

Policy Title:	PRIVACY POLICY
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1. PURPOSE

The City of New Westminster (“City”) offers a wide range of services to the public. These include, but not limited to, parks, recreation facilities and programs, land development, fire and emergency response, roads, sewers, water, garbage, recycling, bylaw enforcement, animal control, and electrical distribution. To deliver these services the City needs to collect, use and disclose many kinds of personal information. The City also needs personal information in order to improve these services and to better understand what other services its residents and businesses need.

The City values the privacy of individuals who interact with it. This policy explains how the City collects, uses and discloses personal information, and how it protects personal information. This policy gives examples of what personal information the City needs, and examples of how it uses and discloses personal information. Of course, the City’s services, activities and programs change over time, so this policy therefore will be updated as required to reflect changes.

2. SCOPE & EFFECT

This policy applies to personal information that the City collects, uses or discloses in any form (including verbal, electronic or written personal information).

This policy does not apply to the New Westminster Police Service or the New Westminster Public Library. These are separate public bodies under the Act.

The Act and the regulations under it prevail over this policy.

This policy does not create any legal rights, benefits, duties, obligations or requirements of any kind. Among other things, this policy does not limit or otherwise affect the authority, powers, duties or functions of the City under the Act.

3. DEFINITIONS

The following definitions are used in this policy:

Act: means the *Freedom of Information and Protection of Privacy Act* (British Columbia).

employee: means an employee of the City.

personal information: means recorded information about an identifiable individual.

service provider: means a person retained under a contract to perform services for the City.

volunteer: means a person who voluntarily offers their time and skills to run the many services or programs provided by the City including committees and commissions.

In this policy, any italicized text found inside square brackets is for information purposes.

4. ACCOUNTABILITY

4.1 The City's Chief Administrative Officer, who is the City's "head" for the purposes of the Act, is responsible for compliance with this policy. The Chief Administrative Officer may designate others to act on her or his behalf respecting implementation of this policy and compliance with the Act.

5. COLLECTION OF PERSONAL INFORMATION

5.1 The City collects personal information as follows:

- a. It collects personal information where the collection is expressly authorized under an Act, including the *Community Charter*, and where authorized under City bylaws;
- b. It collects personal information for the purposes of its services, programs and activities *[Examples of City programs and activities include recreation classes and programs, land use development applications, building permit applications, and proceedings of Council and its committees.]*;
- c. It collects personal information for the purposes of planning or evaluating services, programs or activities *[Examples include public surveys and open house surveys conducted by the City to help plan or evaluate services that it offers or is considering offering.]*;
- d. It collects personal information for law enforcement purposes, including enforcement of City bylaws;
- e. It collects personal information by observation at presentations, ceremonies, performances, sports meets or similar events, at which an individual voluntarily appears and that are open to the public. *[Examples include public events such as open City Council*

or Council committee meetings, sports and other recreation events, and City festivals. The information collected may include photographs of those attending.]

5.2 When the City collects personal information directly from an individual it will tell the individual from whom it is collected, verbally or in writing, why the information is collected and the legal authority for collecting it. The City will also give the title, business address and telephone number of a City employee who can answer the individual's questions about the collection.

5.3 The City will only collect personal information directly from the individual whose information is being collected. There are exceptions to this, however. The City may collect personal information from another source if the individual whose personal information is being collected consents to collection from another source. *[Examples include where someone who has applied for City employment lists references, thus consenting to the City contacting the referees.]* In addition, the City may collect personal information from other sources if:

- Collection from another source is permitted by another law *[Examples include collection of personal information from ICBC for bylaw enforcement or from BC Assessment for property taxation purposes.]*;
- The personal information is collected for the purpose of law enforcement, for a proceeding before a court or tribunal, or for collecting a debt or fine or making a payment; *[As an example, if someone owes the City money but does not pay, the City may collect that person's information from other sources in order to collect the debt.]*;
- The personal information is necessary for delivering or evaluating a common or integrated program or activity;
- The personal information is about a City employee and the collection is necessary for the purposes of managing or terminating an employment relationship between the City and the employee;
- The personal information may be disclosed to the City under Part 3 of the Act; and
- The personal information is collected for the purpose of the City determining the individual's suitability for an honour or award.

6. USE AND DISCLOSURE OF PERSONAL INFORMATION

6.1 The City will use personal information only for the purpose for which the City collected it, but the City may also use information for a consistent use. In addition, the City may use personal information for another purpose if the individual has identified the personal information and consented to the other use. Last, the City may use personal information for a purpose for which that information may be disclosed to the City under Part 3 of the Act. *[Examples include the City disclosing an individual's information to a person acting on behalf of the individual, disclosing personal information to a City service provider, and disclosing a*

tenant's electrical bill to a landlord who is responsible for the tenant's overdue electrical bill.]

6.2 The City will only disclose personal information for the purpose for which the information was obtained or compiled, or for a use consistent with that purpose. In addition, the City may disclose personal information:

- To an employee or service provider if the information is necessary for the employee's or service provider's duties *[An example is where the City gives a recreation services contractor the names and other registration information of individuals who have signed up for a City-sponsored program.]*;
- To an employee or service provider if the information is necessary for the delivery of a common or integrated program or activity, or for the purposes of planning or evaluating a City program or activity;
- If the individual the information is about has identified the information and consented in writing to its disclosure;
- If the information is made publicly available in British Columbia by a law that authorizes or requires it to be made public. *[An example includes the publication of minutes or recordings of open Council meetings that contain personal information, such as the names and contact information of individuals appearing before Council or who made submissions to Council. Related examples include the images of individuals and the sound of their voices, and what they say, at an open meeting.]*;
- To a public body or law enforcement agency to assist in a specific investigation;
- To a representative of a union that represents an employee, but only where the employee has given written authority to the representative to make the inquiry;
- To legal counsel for the City for the purpose of legal advice or for use in legal proceedings involving the City;
- To a member of the Legislative Assembly who has been asked by the individual to help resolve a problem; or
- As otherwise permitted under Part 3 of the Act.

