

Hamilton Community Foundation

POLICY: PRIVACY (Protection of Personal Information)	NUMBER: 1.15	PAGE: 1 of 17
Section: Governance		
ESTABLISHED: February 10, 2004	REVISED/REAFFIRMED: November 2023	SUBJECT TO REVIEW: Annually

Preamble:

Hamilton Community Foundation (“HCF”) is committed to protecting the privacy of personal information of current and potential donors, current and potential grantees, employees, volunteers and other individuals. HCF values the trust of those it deals with it, and of the public, and recognizes that maintaining this trust requires that HCF be transparent and accountable in how it treats personal information that is shared with it.

During the course of HCF’s activities as a community foundation, at times it gathers and uses personal information. Any individual from whom HCF collects such information may expect that this information will be carefully protected and that any use of or other dealing with this information is subject to consent. HCF’s privacy practices shall meet these expectations and shall be based upon the internationally recognized 10 Privacy Protection Principles or Fair Information Practices.

This policy is intended to:

- Assist Directors, committee members, staff and other volunteers, contractors and all others who have or may gain access to the personal information resources of Hamilton Community Foundation, in understanding privacy protection practices, and their responsibilities when dealing with such personal information.
- Set out HCF’s standards and procedures for the collection, use, disclosure and retention of all personal information under its control.

In addition, this Privacy Policy is supplemented though HCF’s Policy 4.1 Ethical Fundraising and Financial Accountability.

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Policy Statement:

1. INTERPRETATION:

Personal information is any information that can be used to distinguish, identify or contact a specific individual. This information can include:

- An individual's opinions or beliefs, as well as facts about, or related to, the individual.
- Exceptions: business contact information and certain publicly available information, such as names, addresses and telephone numbers as published in telephone directories, are not considered personal information.
- Where an individual uses their home contact information as business contact information as well, we consider that the contact information provided is business contact information, and is not therefore subject to protection as personal information.

Ten Privacy Protection Principles are fair information practices that are recognized worldwide as standard rules for the collection, use and disclosure of personal information and are theoretically designed to meet the public's expectation for personal information privacy protection. In Canada these principles have been adopted within the Canadian Standards Association's Model Privacy Code and entrenched in Part 1 of federal privacy legislation – "Personal Information Protection Electronic Document Act" ("PIPEDA"). In addition to focusing on an organization's obligations with respect to the handing of personal information, the Principles also impose logistical and administrative obligations.

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These key privacy principles consist of the following:

Principle 1 – Accountability

An organization shall designate someone to be accountable for the management of personal information. This includes the collection, usage, disclosure, retention, and transfer of personal information to third parties for processing.

Principle 2 – Identifying Purposes

The purpose for which personal information is collected shall be identified by the organization at or before the time the information is collected.

Principle 3 – Consent

The knowledge and consent of individuals are required when an organization collects, uses, or discloses personal information, and it must be in such a way that the individual clearly understands.

Principle 4 – 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.

Principle 5 – 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 informed 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.

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.

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Principle 7 – Safeguards

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

Principle 8 – Openness

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

Principle 9 – Individual Access

Upon request, an individual shall be informed of the existence, use, and disclosure of their 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.

Principle 10 – Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization’s compliance.

2. PROCEDURE:

(a) Accountability (Principle 1)

- (i) Accountability for privacy protection within an organization entails the development, implementation and adherence to privacy protection policies and practices, as well as carrying out ongoing evaluation and refinement of the organization’s privacy protection program. A Chief Privacy Officer shall be appointed for Hamilton Community Foundation, who shall take charge of HCF’s privacy protection program and shall be

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responsible for: - understanding the broad impact of privacy; the implementation of the Privacy Policy and procedures; and shall oversee the handling of any complaints. The specific duties and responsibilities of the Chief Privacy Officer are detailed in Appendix 1.

- (ii) This privacy policy shall apply to all personal information in HCF's control, which includes data not only in HCF's physical custody, but also personal information that may have been transferred or available to a third party. Accordingly, contracts and/or other measures shall be taken to ensure that when third parties access or process personal information on behalf of HCF, a level of privacy protection, comparable to that of HCF, is maintained on their part.
- (iii) An up to date inventory shall be created and maintained, which will provide details of all Personal Information that lies within the control of HCF.
- (iv) To ensure awareness and consistent implementation, HCF's privacy policies and practices shall be reviewed periodically with staff, management and volunteers, as well as integrated into new Board Member and staff training processes.

