



I.A.T.S.E. Local 212 PRIVACY CODE

Last updated: September 2005

INTRODUCTION:

Privacy of personal information is an important principle in the negotiation of our contracts, marketing our membership and the administration of our organization. We understand the importance of protecting your personal information and are committed to collecting, using and disclosing your personal information responsibly. We also attempt to be as open and transparent as possible about the way in which we handle your personal information.

The collection, use and disclosure of personal information is governed by the *Personal Information Protection Act* ("PIPA" or the "Act") which came into force on January 1, 2004.

PIPA regulates the collection, use and disclosure of personal information by organizations, which includes trade unions. The term "personal information" is defined broadly in the law as information about an identifiable individual but does not include business contact information (the person's name, position name, business telephone number, business address, business email address or business fax number).

PIPA attempts to balance the right of individuals (both members and staff) to protect their personal information and the need of the union to collect, use and disclose information for purposes that a reasonable person would consider appropriate in the circumstances. I.A.T.S.E. 212 has developed this policy in compliance with the *Act*. Its guiding principle in implementing this policy is that the union will consider what a reasonable person would consider appropriate in the circumstances when deciding how to meet its obligations under the *Act*.

1. Accountability

I.A.T.S.E. Local 212 is accountable for the protection of member or staff personal information. While the officers of I.A.T.S.E. Local 212 are ultimately accountable for the protection of personal information, the day-to-day monitoring for compliance is also shared with staff, committee members and the Executive Board. The overall responsibility for the protection of personal information and compliance with its policy rests with the Local's Privacy Officer.

I.A.T.S.E. Local 212 will use all available procedures including, but not limited to, contractual arrangements to ensure that the use of member personal information provided to/from third parties (including agents or contractors) is in compliance with this code.

Page 2

I.A.T.S.E. Local 212 is committed to ensuring that the appropriate security measures are employed in the transfer of sensitive information. However, when using e-mail or wireless communication, you are advised that complete confidentiality and security are not assured.

I.A.T.S.E. Local 212 will continue to develop policies and procedures to: protect personal information; receive and respond to complaints and inquiries; train staff, Executive Board Members and Committee Members; and to communicate the policies and procedures to our members, to employers and to staff, as required.

2. Purposes of Collecting Personal Information

I.A.T.S.E. Local 212 collects personal information for the following reasons:

- communicating with our membership
- providing employers with a means of communicating with our members
- ensuring all policies and procedures of I.A.T.S.E. Local 212 are adhered to, which can include any of the following:
 - enforcing the terms and conditions of the collective agreement
 - providing member benefits
 - workplace health & safety
 - promotion of the membership
 - ensuring member dues or payables are reasonably collected

In the event any new purpose is identified, all members will be apprised of this information.

Much information is collected, used and disclosed in electronic form. The I.A.T.S.E. Local 212 web site uses cookies (see our privacy code Supporting Documentation for a full explanation of cookies) in order to provide members, staff and employers with our full range of services.

A detailed list of what personal information is collected, the reasons why and the retention and disposal of such information is available upon request to the Privacy Officer.

3. Consent

Consent can be express, implied, given through an authorized representative such as a lawyer or agent or deemed to have been provided by the provisions of the *Act*. Consent may be given orally, in writing, or electronically.

PIPA deems any information acquired prior to January 1, 2004 to have been collected with consent and it can be used and disclosed for the purpose(s) for which it was collected. After January 1, 2004 this information is to be treated in the same manner as information collected after that date.

I.A.T.S.E. Local 212 will obtain consent to collect, use or disclose any personal information, except where outlined in this policy and as permitted by the *Act*. A complete list of the exemptions provided in *PIPA* is in the supporting documentation to this policy,

which is available on request. Further, by section 19 of the regulation made under the *Act* consent is not required for the collection, use and disclosure of personal information

Page 3

if it is necessary to comply with a collective agreement referred to in section 128 of the *Labour Relations Code*.

Section 8 of the *Act* deems consent to have been given for the collection, use and disclosure of personal information if the information has been given voluntarily to us for a particular purpose and it is reasonable that a person would voluntarily provide that information.

As a result, and based on the reasonable expectations of the members of I.A.T.S.E. Local 212 due to the established relationship between the Union and its members, we consider that we have your implied consent to continue with the collection, use and disclosure of your personal information as outlined in this Code.

In the event there is a change in the collection, use and/or disclosure of your personal information, we will advise you in writing and request your consent accordingly.

Withdrawal or Refusal of Consent:

Subject to contractual or legal restrictions, you may withdraw or refuse consent provided that I.A.T.S.E. Local 212 is given reasonable notice. Refusal or withdrawal of consent may prevent I.A.T.S.E. Local 212 from providing you and employers with a service and at the time of withdrawal of consent, you will be advised of the likely consequences of doing so. You cannot withdraw consent if doing so would frustrate the performance of a legal obligation by I.A.T.S.E. Local 212.