6.3 All information provided at open meetings of Council or its committees is considered to be public. By providing information, including personal information, to the City for that purpose, an individual is considered to have consented to that information being available to the public, including through posting on the City's website. This information is part of the public record and cannot be removed or changed. However, if an individual can establish to the City's reasonable satisfaction that the individual has legitimate personal safety concerns for themselves or immediate family members, the City will permit the individual to submit correspondence to Council or a committee in confidence and will not make it publicly their name or contact information. That information will, however, be retained in the City's Legislative Services offices.

7. RETENTION OF PERSONAL INFORMATION

- 7.1 Where the City uses personal information to make a decision about an individual, the City will retain the information for at least one year.
- 7.2 The City will retain personal information in accordance with the City's applicable records retention schedules. The City will securely destroy personal information when permitted or required by the applicable records retention schedules.

8. SECURITY OF PERSONAL INFORMATION

- 8.1 The City will make reasonable security arrangements to protect personal information against such risks as unauthorized access, collection, use and disclosure.
- 8.2 The City will use contractual measures to protect personal information that it discloses to service providers, with those measures varying according to the nature and sensitivity of the personal information. All service providers will be required not to use or disclose personal information other than for the purpose of performing services for the City.
- 8.3 All City employees are required to respect the confidentiality of personal information they receive or compile and are required to use and disclose it only in accordance with this policy.

9. ACCURACY OF PERSONAL INFORMATION

- 9.1 The City will make a reasonable effort to ensure that personal information it uses to make a decision directly affecting an individual is accurate and complete.

10. CORRECTION OF PERSONAL INFORMATION

- 10.1 An individual who believes there is an error in his or her personal information, or who believes that personal information is missing, may ask the City to correct the information. A request for correction must be made in writing, with reasons why the correction is reasonable. If the City is satisfied that a request for correction is reasonable, the personal information will be corrected as soon as reasonably possible. If the City does not correct the information, it will note the requested change on the information and will note the reasons for not making the requested correction. This section applies only to personal information that is in the City's custody or control and it also applies only to factual errors or omissions. Further, this section does not apply to personal information in the custody or control of the City's electrical department.

11. ACCESS TO PERSONAL INFORMATION

- 11.1 An individual may request that the City disclose a copy of the individual's own personal information in the City's custody or control.
- 11.2 The request may be made by contacting the responsible department directly or by making a formal request for records under the Act. A formal request may be made by email, to foi@newwestcity.ca. City employees who would like a copy of their own personal information must do so directly through Human Resources. *[To help individuals locate the right City department, the City posts a copy of its personal information inventory on its website.]*
- 11.3 For formal access requests, the Act gives the City thirty (30) business days after the request is received to respond (and the Act allows this time to be extended). In some cases, the City may be required under the Act to refuse access to personal information. The City will give written reasons in these situations.
- 11.4 Before disclosing personal information, the City will ask the individual seeking disclosure to verify their identity, to show that they are the individual whose information is to be disclosed.

12. COMPLAINTS

- 12.1 Any complaint about any privacy-related matter under this policy or under the Act must be made to the City in writing, addressed to privacycomplaints@newwestcity.ca
- 12.2 The City will respond to all complaints, including about breaches of privacy, and will disclose the outcome of any investigation to the complainant.
- 12.3 An individual may seek advice from the Office of the Information and Privacy Commissioner for British Columbia (at 250-387-5629, info@oipc.bc.ca) and, if appropriate, file a written complaint with that office. The City encourages the use of the City's complaints procedure first.

13. General

- 13.1 The City of New Westminster will not sell or rent personal information
- 13.2 The City will store information only in Canada unless allowed by the Act to do otherwise.
- 13.3 To ensure the compliance with this policy all new processes or changes to processes will be required to complete a Privacy Impact Assessment (PIA) before being implemented by the City. The PIA will assess the actual or potential effect on privacy and will mitigate adverse impacts if identified.

13.4 Privacy protection will be required of all Service Providers. All contracts entered into by the City of New Westminster that may involve the transfer of personal or confidential information will contain the City's Information Sharing Addendum / clauses.

14. **RESPONSIBILITIES**

Chief Administrative Officer

Is designated the Head for the purposes of the Act in Bylaw 7605 2013 and as such has full responsibility for compliance with the Act. The Chief Administrative Officer, along with the Director of Finance and IT, and the City Clerk, form the FOI Committee.

Directors and Managers:

Are responsible for overseeing the collection, use, disclosure, retention and disposal of personal information within their departments to ensure compliance with the City of New Westminster's policies.

Employees, Volunteers, Service Providers

Are responsible for securing and protecting personal information in the custody and control of the City of New Westminster.

Records and Information Administrator

Under the supervision of the Head and the FOI Committee has overall responsibility for:

1. Ensuring appropriate policies and processes are in place to safeguard the personal information in the City's custody and control;
2. Monitoring the City's compliance with its privacy policies and legislative requirements; and
3. Investigating and providing access to records in compliance with this policy.

15. **UPDATES**

Any updates to this privacy policy will be published in a timely manner.

16. **CONTACT**

If you have any questions about this policy or your personal information that is held by the City of New Westminster please contact:

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