

## Private Sector Privacy Legislation

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# African Canadian Continuing Education Society Personal Information Protection Policy

At the African Canadian Continuing Education Society (ACCES), we are committed to providing our donors, supporters and members with exceptional service. As providing this service involves the collection, use and disclosure of some personal information about our donors, supporters and members, protecting their personal information is one of our highest priorities.

While we have always respected our donors, supporters and members privacy and safeguarded their personal information, we have strengthened our commitment to protecting personal information as a result of British Columbia's *Personal Information Protection Act* (PIPA). PIPA, which came into effect on January 1, 2004, sets out the ground rules for how B.C. businesses and not-for-profit organizations may collect, use and disclose personal information.

We will inform our donors, supporters and members of why and how we collect, use and disclose their personal information, obtain their consent where required, and only handle their personal information in a manner that a reasonable person would consider appropriate in the circumstances.

This Personal Information Protection Policy, in compliance with PIPA, outlines the principles and practices we will follow in protecting clients', customers', members' personal information. Our privacy commitment includes ensuring the accuracy, confidentiality, and security of our clients', customers', members' personal information and allowing our donors, supporters and members to request access to, and correction of, their personal information.

### Scope of this Policy

This Personal Information Protection Policy applies to ACCES and its Southern Partner, ACCES Kenya. This policy also applies to any service providers collecting, using or disclosing personal information on behalf of ACCES.

### Definitions

**Personal Information** – means information about an identifiable *individual* (*name, email address, home address and phone number*). Personal information does not include contact information (described below).

**Contact information** – means information that would enable an individual to be contacted at a place of business and includes name, position name or title, business telephone number, business address, business email or business fax number. Contact information is not covered by this policy or PIPA.

**Privacy Officer or designated individual** – means the individual designated responsibility for ensuring that ACCES complies with this policy and PIPA.

### Policy 1 – Collecting Personal Information

- 1.1 Unless the purposes for collecting personal information are obvious and the donor, supporter and member voluntarily provides his or her personal information for those purposes, we will communicate the purposes for which personal information is being collected, either orally or in writing, before or at the time of collection.
- 1.2 We will only collect donor, supporter and member information that is necessary to fulfill the following purposes:

- To verify identity;
- To collect and process donation payments;
- To identify donor, supporter and member preferences;
- To understand the donation designation preferences of our donors, supporters and members;
- To open and manage a donor record;
- To deliver requested/required communications, letters and receipts
- To deliver donation tax receipts;
- To process newsletter subscriptions;
- To send out membership information;
- To send out notices for AGMs, special events and meetings;
- To contact our donors, supporters and members for fundraising;
- To ensure a high standard of service to our donors, supporters and members;
- To meet regulatory requirements.

## **Policy 2 – Consent**

- 2.1 We will obtain donor, supporter and member consent to collect, use or disclose personal information (except where, as noted below, we are authorized to do so without consent).
- 2.2 Consent can be provided in writing, electronically, or through an authorized representative, or it can be implied where the purpose for collecting using or disclosing the personal information would be considered obvious and the donor, supporter and member voluntarily provides personal information for that purpose.
- 2.3 Consent may also be implied where a donor, supporter and member is given notice and a reasonable opportunity to opt-out of his or her personal information being used for mail-outs, the marketing of new services or products, fundraising and the donor, supporter and member does not opt-out.
- 2.4 Subject to certain exceptions (e.g., the personal information is necessary to provide the service or product, or the withdrawal of consent would frustrate the performance of a legal obligation), donors, supporters and members can withhold or withdraw their consent for ACCES to use their personal information in certain ways. A donor's, supporter's, member's decision to withhold or withdraw their consent to certain uses of personal information may restrict our ability to provide a particular service or product. If so, we will explain the situation to assist the donor, supporter and member in making the decision.
- 2.5 We may collect, use or disclose personal information without the donor's, supporter's, member's knowledge or consent in the following limited circumstances:
  - When the collection, use or disclosure of personal information is permitted or required by law;
  - In an emergency that threatens an individual's life, health, or personal security;
  - When the personal information is available from a public source (e.g., a telephone directory);
  - When we require legal advice from a lawyer;
  - For the purposes of collecting a debt;
  - To protect ourselves from fraud;
  - To investigate an anticipated breach of an agreement or a contravention of law

## **Policy 3 – Using and Disclosing Personal Information**

- 3.1 We will only use or disclose donor, supporter and member personal information where necessary to fulfill the purposes identified at the time of collection or for a purpose reasonably related to those purposes such as:

- To conduct donor, supporter and member surveys in order to enhance the provision of our services;
- To contact our donors, supporters and members directly about products and services that may be of interest;

3.2 We will not use or disclose donor, supporter and member personal information for any additional purpose unless we obtain consent to do so.