(b) Identifying Purpose (Principle 2)

- (i) Identifying the purpose(s) for which HCF seeks to collect personal information is a critical first step in defining exactly what personal information it needs to acquire. Accordingly, a written "Purpose Statement" shall be prepared that:

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- Identifies the legitimate purpose(s) for collecting particular personal information and further, this purpose(s) shall not be defined too broadly, so as to make its definition meaningless to the individual from whom personal information would be collected; and
- Will assist in the management of this personal information while it is in HCF’s custody.

The “Purpose Statement” shall be prepared prior to any collection of personal information.

(ii) When defining purpose(s), as required by section 2b(i) above, the following shall be considered:-

- Collection – Why is this information being collected?
- Use – How will this personal information be handled within HCF?
- Disclosure – Will this personal information be available to third parties outside of HCF at any time? If so, then how and why?

A sample “Purpose Statement” is attached as Appendix 2.

(iii) The purpose(s) for which personal information is to be collected must be reasonable and within the context of HCF’s activities as a community foundation.

(iv) Opportunities to use non-identifiable information (e.g. coded, anonymous, pseudonymous, or aggregate data), rather than personal information, to meet the identified purpose(s) must first be explored, prior to a decision being made to collect personal information.

(v) The actual use of personal information shall be limited to the purpose(s) set out in the written “Purpose Statement”. Any use for a new purpose,

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one that is not defined in the "Purpose Statement", will require new consent from the individual, unless the new purpose is one that is required by law.

(c) Consent (Principle 3)

- (i) Before or at the time of collection, each individual shall receive a meaningful explanation as to why their personal information is being requested by HCF and how this data will be collected, used and disclosed. After providing this information, consent may then be requested.
- (ii) Individuals shall be advised that they may withdraw consent at any time and be provided with an explanation, as to any implications that may be associated with their withdrawal.
- (iii) An individual's consent may be obtained in a variety of ways, including – "expressed or implied", "opt-in or opt-out", "verbal or written" forms of consent. The consent mechanism shall be documented and the following considerations taken into account:
 - The form of consent shall take into consideration the following factors: reasonable expectations of the individual; circumstances surrounding the collection; sensitivity of the information involved.
 - Expressed consent should be used wherever possible.
 - The more sensitive the information (or the greater the potential harm to individuals), the greater the responsibility to ensure that the consent is explicit.
- (iv) If consent cannot be obtained, written explanation shall be made, as in the case where the consent requirement is exempted by applicable

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privacy legislation – currently being the federal *Personal Information Protection and Electronic Documents Act*.

- (v) If information is sought from a third party, about an individual, steps must be taken to ensure that the third party has gained consent from the individual for the disclosure.

(d) Limiting Collection (Principle 4)

- (i) Information must not be collected indiscriminately - a clear link must exist between information that is to be collected and the purposes that have been identified in the "Purpose Statement". The amount and type of information that is beyond that which is necessary to fulfil the identified purposes - shall not be collected.

(e) Limiting use, disclosure and retention of personal information (Principle 5)

- (i) Regular reviews of personal information resources of HCF shall be conducted. Personal Information shall be kept for a minimum length of time – for only as long as it is needed to achieve the identified purposes and the required length of time to fulfill legal retention requirements, as imposed by CCRA and other authorities.
- (ii) Destruction of personal information shall follow HCF office policy and procedures for secure purging of files and data.

(f) Accuracy (Principle 6)

- (i) Personal information must be as accurate, complete and up to date, as is necessary for the purpose(s) for which it is to be used.

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- (ii) If personal information is used or disclosed on an on-going basis, this information should be routinely updated. However, if a purpose does not require current information, then efforts to update should be limited to only what is necessary, unless the individual might be harmed by use or disclosure of inaccurate information.

