

# Wyndham Hill Co-operative Homes Inc.

## Privacy of Personal Information By-law 26

Approved by the Board of Directors: February 27, 2023

Approved by the membership May 10, 2023

Wyndham Hill Co-operative Homes Inc. (the Co-op) collects a great deal of personal and sensitive information on members during the application process and throughout the duration of the tenancy. We also have personal information on staff, board members and volunteers.

Wyndham Hill Co-operative Homes Inc. must comply with the Federal *Privacy Information Protection and Electronic Documents Act (PIPEDA)*, which applies to the standards for personal information with respect to commercial activity.

Wyndham Hill Co-operative Homes Inc. must also comply with the *Housing Services Act* regulations that set the standards for the collection, use, disclosure and safeguarding of privacy of personal information and the individual right of access of their own information as it applies to rent-geared-to-income members as well as market rent members.

This policy meets the requirements of the *Housing Services Act* and the *Privacy Information Protection and Electronic Documents Act*.

The collection and storage of personal information should be treated in a manner that is respectful of the individual.

### **Privacy Officer**

The Co-ordinator is the Privacy Officer. He/she will be responsible for the organization's compliance with all privacy legislation.

The Privacy Officer's duties are to:

1. review the Co-op's policies and practices with regard to personal information
2. implement the necessary changes to guarantee that the collection and retrieval of personal information follow the Co-op's policy
3. inform the members and public on how the Co-op treats personal information
4. handle complaints

## **Definition of Personal Information**

For the application of this policy, personal information means:

1. The personal address, telephone number or email address of the individual
2. Any identifying number assigned to an individual which can lead to their identification (e.g. Social Insurance Number)
3. Information about an individual's income and assets
4. Bank account and credit card information
5. Information about rent payment history
6. Information relating to the race, national or ethnic origin, citizenship status, colour, religion, age, sex, sexual orientation, marital or family status of the individual
7. Information relating to the education, medical, psychiatric, psychological, criminal or employment history of the individual
8. Credit and rental history reports
9. Financial information for the purposes of establishing Rent-Geared-to-Income Assistance
10. Information about an individual's personal or political opinions
11. Correspondence sent to the Co-op that is of a private or confidential nature, and any replies from the Co-op that would reveal contents of the original correspondence
12. The individual's name if it appears with other confidential information (e.g. rental arrears reports)
13. Employee information including résumés, salary and benefits, disciplinary action, bank account information, member complaints about the individual, and problems between staff.

Personal information does NOT include the name, position and business phone number of employees.

Personal information does NOT include statistical data, which is summarized in such a way as to not identify any individuals.

Business contact information and certain publicly-available information such as name, address and telephone number (as published in telephone directories) are not considered personal information.

## **Collection of Information**

- Personal information will be collected only for the following purposes:
  1. to approve membership and determine appropriate unit type and size
  2. to determine income and assets for rent calculation

3. to demonstrate compliance with funding requirements
  4. to protect the health and safety of the member
  5. to ascertain service levels required in special needs housing
  6. to conduct reference and employment checks
  7. to retain relevant information on employees for government reporting purposes
- Staff must not seek out personal information about members or applicants unless it is relevant to their work.
  - All documents used for collection of personal information shall state
    - a. the purpose or purposes of the collection;
    - b. the reasons for collection, including the fact that the information may be shared as necessary for the purpose of making decisions or verifying eligibility for assistance under the *Housing Services Act*, the *Ontario Disability Support Program Act, 1997*, the *Ontario Works Act, 1997* or the *Day Nurseries Act*; or as authorized by an agreement under section 163 or 164 of the *Housing Services Act*;
    - c. the name, title, business address and business telephone number of the Privacy Officer who can answer questions and respond to complaints about the collection, use or disclosure of the information;
 and will include
    - d. a consent form to be signed by the applicant or member authorizing the collection, use, verification and disclosure of the information being collected

### **Protection of Information**

- All staff and board members will be required to sign a confidentiality agreement.
- Applicant, member and employee files (including information on databases) must be safeguarded against unauthorized access.
- Applicant/member information and employee information must be stored in a locked filing cabinet. Secure storage facilities must be provided for archived applicant/member/employee and accounting information.
- Staff and members of the Board, where appropriate, should have access to records containing personal information only if required in order to fulfil their duties.
- When communicating member issues to the Board, staff should use non-identifying information as much as possible. For example, arrears report should use codes in place of the actual names of members.

