

FIRST UNITARIAN CONGREGATION OF OTTAWA

PRIVACY POLICY ¹

POLICY SUMMARY

The First Unitarian Congregation of Ottawa (FirstU) acknowledges and respects individuals' rights to keep their personal information safe from unauthorized use or disclosure. We are committed to protecting the privacy, confidentiality, accuracy and security of Personal Information that we collect, use, retain, and under limited circumstances, disclose, and to ensuring that we follow both legal and ethical standards in handling the personal information and data that people share with us.

All congregational staff, members and other volunteers are responsible for the security of any personal information to which they have access.

POLICY RATIONALE

FirstU is committed to Unitarian Universalist Principles, including respect for the inherent worth and dignity of every person, and justice, equity and compassion in human relations. We value the trust that individuals place in our organization and we recognize that, in order to maintain this trust, we must be transparent and accountable in how we treat information that is shared with us. Care in collecting, using and disclosing personal information is essential to donor confidence, good employer/employee relations and good will generally.

The right to control who sees our personal information is a right recognized by our legal system – by specific legislation such as the *Personal Information Protection and Electronic Documents Act (PIPEDA)*, by the *Charter of Rights and Freedoms*, and sometimes at common law. This policy is intended to ensure that FirstU is acting in a manner consistent with legal requirements.

Personal information can sometimes contain highly sensitive information and the implications of a breach can be serious. Rapidly evolving technology is one of the main drivers of privacy breaches, which may occur through the use of email, computers, smart cards and the internet. Breach of privacy may lead to privacy lawsuits, complaints to a relevant Privacy Commissioner, if applicable, financial costs, operational loss and damage to the reputation of individuals and the organization.

POLICY DETAILS

Commitment to Privacy

This policy reflects FirstU's commitment to respecting the privacy of personal information that it collects on its staff, members, supporters and volunteers and to handling this information in a manner which is consistent with our principles and with the intent of relevant legislation. Specifically, this policy addresses two issues:

- the way the Congregation collects, uses, discloses, and protects Personal Information; and
- the right of individuals to access Personal Information about themselves.

This policy complies with the 10 privacy principles found in the Canadian Standards Association's (CSA's) Model Code for the Protection of Personal Information, which have also been incorporated into *PIPEDA*. The latter applies to commercial activity. While most of the Congregation's activities are not commercial, this policy implements the major elements of that privacy legislation.

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Definitions

Personal Information

Personal Information includes any factual or subjective information, recorded or not, about an identifiable individual – that is, it is information which can, directly or indirectly, identify an individual. Personal Information does not include the name, title, business address, or business telephone number of an employee of an organization. Personal Information includes information in any form (e.g., printed/electronic, textual/image). Personal Information includes but is not limited to: photographs, home address, home phone number, age, personal e-mail address, race, national or ethnic origin, colour, religion, sexual orientation, marital status, mental or physical disability, family members' names, employee files, identification numbers, evaluations, disciplinary actions, the existence of a dispute and related opinions, comments, social status, income, credit and bank records, donation information, loan records, or medical records.

Personal Financial Information

Personal Financial Information is Personal Information of a financial nature and includes but is not limited to: pledge and donation records, financial account details, and payroll/benefits-related information.

Use vs. Disclose

“Use” refers to internal use of Personal Information by FirstU. “Disclose” means to reveal/give Personal Information possessed by FirstU to outside parties.

Policy Framework

FirstU's Privacy Policy is based on the 10 principles for handling Personal Information as set out by the Canadian Standards Association and Section 1 of the PIPEDA. These principles are:

1. accountability
2. identifying purposes
3. consent
4. limiting collection
5. limiting use, disclosure, and retention
6. accuracy
7. safeguards
8. openness
9. individual access
10. challenging compliance

The Policy also specifies the restricted access to be enforced for specific categories of personal Information (section 11 below).

Privacy Policy

1. Accountability

FirstU is responsible for all Personal Information in its possession or custody. The Manager, Operations is the

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FirstU's designated Privacy Administrator.

2. Purposes for Collection of Personal Information

FirstU collects Personal Information so that it may carry on its activities as a Congregation and to comply with legal/regulatory requirements. For example:

- staff and volunteer records to enable FirstU to recruit and manage its staff and volunteers and to comply with legal requirements;
- congregant and visitor records to enable FirstU to plan, develop and administer effective programs, to finance its operations, to help ensure safety and security, to satisfy denominational information requirements, to enable effective communication within the Congregation community;
- financial records to satisfy legal requirements including reporting requirements as an incorporated entity and as a registered charity;
- contact information of individuals associated with organizations with which the FirstU carries on its activities (e.g., the CUC, renters of our space)
- photographs and videos to enable FirstU to visually share information on congregational activities and events and to promote itself to prospective members.

