone else without your prior knowledge or consent, except with agents or contractors of YMCA HBB who perform services for us, when required by a government body or agency, or as permitted by law.

Children's Privacy

YMCA HBB in keeping with our Mission and Vision, believes in the development of healthy, confident children. For children under 12 years of age, we will obtain permission or a parent or legal guardian to collect and use personally identifiable information about a child.

Confidentiality / Security

YMCA HBB maintains physical, electronic and administrative safeguards that are appropriate to the type of personal information we obtain from you.

Privacy Questions

You have the right to access your personal information in our files and to update or remove that information as necessary, subject to any legal restrictions. If you are aware of any inaccuracy or changes in the personal information which we hold about you, please contact YMCA staff by calling (905)-529-7102 or privacy.hbb@ymcahbb.ca.

Cookies

As with most sites, certain non-personal information is recorded by the standard operation of our servers ("cookie" technology). Such information is used to provide an enhanced online experience, and may include:

- The name of the ISP from which you access the Internet
- The date and time you accessed the site
- The Internet address of the Web site from which you enter our site and where you go after you leave our site

This information is used to measure and monitor the use of our site and to improve its content. The "Cookie Technology" does not personally identify you or extract any information from your computer. Data which would personally identify you is known only when voluntarily submitted.

On-line Legal Policy

This site was created to be informative. Accordingly, we will permit you to download or photocopy material displayed on this site for your non-commercial personal use. Any content or graphics extracted from the site must prominently display copyright and other proprietary notices.

Terms and Conditions

This site is owned by YMCA HBB. Any images, graphics, multimedia or content is copyrighted by YMCA HBB and may only be used in the manner provided for in these Terms and Conditions. In addition, the site contains names, logos, trademarks, service marks and other intellectual property, which are the property of YMCA HBB and may not be used for any purpose without the express written consent of YMCA HBB.

Links

The YMCA HBB Web site may contain links to other Web sites. YMCA HBB is not responsible for the privacy practices of those other Web sites nor do we endorse the materials presented on Web sites that are not owned and operated by YMCA HBB. We encourage visitors to review each site's privacy policy before disclosing any personally identifiable information.

Miscellaneous

The terms and conditions outlined throughout this Privacy Policy are interpreted in accordance with and governed by the laws of the Province of Ontario (without applying the province's conflict-of-law principles). If any provision of this agreement is unlawful, void or unenforceable, it will not affect the validity and enforceability of any remaining provisions. This statement sets forth the entire agreement regarding all of the matters discussed in this statement.

Updating of Privacy Policy

By law, these terms and conditions may change at any time. You will be required to comply with such revisions and therefore should periodically visit this section to review the current terms and conditions to which you are bound. However, we think it is much more exciting to periodically visit this site. The information available at www.ymcahbb.ca will keep you informed about YMCA HBB and our activities.

Ongoing Relevancy

The YMCA regularly reviews its policies and procedures to ensure we remain current with changing laws and evolving public expectations.