(g) Safeguards (Principle 7)

- (i) Appropriate security measures, both electronic and physical, shall protect against unauthorized parties accessing, using, copying, disclosing, altering and destroying personal information that is within HCF's custody, regardless of the format that it is in. The nature of these security safeguards shall be determined by and proportional to the sensitivity of the personal information involved.
- (ii) When determining the level of sensitivity of personal information, the following factors shall be taken into account:
- The quantity of personal information that may be revealed, if accessed by an unauthorized party; and
 - The magnitude of potential harm that an individual may suffer, should their personal data be misused or disclosed in an unauthorized manner.

The greater the exposure and potential harm - the greater is the required security.

- (iii) Physical measures (locked filing cabinets, restricted access to office, etc.), organizational measures ("need to know access", staff training, confidentiality agreements etc.) and technological measures

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(passwords, encryption, firewalls, anonymizing software etc.) shall be used to safeguard personal information, as appropriate.

- (iv) Personal information may only be transmitted over secured channels and/or shall be encrypted over open (unsecured) channels.
- (v) Staff and volunteers of HCF shall annually sign a confidentiality of personal information statement.

(h) Openness (Principle 8)

- (i) Information management practices of HCF shall be:
 - open and transparent to the public;
 - informed by HCF's privacy policy and practices; and
 - ensure that individuals are able to obtain the information that they require to understand HCF's privacy protection policy and measures.
- (ii) A Privacy Policy statement shall be published in the annual report and other appropriate HCF publications, including its website. The Privacy Policy Statement shall include contact information for HCF's Chief Privacy Officer. A sample form of Privacy Policy Statement is set out in Appendix 3.

(i) Individual Access (Principle 9)

- (i) To enable individuals to make informed decisions about their relationship with HCF, and to provide them with some control over their personal information, individuals must be able to access personal information about themselves. Upon request, and verification of

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identity, individuals shall be provided reasonable access to their personal information at HCF.

- (ii) Situations may exist where providing access to such personal information is not possible – as in situations where such disclosure would reveal personal information about others, be illegal, or pose a security threat. Reasons for not allowing an individual to access their personal information should be limited, specific, reasonable and justified and a written explanation for denial provided to the individual.

(j) Challenging Compliance (Principle 10)

- (i) Individuals may challenge HCF's compliance with its Privacy Policy and practices. The Chief Privacy Officer shall receive, investigate and respond to all privacy complaints.
- (ii) All public enquiries about privacy issues involving HCF shall be responded to in a fair, accurate and timely manner following the complaints process as set out in Appendix 4.

3. VIOLATIONS:

- (a) **Reporting** – Any director, committee member, volunteer or staff member with knowledge of a possible violation of this Privacy Policy shall report it to the Chief Privacy Officer. If the possible violation involves the Chief Privacy Officer, the report shall be made to any other Officer or Member of Management of HCF.
- (b) **Breaches by Directors and Members of Board Committees** – Where it is determined, after discussion with the director or member of a board committee, that they have violated this Privacy Policy, the Board will

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consider the extent to which the duty of honest, loyal and faithful service has been breached in its consideration of the need for redress. Breaches which are deemed by the Board to be severe may result in the removal of the director or committee member from the Board or the respective committee.

Where it has been determined that the staff member or volunteer has breached this Privacy Policy, the President & CEO will consider the extent to which the duty of honest, loyal and faithful service has been breached in considering the need for redress. Breaches deemed to be severe may result in the termination of employment, contractual agreement or volunteer service.

4. **ACKNOWLEDGEMENT:**

Each director, committee member, staff member and volunteer shall annually file with the President & CEO an acknowledgement that they have received and read this statement and has agreed to comply with the policy and associated practices.

5. **MONITORING:**

The policy is to be reviewed annually by the Board at the board meeting closest to the anniversary of its adoption.

Duties & Responsibilities of a Chief Privacy Officer (CPO)

The role of a chief privacy officer is multi-disciplinary. This leadership role involves the interpretation of privacy law and the creation of privacy programs that ensure the protection of personal data and compliance with current legislation across an organization.

