

Personal Information Protection Policy

INTENT OF THE POLICY

To disclose the ways in which PAN gathers, uses, discloses, and manages data with regards to an individual, and to ensure that the personal information about that individual is protected in compliance with applicable privacy legislation.

Purpose and Scope

The Pacific AIDS Network (PAN) respects and upholds an individual's right to privacy and to the protection of his or her personal information. PAN is committed to ensuring compliance with BC's [Personal Information Protection Act \(PIPA\)](#).

In some instances, although not a public sector body, PAN will also need to be compliant with the [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#) when contracting services out to a public body (e.g. PHSA). The requirements for which will be set out in the contract by the public body.

This policy applies to individuals who are employed, as well as to the Directors, contractors, volunteers, participants in research and evaluation, and representatives of PAN member organizations or third parties, that are acting in a personal not corporate capacity.

Furthermore, PAN acknowledges that individual research projects have different requirements around collecting personal information, which is managed according to that project's approved study protocols and subsequent ethics approvals. PAN will comply with the restrictions and requirements laid out in study protocols and ethics approvals, as directed by Research Ethics Boards.

Definitions

"Personal information" for the purposes of this policy means information about an individual. Examples are: name, address, gender, education, financial, medical, date of birth, photographs, employment history. It does not include aggregate information which cannot be associated with a specific individual and does not include the name, title, business address/email/ telephone number of an individual.

"Employee" for the purposes of this policy is any individual employed to work with PAN, and includes persons working in a volunteer capacity, or as contractors.

"Director" for the purposes of this policy is a person elected or appointed as a Director of PAN.

“PAN Member Representative” for the purposes of this policy is a representative of any PAN member, stakeholder or ally, acting in an individual, not corporate, capacity. This includes individuals attending events and training.

“Research or Evaluation participant” for the purposes of this policy is a person who is engaged in a study or evaluation with which PAN is directly involved, and whose data PAN is managing.

“Third party” for the purposes of this policy is an individual of an organization or agency other than PAN, PAN member representative, employee, Director or Research or Evaluation participant - acting in an individual, not corporate, capacity.

OUR RESPONSIBILITIES

Section 1: Accountability

PAN is accountable for all personal information under its control, and for compliance with BC’s Personal Information Protection Act (PIPA) which sets out rules for how organizations collect, use and disclose personal information.

The Privacy officer is the first point of contact within PAN when privacy issues arise, and is responsible for the organization’s compliance with this policy. At PAN, the position of Executive Assistant shall be the designated privacy officer. Other individuals within PAN may be delegated to act on behalf of the privacy officer, or to take responsibility for the day-to-day collection and processing of personal information.

Section 2: Purposes for Collection, Use, and Disclosure

PAN collects and uses personal information about **employees** (including volunteers and contractors) for the following purposes:

1. *To administer compensation and benefits programs*
For example, we collect and use personal information to administer automatic payroll deposits and to provide benefits. We also collect medical and other information for the purposes of approving leaves of absence.
2. *To comply with legal and regulatory requirements*
For example, we may collect personal information in response to a court order or to satisfy government reporting requirements.
3. *To otherwise establish, manage or terminate the employment relationship and to plan and manage PAN’s workload and activities*
For example, we collect and use personal information to check references, make employee

hiring decisions, to measure and reward performance, and to assess our ability to meet the organization's objectives. We also collect personal/family contacts in case of an emergency.

PAN collects and uses personal information about **Directors** for the following purposes:

1. *To communicate with Directors*
For example, we collect Director's phone numbers and e-mail addresses so that we may contact them regarding Board meeting arrangements and related board duties.
2. *To comply with legal and regulatory requirements*
For example, we collect personal information to satisfy reporting requirements for government agencies e.g. the BC Registrar of Companies and the Canada Revenue Agency – Charities.
3. *To provide for insurance coverage for Directors*
For example, we collect personal information required to provide for a directors and officers (D&O) liability insurance.

