

SASKATCHEWAN FOSTER FAMILIES ASSOCIATION, INC.

Code for the Protection of Personal Information

Introduction

Saskatchewan Foster Families Association, Inc. (“SFFA”) has always been committed to keeping our members’ personal information, and the personal information of foster children, accurate, confidential, secure and private. This Code for the Protection of Personal Information (this “Code”) builds on this commitment. This Code is based on the Model Code for the Protection of Personal Information (CAN/CSA Q830-96) (the “Model Code”) included as Schedule 1 of the *Personal Information Protection and Electronic Documents Act* (Canada). This Code describes how SFFA subscribes to the principles set out in the Model Code.

Summary of the Privacy Principles in this Code

Ten interrelated principles form the basis of this Code as it relates to the protection of Personal Information.

1. Accountability. SFFA is responsible for Personal Information under its control and has designated its Executive Director as the “Designated Individual” accountable for SFFA’s compliance with this Code.

2. Identifying Purposes. The purposes for which Personal Information is Collected shall be identified by SFFA when or before such Personal Information is Collected.

3. Consent. The knowledge and Consent of any individual are required for the Collection, Use, or Disclosure of his or her Personal Information, except in specific circumstances as described within this Code or at law.

4. Limiting Collection. The Collection of Personal Information shall be limited to that which is necessary for purposes identified by SFFA. Personal Information shall be Collected in a fair and lawful manner.

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 an individual’s Consent or as required or permitted by law. Personal Information shall be retained only as long as necessary to fulfill the purposes for which it was Collected or as required by law.

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.

7. Safeguards. Personal Information in SFFA’s possession shall be protected by security safeguards appropriate to the sensitivity of the information.

8. Openness. SFFA shall make this Code readily available the general public.

9. Individual Access. Upon request, an individual shall be informed of the existence, Use, and Disclosure of his or her own Personal Information, and shall be given access to that information. An individual is entitled to question the accuracy and completeness of his or her own Personal Information and have it amended if appropriate.

10. Compliance. Any individual can direct any question as to SFFA’s compliance with this Code to the Designated Individual. The Designated Individual shall investigate all complaints. If a complaint is found to be justified, SFFA shall take appropriate measures, including revision of the Personal Information and, if necessary, amendment of this Code.

Definitions

The following definitions apply in this Code:

“**Collection**” means the act of gathering, acquiring, or obtaining Personal Information from any source, including Third Parties, by any means. “Collect” and other derivatives of “Collection” have a like meaning.

“**Consent**” means voluntary agreement with what is being done or proposed. Consent can be express or implied by action or inaction. Consent can be granted by an individual’s authorized representative.

“**Designated Individual**” means the Executive Director of SFFA, as the individual within SFFA who is responsible for SFFA’s day-to-day compliance with this Code.

“**Disclosure**” means making Personal Information available to others outside SFFA (including government agencies), but does not include the transfer of Personal Information to a Third Party for processing purposes. “Disclose” and other derivatives of “Disclosure” have a like meaning.

“**Personal Information**” means any information about, or which can be linked to, an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization, including employees of SFFA.

“**Third Party**” means any person other than SFFA or the individual whose Personal Information is in question.

“**Use**” means the treatment and handling of Personal Information within or by SFFA or its Third Party processors. “Use” and other derivatives of “Use” have a like meaning.

Code Principles

Principle 1 – Accountability

SFFA is responsible for Personal Information under its control and has designated the Executive Director of SFFA to be accountable for SFFA’s compliance with this Code.

- 1.1 Ultimate accountability for SFFA’s compliance with this Code rests with SFFA’s Board of Directors, who have delegated day-to-day accountability to the Designated Individual. Other individuals may be accountable for the day-to-day Collection and processing of Personal Information, or to act on behalf of the Designated Individual.
- 1.2 SFFA shall identify the Designated Individual to its employees, its members and the public.
- 1.3 SFFA shall, through contractual or other means, provide a comparable level of protection where a Third Party is processing Personal Information on behalf of SFFA.
- 1.4 SFFA shall periodically review its policies and procedures that give effect to this Code, including:
 - (a) procedures to protect Personal Information;

- (b) procedures to receive and respond to privacy concerns and inquiries;
- (c) training employees to understand and follow SFFA's policies and procedures; and
- (d) reviewing its policies and procedures to ensure compliance with this Code and consideration of any revisions, as and when considered appropriate to do so in the opinion of the Board of Directors.