The Congregation does not collect Personal Information for commercial purposes nor does it sell Personal Information.

Personal information may also be used for research purposes, subject to the use and disclosure provisions in Section 5.4, Research below.

3. Consent

Consent to the collection, use and disclosure of Personal Information as defined in this Policy is obtained in multiple ways including:

- express consent may be requested in certain sensitive situations such as a police background check for an individual who will work with vulnerable people or financial assets; express consent of a parent or legal guardian is also required in all cases where Personal Information is obtained about children under the age of 16;
- implied consent for internal use of information which FirstU reasonably infers when an individual:
 - o chooses to identify himself/herself to as a member, supporter, regular attendee or visitor or any other class of congregant,
 - o donates, pledges, volunteers, participates in the FirstU's meetings and activities, stands for/assumes a leadership position,
 - o applies for or is a staff member or supplier of services to FirstU or
 - o rents or uses FirstU's assets;
- opt-out consent where FirstU offers an individual the option to refuse consent to the collection, use or disclosure of his/her Personal Information (e.g. in the Congregation directory).

Opt-out consent may be used where photographs or videos are being taken at congregational events or activities. In the case of photographs or videotapes of children under the age of 16, written permission must be obtained from a parent or legal guardian of each child.

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The Congregation will not require anyone to consent to the collection, use or disclosure of Personal Information beyond that which is required for the purposes specified in Section 2, Purposes for Collection of Personal Information above.

3.1 Withdrawal of Consent

Anyone may withdraw his/her consent or opt out of the uses or disclosures of Personal Information for the purposes identified in this Privacy Policy by contacting our Privacy Administrator. Because of Federal Law, once information about tax receipts and payroll is collected, we cannot delete this information until Federal Law permits this.

3.2 Use or Disclosure without Consent

In limited circumstances, the Congregation may use or disclose Personal Information without the knowledge or consent of the individual, for example, for purposes as required by governmental bodies acting with authority, as authorized or required by applicable legislation, or as required to comply with a court order or subpoena. It might also approve disclosure of Personal Information for research purposes as described in the Research section below, provided that adequate provision is made for congregants to opt-out of having their Personal Information used for this purpose.

4 Limiting Collection

The Congregation limits its collection of Personal Information to that which supports the purposes identified above.

The Congregation collects Personal Information only from the individual, a family member, a guardian, or an individual with power of attorney. Exceptions to this include:

- Police or other checks as required for certain roles and responsibilities;
- Reference checks for prospective staff which will be obtained from prior employers; and
- Meeting minutes and related reports, annual reports, newsletters, orders of service, Congregation correspondence and audio and video recording of Congregation services.

5 Limiting Use, Disclosure, Retention and Research

5.1 Use

Personal Information may only be used for the purposes for which it is collected. Express consent must be sought if Personal Information is to be used for any other purpose than that for which it was initially collected, except as allowed below in section 5.4, Research below.

The Congregation will implement and maintain procedures related to this Privacy Policy to help ensure that access to Personal Information in the Congregation's possession or control is consistent with its intended use and relative confidentiality.

5.2 Disclosure

Unless explicitly stated in this policy, the Congregation does not share, sell or barter donor, membership or fundraising lists.

FirstU may disclose members' names and addresses to the Canadian Unitarian Council (CUC) for its operations.

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The CUC does not share this information with outside bodies.

FirstU will obtain express consent prior to disclosing Personal Information with the exception of:

- Disclosure to the CUC as described above. Members will be given the opportunity to opt-out of having their information provided to the CUC.
- Disclosure for research purposes as may be permitted by this policy (see section 5.4, Research, below); and
- FirstU's compliance with legal requirements.

5.3 Retention and Disposal

Personal Information on members and supporters will be retained indefinitely. Personal information will be deleted from active records once a member or supporter dies or otherwise leaves the congregation. Members or supporters who leave the congregation may request that their Personal Information be removed from the archives.

Personal Financial Information will be retained at least as long as is required for legal purposes (e.g. Income Tax Act).

Care will be taken in the disposal of Personal Information including Personal Financial Information to prevent unauthorized parties from gaining access to the information. The Privacy Officer will develop procedures to govern the destruction of Personal Information and will oversee the implementation of these procedures.