PAN collects and uses personal information about individuals who are **PAN member representatives, delegates or participants** for the following purposes:

1. *To communicate with them on membership matters*
For example, providing information about programs and services available to them, registering them for PAN's events, invoicing, and sharing news of interest to the sector.
2. *To enable members to communicate with each other*
For example, maintaining contact information in the register of members, which is only available to PAN members.
3. *To establish patterns about participation*
For example, using participation data over a period of years for future program planning.
4. *For reporting to funders*
For example, to provide data for our ongoing reporting and evaluation requirements to funders. In some cases, these projects can last 5 years, or be renewed and repeated.

PAN collects and uses personal information about individuals who are **Research or Evaluation participants** for the following purposes:

1. *To further the goals of the research or evaluation, within the protections allowed under the [PAN Integrity in Research and Scholarship Policy](#).*
2. *To communicate with them on all matters to do with the Research or Evaluation.*
3. *To administer compensation.*
4. *For reporting to funders*
For example, to provide data for our ongoing reporting and evaluation requirements to funders.

PAN collects and uses personal information about **Third Parties** for the following purposes:

5. *To communicate with them on sector related matters*

For example, providing information about programs and services available to them, registering them for PAN's events, invoicing, and sharing news of interest to the sector (e.g. eNews).

Expressed or implied permission will be obtained from individuals.

6. *To receive payment for products and services*

The only circumstances under which personal information may be *disclosed* to third parties is for the fulfillment of any purposes identified above, as required by law, or with consent. Where personal information is disclosed to a third party for the fulfillment of any purposes identified above, PAN will make all reasonable efforts to ensure that the third party has appropriate security procedures in place for the protection of the personal information transferred to it.

Section 3: Consent

The acceptance of employment and benefits by an employee is viewed as implied consent for PAN to collect, use, and disclose personal information about an employee for the purposes identified above. PAN views the purposes identified in this policy as reasonable and necessary to manage the organization and the employment relationship. An employee may choose, however, to withhold or withdraw consent for the collection, use, and disclosure of personal information, subject to legal and contractual restrictions and reasonable notice, where the provision of this information is optional, such as in the case of consent for the use of a photograph for publications or the website – in this case PAN will seek express consent. The acceptance of a paid contract, or signed volunteer agreement applied likewise.

The acceptance of an appointment as a Director is viewed as implied consent for PAN to collect, use, and disclose personal information for the purposes identified above. A Director may choose, however, to withhold or withdraw consent for the collection, use, and disclosure of personal information, subject to legal and contractual restrictions and reasonable notice, where the provision of this information is optional, such as in the case of consent for the use of a photograph for publications or the website – in this case PAN will seek express consent.

The application for membership with PAN is viewed as implied consent for PAN to collect, use, and disclose any personal information for the purposes identified above – only for the individual signing the application. An individual who is representing the member may choose however, to withhold or withdraw consent for the collection, use, and disclosure of personal information, subject to legal and contractual restrictions and reasonable notice, where the provision of this information is optional, such as in the case of consent for the use of a photograph for publications or the website – in this case PAN will seek express consent.

Any third party signing up for PAN's services (e.g. eNews) or registering for an event will be giving implied consent for PAN to collect, use, and disclose any personal information for the purposes identified above. An individual who is representing the third party may choose however, to withhold or withdraw consent for the collection, use, and disclosure of personal information, subject to legal and

contractual restrictions and reasonable notice, where the provision of this information is optional, such as in the case of consent for the use of a photograph for publications or the website – in this case PAN will seek express consent.

Individuals may withdraw consent at any time by giving PAN reasonable notice, unless withdrawing consent would frustrate the performance of a legal obligation (such as a contract between the individual and PAN). The likely consequence of withdrawing consent would be PAN being unable to provide the individual with services that require the collection of personal information.

Section 4: Limiting Collection

We collect personal information only for the purposes identified above.

Section 5: Limiting Use, Disclosure, and Retention

We do not use or disclose personal information for any purpose other than those for which it was collected, except as required by law, or with consent.