Principle 2 – Identifying Purposes

The purposes for which Personal Information is Collected shall be identified by SFFA when or before such Personal Information is Collected.

- 2.1 SFFA shall document the purposes for which Personal Information is Collected prior to Collection.
- 2.2 SFFA shall make reasonable efforts to ensure that individuals are aware of the purposes for which Personal Information about them is Collected, including any intended Disclosures to Third Parties.
- 2.3 SFFA may Collect, Use and Disclose Personal Information for the following purposes:
 - to aid in understanding our members' needs;
 - to assist our members in dealings with Third Parties, including government agencies;
 - to assist in the investigation of allegations of abuse or neglect of children;
 - to prevent abuse or neglect of children;
 - to determine the suitability of our services;
 - to determine the eligibility of an individual for our services;
 - to set up, offer and manage services that meet our members' needs;
 - to provide ongoing services to our members; and
 - to meet legal and regulatory requirements.
- 2.4 When Personal Information is to be Used for a purpose not previously identified, the new purpose shall be identified prior to Use of the Personal Information. Unless a law requires the new purpose, the individual's Consent is required before the Personal Information can be Used for that purpose.

Principle 3 – Consent

The knowledge and Consent of any individual are required for the Collection, Use, or Disclosure of Personal Information, except in specific circumstances as described within this Code or at law.

Note: In certain circumstances SFFA may Collect, Use or Disclose Personal Information without the knowledge and Consent of an individual. These circumstances may include:

- where the Collection, Use or Disclosure is clearly in the interests of the individual and Consent cannot be obtained in a timely way;
- to investigate a breach of an agreement or a contravention of the laws of Canada or a province;
- where the information is considered by law to be publicly available;

- to act in respect of an emergency that threatens the life, health or security of an individual; and
 - to investigate an offence under the laws of Canada, a threat to Canada's security, to comply with a subpoena, warrant or court order or rules of court relating to the production of records, or otherwise as required by law.
- 3.1 In certain circumstances, Consent may be sought after the information has been Collected, but before Use (for example, when SFFA wants to Use information for a purpose not previously identified).
- 3.2 SFFA may Collect, Use, or Disclose Personal Information without an individual's Consent for the Collection of overdue accounts and legal or security enforcement reasons.
- 3.3 SFFA shall make a reasonable effort to ensure that each individual is aware of the purposes for which his or her Personal Information shall be Used. For Consent to be meaningful, the purposes must be stated so that the individual can reasonably understand how the information will be Used.
- 3.4 SFFA shall not, as a condition of the supply of a service, require an individual's Consent to the Collection, Use, or Disclosure of Personal Information beyond that required to fulfill SFFA's identified purposes.
- 3.5 In determining the type of Consent required of an individual, SFFA shall take into account the sensitivity of the Personal Information.
- 3.6 The individual's reasonable expectations are also relevant when obtaining Consent. SFFA will assume that the individual's request for services constitutes Consent for that specific purpose. An individual would not expect, however, that Personal Information given to SFFA would be given to Third Parties for marketing or other similar purposes.
- 3.7 The way in which SFFA seeks Consent may vary, depending on the circumstances and the type of information Collected. SFFA shall seek express Consent when the information is likely to be considered sensitive. Implied Consent shall generally be appropriate when the information is less sensitive.
- 3.8 Individuals can give their Consent in writing, through inaction, orally, at the time they obtain a product or use a service, and through an authorized representative (such as a legal guardian or a person having power of attorney).
- 3.9 An individual may withdraw Consent at any time, provided that:
- (a) SFFA is given reasonable notice of the withdrawal; and
 - (b) the withdrawal is in writing and includes an acknowledgment by the individual that a withdrawal of Consent could mean that SFFA cannot provide a service to the individual or an entity that the individual represents.
- 3.10 SFFA shall inform the individual of the implications of such withdrawal.