5.4 Research

In addition to the provisions for routine use and disclosure of Personal Information as anticipated elsewhere in this policy, the Board, either for FirstU's own purposes consistent with this policy or in response to an external proposal, may approve an initiative for congregational, denominational (i.e. Unitarian Universalist), or scholarly research involving access to Personal Information in the FirstU's possession or control. In all cases involving use of Personal Information for research purposes, reasonable efforts will be made to provide congregants with the ability to opt-out of having their Personal Information disclosed to the researcher(s).

When the Board approves such a research initiative:

- prior to providing access to FirstU records, the Board will ensure there is a written agreement between FirstU and the researcher(s) which at a minimum clearly defines:
 - the purpose and scope of the research,
 - the responsibility assumed by the researcher(s) to abide by this policy and any other relevant FirstU policies,
 - the requirement for written approval by the Board prior to any disclosure by the researcher(s) of Personal Information obtained through access to FirstU's records;
 - any restrictions on which FirstU's records may or may not be accessed for the research;
 - the circumstances for access to FirstU's records , including time and location for access to the records, and
 - any restrictions on copying FirstU's records; and

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- prior to any publication of work arising from the Research, the Board will review the proposed publication and will determine whether to approve any disclosure of Personal Information that was found in FirstU's records.

When considering whether to approve disclosure of Personal Information arising from a research initiative, the Board will consider whether the researcher has obtained the express consent of the individual(s). When the researcher has not obtained express consent for the disclosure, the Board may approve disclosure in the following circumstances:

- the Personal Information would not be considered sensitive to the individual to be disclosed at the proposed time;
- the Personal Information is already in the public domain;
- the Personal Information is about someone who has been dead for 20 or more years; or
- the Personal Information is in a record that has been in existence for 100 or more years.

6 Accuracy

FirstU will make reasonable effort to ensure the accuracy of Personal Information that it collects.

7 Safeguards

FirstU will apply safeguards to the Personal Information in its possession or control based on its relative sensitivity. FirstU processes are to be designed to minimize the exposure of Personal Information to anyone beyond those explicitly approved to access it.

Personal information including Financial Information that FirstU collects is stored in-house (i.e. on FirstU's own server). Before using a third-party service provider for the storage and processing of Personal Information, FirstU will review and assess the privacy and security commitments of the provider to assure consistency with this policy. When possible, FirstU will enter into a Congregation-specific agreement with the service provider that reflects this policy. However, this is often not possible and FirstU must rely on the provider's published privacy policies and security practices.

(Note: Due to the nature of the North American services marketplace, the majority of service providers relevant to the Congregation are based in the United States and are subject to U.S. laws including the U.S. P.A.T.R.I.O.T. Act.)

Records that contain Personal Information about sensitive issues potentially harmful to the reputation of one or more congregants shall be kept by the Minister or in some other secure fashion as approved by the Lead Minister, rather than with the rest of the archives. Such files shall be listed as part of the archives holdings and their location properly documented.

8 Openness

FirstU will publish this policy and will make information regarding its Personal Information practices and procedures readily available.

9 Individual Access

Each person has the right to access his/her own Personal Information that is in the possession or control of FirstU. This right extends to knowing which third parties have received this information from FirstU, except where prohibited by law.

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In order to access this Personal Information, requests should be made in writing to FirstU's Privacy Administrator stating as specifically as possible which Personal Information is being requested.

FirstU has the right to refuse a request for access to Personal Information if:

- the information is protected by solicitor-client privilege;
- doing so would disclose Personal Information, including opinions, about another individual;
- doing so would reasonably be expected to threaten the safety or security of another individual;
- the information was collected for purposes related to the detection and prevention of fraud; or
- the information was generated in the course of a formal dispute resolution process.

10 Challenging Compliance

FirstU, through its Privacy Administrator (omr@firstunitarianottawa.ca), undertakes to respond promptly to any concerns regarding FirstU's compliance with this Policy.

11 Restricted Access to Confidential Personal Information

The following specifies the restricted access to be enforced for specific categories of personal Information.

11.1 Staff Employment Records

Staff employment records (e.g. performance reviews, disciplinary actions, health records) will be kept securely and are to be accessible only by:

- the Lead Minister as chief of staff
- the President
- Co-chairs of the Committee on Ministry (if applicable)
- the Chair of the Personnel Committee
- the Finance Manager in keeping with her/his responsibilities for human resources
- the staff member's immediate supervisor if other than the Lead Minister.