- Databases containing files with personal information, and other confidential electronic files must be password protected against unauthorized access.
- All staff have a responsibility to ensure that unauthorized individuals do not have unsupervised access to areas where files are kept and used.
- Personal information will be disposed of at the end of the required storage period for member records of 7 years after the member has moved out, and for financial records of 7 years after the end of the fiscal year. If a member owes money, then the file is kept until the debt is paid in full.
- Paper-based personal information must be shredded prior to disposal. Electronic media must be purged prior to disposal.

### **Release of Information**

- No personal information will be released to third parties without the written consent of the individual (for example: credit references, member or personal references). When responding to enquiries for references, staff should limit information provided to the questioner and confirm only the information already provided by the individual making the inquiry.
- It is not necessary to have a signed consent to release information to collect a debt, for example to a collection agency, or for an Ontario Rental Housing Tribunal or Small Claims action.
- Staff will take reasonable care to confirm the identity of the people to whom information is released.

Personal information will be released to the following:

1. Funders and Auditor: The Co-op, in order to be in compliance with funding program requirements, must release information to The County of Wellington and auditors. People doing these jobs have their own professional code of ethics and are required to maintain confidentiality. Staff should confirm that the person concerned is seeking access legitimately.

2. Provincial Data Base: As part of its responsibilities to the Provincial Data Base System, the Co-op will provide the Provincial Data Base with information about any members who have left in arrears. This information will be used by the Service Manager and housing provider as part of their screening process for applicants for Co-op housing.

3. Researchers: Occasionally, the Co-op may be asked to assist a researcher who may be from an academic institution or who may be independent. Authorization for such people to have access to files will depend on their credentials and the nature of their

research. The Board of Directors must approve all such requests for personal information.

4. Credit Bureaus: Information on orders or judgements for money owing will be provided to any credit bureau of which the Co-op is a member.

5. Law Enforcement: While the Co-op has a responsibility to protect the rights of applicants and members to privacy, this responsibility must be balanced with an obligation to the broader community. Law enforcement agencies requesting personal information about applicants, members, employees, board members or volunteers, will be required to provide a written request or “warrant” before information will be released.

Personal information may be released to the police:

- i. In the context of reporting criminal activity, staff with personal knowledge should report theft, damage or fraud.
- ii. With respect to crimes against persons, witnesses are obligated to report and provide appropriate information to the police so that charges can be laid. Domestic violence is a criminal offence and should be reported to the police.
- iii. To report suspected criminal activity. If there is good reason to believe that there is a drug problem or other illegal activity in the building, this should be reported to the police.
- iv. Victims of crimes are responsible for reporting the crime directly to the police. However, if the victim is a child or a person with a disability that renders them incapable of making the decision to report, the legal responsibility lies with the Co-op to report the crime to the Police or Children’s Aid Society, if it has relevant information.
- v. In the case of suspected child abuse, information will be provided to the Children’s Aid Society. (This duty to report is required under the *Child and Family Services Act*, Section 72.)
- vi. Any video footage that is required as a result of criminal activity or used for the purpose of a Landlord or Member Board Hearing.

6. Health and Safety Officials: Personal information will be provided to outside agencies, individuals and institutions when it can be clearly identified as contributing to the applicant or member’s benefit, for example, information about an individual’s medical condition to the fire department.

7. Next of Kin or Emergency Contacts: It may be appropriate to use personal information to contact a community service agency or a designated relative in exceptional circumstances, such as, when using an emergency contact provided by a member and held on file, or contacting medical support services when a member is unable to function and maintain his/her tenancy.

## **Access to and Correction of Personal Information**

- The Privacy Officer will respond to all requests for access to or correction of personal information.
- An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her own personal information.
- If the Privacy Officer believes that releasing personal information to an individual would prejudice the mental or physical health or security of any person, he or she will not release the information.
- An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate. If the Privacy Officer is not in agreement with the individual's request for correction, a counter-statement will be filed with the original information.

### **Procedure for Handling Complaints**

The Privacy Officer will respond to all complaints about collection, use, disclosure, storage and disposal of personal information within thirty days of the request being made, and advise the complainant as to the action that has been taken.

Each complaint will be assessed to determine whether:

- Correction of personal information is necessary.
- Information was collected, used, released or disposed of inappropriately.
- The Co-op's policies and procedures need to be strengthened.
- Disciplinary or other action needs to be taken with respect to a breach of a confidentiality agreement.

Where necessary, the Privacy Officer will make the necessary recommendations to the Board of Directors in connection with resolution of the complaint.

### **Breach of Confidentiality**

It is a breach of confidentiality to:

- Discuss any confidential information within or outside the organization where it may be heard by individuals who are not authorized to have access to that information.
- Provide confidential information or records to unauthorized individuals.

- Leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals.

A breach of confidentiality may be grounds for staff to be disciplined or terminated.

A breach of his or her confidentiality obligation may be grounds for a board member to be removed as a director of the corporation. A board member who breaches confidentiality may not be covered by the Co-op's insurance if he or she is sued for libel.

**CONFIDENTIALITY AGREEMENT**

I understand that in the course of conducting my responsibilities as a staff person, director or volunteer of Wyndham Hill Co-operative Homes Inc. , I may have access to personal information about applicants, members and employees of the corporation. I understand that there are legal restrictions on how this information may be collected, used, stored and disposed of and that privacy of personal information must be respected.

I hereby agree to abide by the Co-op's policy regarding confidentiality attached to this agreement and by the restrictions placed on this information by the *Personal Information Protection and Electronic Documents Act* and the *Housing Services Act* and any other statute which is now or may later be in force.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ , 20\_\_\_\_.

\_\_\_\_\_  
Signature



## Consent Form for Co-op Board Member

On January 1, 2004, the federal *Personal Information Protection and Electronic Documents Act* took effect. This act regulates the collection, use and disclosure of personal information.

I acknowledge that Wyndham Hill Co-operative Homes Inc. is required to collect and use personal information about me and that I have provided that information voluntarily. I understand that this information is required in order to comply Wyndham Hill Co-operative Homes Inc. 's legal obligations, such as reporting the names and addresses of directors and officers to the Ministry of Consumer and Business Services and our bank.

I also understand that as a director, my photo, name and/or job title may appear on publications, in the annual report, in member mailings and on the website (if applicable). If I do not wish them to appear I will contact the Privacy Officer who will ensure that they do not appear.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Applicant Consent Form**

### **for Collection, Use and Disclosure of Personal Information**

#### **What is “Personal Information”?**

Personal information includes any factual or subjective information, recorded or not, about an identifiable individual. This includes information in any form, such as:

- age, name, ID numbers, income, assets, household composition, residency status, rent payment record, etc;
- opinions, evaluations, comments, social status, or disciplinary actions; and
- employee files, credit records, loan records, medical records, existence of a dispute between a landlord and a member, intentions (for example, to acquire goods or services, or change jobs).

Personal information does not include the name, title, business address or telephone number of an employee of an organization.

#### **Collection and Use of Your Personal Information**

**Wyndham Hill Co-operative Homes Inc.** will collect, retain and use the personal information provided by you in this form and its attachments for the following purposes:

- **considering your application for membership;**
- **verifying the information that you have provided in your application and its attachments relating to the administration and processing of your application for membership;**
- **calculating your housing charges;**
- **meeting legal and regulatory requirements arising out of or relating to your membership;**
- **for the use of Wyndham Hill Co-operative Homes Inc. auditor to verify our financial records;**
- **for the purpose of contacting necessary services or your next-of-kin in case of emergency; To use video footage that you may appear in, as required in legal matters.**

**Disclosure of Your Personal Information**

**Wyndham Hill Co-operative Homes Inc.** will disclose the personal information provided by you in this form to the following parties for the purposes described above:

- to any social agency providing any form of assistance to you, or other government subsidy under the *Ontario Works Act, 1997*, the *Ontario Disability Support Program Act, 1997* or the *Day Nurseries Act*, or any government department responsible for social housing programs under the *Housing Services Act*, or Wyndham Hill Co-operative Homes Inc. housing portfolio operating agreement with the County of Wellington;
- to the Government of Canada, a department, ministry or agency of it, without further notice to me if the information is necessary for the purpose of administering or enforcing the *Income Tax Act (Canada)* or the *Immigration Act*;
- to any agent working on behalf of Wyndham Hill Co-operative Homes Inc., for the purposes of complying with the *Housing Services Act*;
- to relevant agencies or next of kin in case of emergency;
- to credit bureaus and other businesses that provide credit or rental history information about you;
- to a third party in connection with the potential or actual sale, reorganization, merger, consolidation or disposition of the business of Wyndham Hill Co-operative Homes Inc., MPAC and;
- to the Police in their investigations and inquiries.

**Consent**

I authorize and agree that **Wyndham Hill Co-operative Homes Inc.** may collect, use and disclose the personal information that I have provided in this form and its attachments as described above. I understand and acknowledge that, in addition to the foregoing, **Wyndham Hill Co-operative Homes Inc.** will also collect, use and disclose my personal information as required or permitted by law.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**To be signed by all household members living in the unit who are sixteen years or older**