In the event you have chosen to disable all cookies on your computer and/or set your privacy settings to high, you may not be able to access certain areas of the I.A.T.S.E. Local 212 website. If you do want to access the I.A.T.S.E. Local 212 website and are blocked by privacy or cookie settings, you have some alternatives available to you:

- list the I.A.T.S.E. Local 212 website on your exclusion list, or
- purchase cookie managing software to allow for access to the I.A.T.S.E. Local 212 website.

If you are not desirous of proceeding through the website, you may phone the I.A.T.S.E. Local 212 office for copies of written documentation that would otherwise be available through the I.A.T.S.E. Local 212 website.

4. Limits for Collecting Personal Information

I.A.T.S.E. Local 212 will only collect personal information for the purposes identified. I.A.T.S.E. Local 212 will use methods that are lawful and will not collect information unnecessarily. Except where consent is implied, before or at the time of collection of personal information you will be notified of the purpose for which the information is collected and the name of the person who can answer questions about the collection

Page 4

Member information may only be used or disclosed for the purposes for which it was collected, unless the member has otherwise consented, or when it is required or permitted by law.

5. Limits for Using, Disclosing, and Keeping Personal Information

Member information will only be used or disclosed for the purpose for which it was collected. I.A.T.S.E. Local 212 will not use personal information for any additional purpose unless I.A.T.S.E. Local 212 seeks your approval to do so, unless legally or contractually required to do so or unless *PIPA* permits implied consent to do so.

All member or staff personal information will be retained only as long as is reasonably necessary for business or legal reasons or expected to be necessary for the identified purposes, or as required by legislation or for business purposes. If information becomes redundant, it will be deleted, shredded or otherwise destroyed.

6. Accuracy

Reasonable efforts will be made to ensure member or staff personal information is as accurate, complete, and current as required for the purposes for which it was collected. In most cases, I.A.T.S.E. Local 212 relies on its members and staff to ensure that certain information (i.e. contact information) is current, complete and accurate.

7. Safeguarding Personal Information

Depending upon the sensitivity of the personal information, appropriate safeguards will be implemented to protect information from unauthorized use and access in an effort to ensure the security, integrity and privacy of personal information. These safeguards shall include but not be limited to:

- a) physical measures, such as locked cabinets and restricted access to offices
- b) organizational measures, for example limiting access on a 'need to know' basis
- c) technological measures, such as the use of passwords
- d) contractual measures with third parties

8. Openness

I.A.T.S.E. Local 212 is open about the policies and procedures in use to protect personal information, which are available to individuals upon request.

The following information will be made available:

- The name, title and address of the person accountable for the code, policies and procedures, and to whom complaints or inquiries can be forwarded
- The type of personal information held by I.A.T.S.E. Local 212, including a general account of its use
- A copy of our Privacy Code or other information that explains the policies and procedures

Page 5

- An explanation of what personal information is made available to related organizations.
- The individuals and organizations to whom personal information has been disclosed

9. Individual Access

Unless section 24 of the *Act* provides otherwise, upon written request to the Privacy Officer, members or staff shall be informed of the existence, use and disclosure of their information, and shall be given access to it. Members and staff may verify the accuracy and completeness of their information, and may request that it be amended, if appropriate. The review procedures may not compromise the security, integrity or privacy of other member or staff information.

Subject to section 35 of *PIPA*, all requests will be responded to with due diligence, no later than 45 days of receipt of the request, at minimal or no cost and in a form that is generally understandable. This time limit may be extended if additional time is required to undertake any consultations necessary to respond to the request.

In some situations, I.A.T.S.E. Local 212 may not be able to provide access to any or all personal information about a member or staff person. The reasons for the refusal of access are set out in Section 24 of *PIPA* a copy of which is available on request.

10. Challenging Compliance

Members and staff have the right to challenge the compliance with the privacy principles and our stated privacy policies and practices by filing a written challenge. All communication regarding this should be directed in writing to:

I.A.T.S.E. Local 212 Privacy Officer
Damian Petti
#201 208 57th Avenue S.W.
Calgary, AB T2H 2K8

Fax 403 250-9769

A decision will be rendered within a reasonable period of time.

11. Personal Employee Information

Personal employee information is personal information about an individual who is either an employee or a potential employee that is collected, used or disclosed solely for the purposes required to establish, manage or terminate an employment relationship between I.A.T.S.E. Local 212 and the individual. Consent for the collection, use and disclosure of such information is not required if it is reasonable for such purpose and is only related to the employment relationship of the individual. Prior notice will be given to employees that such information is to be collected, used and disclosed as well as the purpose(s) of such collection, use or disclosure.