Principle 4 – Limiting Collection

The Collection of Personal Information shall be limited to that which is necessary for purposes identified by SFFA. Personal Information shall be Collected in a fair and lawful manner.

- 4.1 SFFA shall not collect Personal Information indiscriminately.
- 4.2 SFFA shall not mislead or deceive individuals about the purpose for which Personal Information is being Collected.
- 4.3 SFFA collects information from provincial government departments, including Saskatchewan Community Resources, Children’s Advocate’s Office and Saskatchewan Justice.

Principle 5 – Use, Disclosure, and Retention

Personal Information shall not be Used or Disclosed for purposes other than those for which it was Collected, except with an individual’s Consent or as required or permitted by law. Personal Information shall be retained only as long as necessary to fulfill the purposes for which it was Collected.

- 5.1 SFFA shall document all Uses of Personal Information.
- 5.2 SFFA may disclose Personal Information without an individual’s Consent to protect the interests of SFFA or its members when required or permitted by law. For example, when Disclosure is requested:
 - (a) by subpoena or search warrant;
 - (b) by court or government order;
 - (c) by demand from Third Parties who have a legal right to the Personal Information; or
 - (d) by a Third Party acting in a confidential or professional relationship with SFFA, such as an auditor or a solicitor.
- 5.3 SFFA shall protect the individual’s interests by taking reasonable steps to ensure that:
 - (a) orders or demands comply with the laws under which they were issued;
 - (b) only the Personal Information that is legally required or necessary to be Disclosed is Disclosed; and
 - (c) casual requests for Personal Information are denied.
- 5.4 SFFA shall make reasonable efforts to notify the individual that an order for Disclosure has been received, if not contrary to SFFA’s security and if allowed by law.
- 5.5 SFFA shall maintain guidelines and procedures for the retention of Personal Information. The guidelines shall include minimum and maximum retention periods. Personal Information that has been Used to make a decision, whether by SFFA or a Third Party, about an individual shall be retained long enough to allow the individual access to the information. SFFA is subject to

legislative requirements with respect to certain record retention. At minimum, SFFA shall retain Personal Information as long as is necessary to satisfy legislative requirements.

- 5.6 Subject to any requirement to retain records, Personal Information that is no longer required to fulfill the identified purposes shall be destroyed, erased or made anonymous. SFFA shall develop guidelines and implement procedures to govern the destruction of Personal Information.

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.

- 6.1 Personal Information shall be sufficiently accurate, complete, and up-to-date as is necessary to minimize the possibility that inappropriate information may be Used to make a decision about or in respect of an individual. SFFA relies on individuals to keep certain Personal Information accurate.
- 6.2 SFFA shall not routinely update Personal Information, unless current information is necessary to fulfill the purposes for which it was Collected.
- 6.3 Personal Information Used on an on-going basis, including information that is Disclosed to Third Parties, shall be kept accurate and up-to-date.

Principle 7 – Safeguards

Personal Information in SFFA’s possession shall be protected by security safeguards appropriate to the sensitivity of the information. SFFA shall use the same standard of care as it uses to safeguard its own confidential information.

- 7.1 The security safeguards shall protect Personal Information against loss, theft and unauthorized access, Disclosure, copying, Use, or modification. SFFA shall protect Personal Information regardless of the format in which it is held.
- 7.2 SFFA’s protection methods will include (where necessary):
- (a) physical measures, for example, locked filing cabinets and restricted access to offices;
 - (b) organizational measures, for example, limiting access to information on a “need-to-know” basis;
 - (c) technological measures, for example, the use of passwords and encryption; and
 - (d) investigative measures, in cases where SFFA has reasonable grounds to believe that Personal Information is being inappropriately Collected, Used or Disclosed.
- 7.3 The Designated Individual shall periodically remind employees, officers and directors of the need to keep Personal Information confidential.
- 7.4 Third Parties shall be required to safeguard Personal Information Disclosed or transferred to them in a manner consistent with SFFA’s policies.