CPO shall be responsible for ensuring that the following duties are addressed:

- Leadership of the privacy program
- Conduct privacy risk assessments and audits
- Develop and implement corporate privacy policies and procedures
- Create and deliver educational, training and orientation programs
- Monitor systems development and operations for security and privacy compliance
- Ensure compliance related to privacy, security and confidentiality
- Audit and administer privacy programs
- Provide counsel relating to business contracts and partnerships
- Track and report on compliance related to privacy, security and confidentiality
- Resolve allegations of non-compliance
- Maintain current knowledge of federal and provincial privacy legislation and regulations
- Manage public perception of data protection and privacy practices for the organization
- Liaise with government agencies and the privacy commissioner's office

Sample Purpose Statement

The following draft purpose statements can be adapted to particular situations:

“Hamilton Community Foundation respects your privacy. It will protect your personal information and adhere to all legislative requirements with respect to protecting privacy. It does not rent, sell or trade its mailing lists. The information you provide will be used to deliver services and to keep you informed and up to date on the activities of HCF, including programs, services, special events, open houses, funding needs and opportunities to volunteer or to give through periodic contacts. If at any time you wish to be removed from any of these contacts, simply contact HCF by phone at (905) 523-5600 or via e-mail at information@hcf.on.ca, and your request will be accommodated.”

Sample Privacy Policy Statement – for Publication

Commitment

Hamilton Community Foundation (“HCF”) is committed to protecting the privacy of personal information of current and potential donors, current and potential grantees, employees, volunteers and other individuals. It values the trust of those that deal with it, and of the public, and recognizes that maintaining this trust requires transparency and accountability with respect to the information that is shared.

During the course of its activities as a community foundation, at times it may gather and use personal information. Anyone from whom information is collected should expect that it will be carefully protected and that any use of or other dealing with this information is subject to consent. HCF’s privacy practices are designed to achieve this.

Defining personal information

Personal information is any information that can be used to distinguish, identify or contact a specific individual. This information can include an individual’s opinions or beliefs, as well as facts about, or related to, the individual. Exceptions: business contact information and certain publicly available information, such as names, addresses and telephone numbers as published in telephone directories, are not considered personal information.

Where an individual uses their home contact information as business contact information as well, we consider that the contact information provided is business contact information, and is not therefore subject to protection as personal information.

Privacy practices

Personal information gathered by the organization is kept in confidence. HCF’s personnel are authorized to access personal information based only on their need to deal with the information for the reason(s) for which it was obtained. Safeguards are in place to ensure that the information is not disclosed or shared more widely than is necessary to achieve the purpose for which it was gathered. HCF also takes measures to ensure the integrity of this information is maintained and to prevent its loss or destruction.

HCF collects, uses and discloses personal information only for purposes that a reasonable person would consider appropriate in light of the circumstances. It routinely offers individuals it deals with the opportunity to opt not to have their information shared for purposes beyond those for which it was explicitly collected.

Website

Hamilton Community Foundation is committed to safeguarding visitor privacy on its website.

Updating of privacy policy

HCF regularly reviews its privacy practices for various activities, and updates its policy. Please check our website <http://www.hamiltoncommunityfoundation.ca> for information on its most up-to-date practices.

Contact Information

Question, concerns or complaints relating to Hamilton Community Foundation's privacy policy on the treatment of personal information should be directed to:-

Andrea Buttars, Chief Privacy Officer (CPO)
Hamilton Community Foundation
120 King Street West, Suite 700
Hamilton Ontario L8P 4V2

phone: 905-523-5600

fax: 905-523-0741

e-mail: a.buttars@hamiltoncommunityfoundation.on.ca

Appendix 4
Complaint Procedure

The Chief Privacy Officer shall:

- Create a detailed written record of the nature of the complaint (e.g. delays in responding to a request, incomplete or inaccurate responses, or improper collection, use, disclosure or retention) and the date upon which the complaint was received by HCF.
- Promptly acknowledge receipt of the complaint in writing.
- Deal with complaints in a timely fashion.
- Conduct a fair and impartial investigation and create a written record of all decisions that are made.
- Clearly and promptly notify individuals of the outcome of the Chief Privacy Officer's investigation.
- Correct any inaccurate personal information or modify policies and procedures based on the outcome of complaints received.

Privacy Policy
REVIEW AND SELF-REFLECTION DECLARATION

I have read the Privacy Policy & Procedure (#1.15) and agree to adhere to its provisions.

Signature: _____

Print Name: _____

Position: _____

Date: _____