11.2 Ministerial and Pastoral Counselling Records

Ministerial and pastoral counselling records will be kept securely by the minister or pastoral counsellor who performed the counselling and are accessible only by that minister or pastoral counsellor unless the individual to whom the records relate provides express consent for access by another individual or disclosure is reasonably believed to be necessary to avoid physical or substantial financial harm or is required by law. The individual involved also has the right to access their counselling records; such access will be managed by the minister or pastoral counsellor in a timely and orderly manner.

11.3 Right Relations Team Records

Without the express written consent of the parties involved, the members of the Right Relations Team (RRT) or any person referring a matter to the RRT will not disclose the content or substance of matters brought to the Team unless disclosure is reasonably believed to be necessary to avoid physical or substantial financial harm or is required by law.

Records of any involvement with the RRT shall be kept securely by RRT member(s) providing conflict resolution assistance as mediators or facilitators. The Chair of the RRT will ensure that all such records are destroyed in a secure manner once the conflict resolution process has been completed. The RRT will ensure that copies of covenants between individuals and the congregation in which it is involved are retained in a secure location in

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the office and that procedures are in place for the retention, review and disposal of covenants.

For administrative and statistical purposes, the RRT may prepare a report on the nature of the conflict and how it was resolved. The report will not include any personal or identifying information of those involved.

11.4 Personal Financial Information

In addition to the individual about whom the personal financial information pertains, the incumbents in the following roles are entitled to access the Personal Financial Information of congregants for the purpose of the Congregation's financial planning, management and operations and will sign confidentiality or non-disclosure agreements:

- President and Members of the Board
- Treasurer
- Lead Minister
- Chair of the Finance Committee
- Chair or Leader of the Stewardship Team and Stewardship Team members requesting donations from individuals
- Planned Giving Team members, if established
- Manager, Finance
- Manager, Operations.

Some staff and volunteers who are not explicitly approved to access personal financial data might nonetheless have incidental exposure to it (e.g. those opening mail, stuffing envelopes, photocopying). These staff and volunteers must be informed of the confidentiality of personal information and must sign a confidentiality or non-disclosure agreement.

DECISION-MAKING AUTHORITIES

The Privacy Officer will make decisions on requests for access to Personal Information. The Lead Minister will be advised where a request for access is being refused, including the reasons for refusal.

The Board will approve use of personal information for research purposes.

PROCEDURES

The Privacy Officer is responsible for putting in place procedures to support the carrying out of this policy, including ensuring that systems are in place to ensure the safe storage and disposal of Personal Information and Personal Financial Information. The Director, Religious Education is responsible for obtaining parental or legal guardian consent prior to collecting Personal Information including photos of children participating in RE programs and for ensuring appropriate use, safe storage and disposal of the information.

REPORTING AND MONITORING

The Privacy Officer will report any breaches in the protection of Personal Information to the Lead Minister and Board and will also promptly advise those affected of the breach.

The Privacy Officer will also advise the Lead Minister and Board of any release of Personal Information without consent (see Section 3.2).

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The Privacy Officer will prepare a report annually to the Board to confirm adherence to this policy and providing information on the number of formal requests for access to information, any issues affecting adherence to the policy and any instances of non-compliance and recommending any changes that may be necessary to this policy. This will normally be done in January of each year.

REFERENCES &/OR RESOURCES

Canada Standards Association, **Model Code for the Protection of Personal Information**
www.cippguide.org/2010/06/29/csa-model-code/
Personal Information and Protection of Electronic Documents Act of Canada (PIPEDA)
Office of the Privacy Commissariat, **Personal Information Retention and Disposal: Principles and Best Practices**
Privacy Policies of Unitarian Church of Hamilton

WHO WAS CONSULTED ABOUT THIS POLICY

Personnel Committee
Finance Committee & Stewardship Committee
Board of Directors
Lead Minister
Manager, Operations
Manager, Finance
Caring Team
Welcoming and Membership Team

WHO DRAFTED THIS POLICY

Initial draft: Marlene Koehler (based extensively on the Hamilton Unitarian Church's policy regarding Privacy);
revisions: Eva Berringer

WHO IS RESPONSIBLE TO REVIEW/UPDATE AND DRAFT AMENDMENTS

Privacy Officer, with Governance Committee

WHO APPROVES THIS POLICY

Board of Directors

DATE OF INITIAL APPROVAL

Approved by Board: February 21, 2018

DATE OF POSTING POLICY ON THE CONGREGATION'S WEBSITE

Revision History

Revision Date	Version	Comments	Approval Date

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