- 7.5 Care shall be taken in the disposal or destruction of Personal Information to prevent unauthorized parties from gaining access to the information.

Principle 8 – Openness

SFFA shall make this Code readily available to the general public.

- 8.1 SFFA shall make readily available specific, understandable information about its policies and procedures with respect to the management of Personal Information.
- 8.2 The available information shall include:
- (a) the name of the Designated Individual to whom complaints or inquiries can be forwarded;
 - (b) the means of gaining access to Personal Information held by SFFA;
 - (c) the type of Personal Information held by SFFA and a general account of its Use; and
 - (d) information about SFFA’s Personal Information policies, procedures and this Code.

Principle 9 – Individual Access

Upon request, an individual shall be informed of the existence, Use, and Disclosure of his or her own Personal Information, and shall be given access to that information. An individual is entitled to question the accuracy and completeness of his or her own Personal Information and to have it amended if appropriate.

Note: In certain situations, SFFA may not be able to provide an individual with access to all of his or her own Personal Information. Exceptions to access shall be limited and specific. Reasons for denying access may include the following:

- providing access would reveal Personal Information about a Third Party, unless this information can be severed from the record or the Third Party Consents to its Disclosure, or the information is needed due to a threat to life, health or security;
- the Personal Information has been requested by a government institution for the purposes of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out any investigation related to law enforcement, the administration of any law, the protection of national security, the defense of Canada or the conduct of its international affairs;
- providing access would reveal confidential commercial information, provided this information cannot be severed from the file containing other information requested by the individual;
- providing access could reasonably threaten the life or security of another individual, provided this information cannot be severed from the file containing other information requested by the individual;
- the information was Collected without the individual’s knowledge or Consent for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
- providing access would reveal SFFA’s own “proprietary information”; or
- the information was generated in the course of a formal dispute resolution process.

- 9.1 Upon request, SFFA shall inform an individual of the existence, Use, and Disclosure of his or her own Personal Information held by SFFA, and allow the individual to access his or her Personal Information.
- 9.2 SFFA shall be as specific as possible in providing an account to an individual of Third Parties to whom SFFA has Disclosed Personal Information. This shall include providing the individual with a list of Third Parties or the kinds of Third Parties to whom Personal Information has been Disclosed.
- 9.3 SFFA shall respond to an individual's request for Personal Information within a reasonable time and at no cost to such individual. The requested Personal Information shall be provided or made available in a generally understandable form.
- 9.4 When an individual successfully demonstrates the inaccuracy or incompleteness of his or her own Personal Information, SFFA shall amend the information as required. Depending upon the nature of the Personal Information, amendments could include the correction, deletion, or addition of Personal Information. Where appropriate, the amended Personal Information shall be transmitted to Third Parties having access to the Personal Information in question.
- 9.5 When a challenge is not resolved to an individual's satisfaction, SFFA shall record the substance of the unresolved challenge. When appropriate, the existence of the unresolved challenge shall be transmitted to Third Parties having access to the Personal Information in question.

Principle 10 – Compliance

Any individual can question SFFA's compliance with this Code to the Designated Individual. The Designated Individual shall investigate all complaints. If a complaint is found to be justified, SFFA shall take appropriate measures, including revision of the Personal Information and, if necessary, amendment of this Code.

- 10.1 The Designated Individual shall be identified to the staff and members of SFFA.
- 10.2 SFFA shall have procedures to receive and respond to complaints or inquiries about its policies and procedures in relation to the handling of Personal Information. The complaint procedures shall be accessible and simple to use.
- 10.3 The Designated Individual shall investigate all complaints. If a complaint is justified, SFFA shall take appropriate measures, including revision of the Personal Information and, if necessary, amending SFFA's policies and practices and this Code.
- 10.4 If the Designated Individual does not deal satisfactorily with a complaint, it may be taken to SFFA's Board of Directors.

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