Personal information is retained only as long as is necessary and reasonable for the fulfillment of the purposes for which it was collected, or for legal or business purposes. PAN will securely destroy or anonymize personal information, within two years of the fulfillment of purpose or in accordance with Research Ethics Board requirements and instructions.

Section 6: Accuracy

PAN will make all reasonable efforts to ensure that personal information is as accurate, complete, and current as required for the purposes for which it was collected. In some cases, PAN relies on employees and Directors to ensure that certain information about them, such as their home address and phone number, or emergency contact information, is current, complete, and accurate. Individuals may request that PAN correct any errors or omissions in their personal information (see Section 9).

Section 7: Safeguards

PAN will make all reasonable efforts to ensure that personal information is protected against such risks as loss, theft, unauthorized access, disclosure, copying, use, modification, or destruction. Safeguards include the following administrative, physical and technical security controls.

- Administrative security controls – PAN staff are trained to follow operational procedures to ensure proper handling of personal information. This includes the signing of confidentiality agreements by all employees, volunteers, directors and contractors.
- Physical security controls - PAN limits access to personal information by unauthorized individuals by locking cabinets and the office door at all times.

- Technological security controls – PAN protects personal information held in local computer and mobile systems and online environments (e.g. Office 365, Google docs, Trello) by ensuring password protection and encryption.

If personal information is disclosed to a third party, PAN will make all reasonable efforts to ensure that the third party has appropriate security procedures in place for the protection of the personal information transferred to it.

If there is a suspected privacy breach, contact the privacy officer immediately – PAN Executive Assistant and CIN Coordinator - simon@pacificaidsnetwork.org.

Section 8: Openness Concerning Policies and Practices

PAN will make available specific information about its policies and practices regarding the management of personal information. To contact us to obtain further information regarding our policies and practices, please refer to Section 11 below.

Section 9: Access

All employees, members and Directors have the right to access their personal information under the control of PAN. Upon proof of identity, the privacy officer will assist all employees, individuals representing members, and Directors with their access requests. Access requests should be submitted in writing to the Executive Director. In certain exceptional situations, further to privacy legislation, PAN may not be able to provide access to certain personal information that it holds about an employee, member, or a Director. Examples of where PAN may not provide access include, but are not limited to, the following:

- Where provision may reveal personal information about another individual;
- Where the information is subject to solicitor-client privilege; or
- Where the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law.

If access cannot be provided, PAN will notify the individual making the request, in writing, of the reasons for the refusal.

PAN will provide requested personal information within 30 business days after it is requested, unless a time extension is granted under PIPA.

Where access has been provided and where the information is demonstrated to be inaccurate or incomplete, PAN will amend the information as required. Where appropriate, PAN will transmit the amended information to third parties having access to the information in question.

Section 10: Revisions to This Privacy Policy

The development of PAN's policies and procedures for the protection of personal information is an ongoing process. Due to changes in technology and legal requirements, we may revise this policy from time to time. Please ensure that you refer to the current version of PAN's Protection of Personal Information Policy. The current version can be found on the PAN website.

Section 11: Concerns or Questions Regarding PAN's Compliance

Employees, members, third party individuals, and Directors may direct their general questions regarding privacy at PAN, as well as any questions or concerns regarding PAN's compliance with this policy, to the Privacy Officer, EA and CIN Coordinator at simon@pacificaidnetwork.org.

PAN will investigate all complaints received in writing. Proof of identity may be required. If a complaint is found to be justified, PAN will take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. An individual will be informed, in writing, of the outcomes of the investigation regarding their complaint.

For general questions regarding privacy regulations or if an individual is not satisfied with how PAN performs its duties under PIPA, or to seek a review of PAN's response to an access or correction request, contact:

The Office of the Information and Privacy Commissioner of British Columbia

PO Box 9038,
Stn. Prov. Govt.,
Victoria, B.C.
V8W 9A4

or online at <https://www.oipc.bc.ca/>