3.3 We will not sell donor, supporter and member lists or personal information to other parties unless we have consent to do so.

#### **Policy 4 – Retaining Personal Information**

4.1 If we use donor, supporter and member personal information to make a decision that directly affects the client, customer, member, we will retain that personal information for at least one year so that the donor, supporter and member has a reasonable opportunity to request access to it.

4.2 Subject to policy 4.1, we will retain donor, supporter and member personal information only as long as necessary to fulfill the identified purposes or a legal or business purpose.

#### **Policy 5 – Ensuring Accuracy of Personal Information**

5.1 We will make reasonable efforts to ensure that donor, supporter and member personal information is accurate and complete where it may be used to make a decision about the donor, supporter and member or disclosed to another organization.

5.2 Donors, supporters and members may request correction to their personal information in order to ensure its accuracy and completeness. A request to correct personal information must be made in writing and provide sufficient detail to identify the personal information and the correction being sought.

5.3 If the personal information is demonstrated to be inaccurate or incomplete, we will correct the information as required and send the corrected information to any organization to which we disclosed the personal information in the previous year. If the correction is not made, we will note the donor's, supporter's, member's correction request in the file.

#### **Policy 6 – Securing Personal Information**

6.1 We are committed to ensuring the security of donor, supporter and member personal information in order to protect it from unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.

6.2 The following security measures will be followed to ensure that donor, supporter and member personal information is appropriately protected:

- locked filing cabinets;
- physically securing offices where personal information is held;
- the use of user IDs, passwords, encryption, firewalls;
- restricting employee access to personal information as appropriate (i.e., only those that need to know will have access; contractually requiring any service providers to provide comparable security measures).

6.3 We will use appropriate security measures when destroying donor's, supporter's, member's personal information such as shredding documents, deleting electronically stored information.

6.4 We will continually review and update our security policies and controls as technology changes to ensure ongoing personal information security.

## Policy 7 – Providing Donors, Supporters and Members Access to Personal Information

- 7.1 Donors, supporters and members have a right to access their personal information, subject to limited exceptions such as the following:
- the information is protected by solicitor-client privilege;
  - the disclosure of the information would reveal confidential commercial information that if disclosed, could, in the opinion of a reasonable person, harm the competitive position of the organization;
  - the information was collected or disclosed without consent, as allowed under section 12 or 18, for the purposes of an investigation and the investigation and associated proceedings and appeals have not been completed;
  - the information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act
  - under an enactment, or by a court;
  - the information is in a document that is subject to a solicitor's lien;
  - the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
  - the disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;
  - the disclosure would reveal personal information about another individual;
  - the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity.
- 7.2 A request to access personal information must be made in writing and provide sufficient detail to identify the personal information being sought.
- 7.3 Upon request, we will also tell donors, supporters and members how we use their personal information and to whom it has been disclosed if applicable.
- 7.4 We will make the requested information available within 30 business days, or provide written notice of an extension where additional time is required to fulfill the request.
- 7.5 A minimal fee may be charged for providing access to personal information. Where a fee may apply, we will inform the donor, supporter or member of the cost and request further direction from the donor, supporter or member on whether or not we should proceed with the request.
- 7.6 If a request is refused in full or in part, we will notify the donor, supporter or member in writing, providing the reasons for refusal and the recourse available to the donor, supporter, member.

## Policy 8 – Questions and Complaints: The Role of the Privacy Officer or designated individual

- 8.1 The Privacy Officer **or designated individual** is responsible for ensuring ACCES' compliance with this policy and the *Personal Information Protection Act*.
- 8.2 Donors, supporters and members should direct any complaints, concerns or questions regarding ACCES' compliance in writing to the Privacy Officer. If the Privacy Officer is unable to resolve the concern, the donor, supporter and member may also write to the Information and Privacy Commissioner of British Columbia.

Contact information for ACCES' Privacy Officer or designated individual:

Executive Director, ACCES  
Telephone: 604-688-4880  
Email: [info@acceskenya.org](mailto:info@acceskenya.org)

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