

# United Empire Loyalists' Association of Canada Policy

## P2016.003 – Protection of Personal Information

**Author:** By-laws Committee

**Summary:** This policy sets out the rules that shall apply to the protection of personal information and the preservation of the privacy of all persons who have some relationship with the Association, whether as member, officer, employee, supplier, donor or other.

**Authority:** **Paragraph 5.1 of ARTICLE V** states, “The Board shall manage or supervise the management of the activities and affairs of the Corporation.”

**General Principles** The Association and its branches rely on personal information to identify and stay in touch with our members. Additionally, the Association collects a significant amount of personal information about living people in the course of issuing UE certificates. Obtaining and using that personal information in ways that don't offend the fundamental human right of privacy is the challenge for all organisations, including not-for-profits such as UELAC.

Respecting and protecting privacy is a key element of good member relations. Members want privacy and they have a right to expect the Association to provide it.

Canada has two federal privacy laws, the *Privacy Act*, which covers the personal information-handling practices of federal government departments and agencies, and the *Personal Information Protection and Electronic Documents Act (PIPEDA)*, the federal private-sector privacy law.

PIPEDA sets out the ground rules for how private-sector organizations collect, use or disclose personal information in the course of commercial activities across Canada.

It should be noted that PIPEDA does not generally apply to not-for-profit and charity groups unless the organization is conducting a commercial activity (fundraising is not considered a commercial activity).

Nonetheless, UELAC believes that PIPEDA provides a sound framework for the Association's privacy policy. Likewise, UELAC believes that the Privacy Act provides a sound basis for the management of genealogical information. The Association hereby adopts PIPEDA and the Privacy Act as the basis for its protection of personal information and enacts this Policy accordingly.

**Definitions:** In this Policy, unless the context otherwise requires, the following terms shall have the following meanings respectively:

1. “Association” means The United Empire Loyalists' Association of

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Canada.

2. "Association Officers" means the Dominion President, the Immediate Past President, the Sr. Vice-President, the Secretary, the Treasurer, the Regional Vice-Presidents and the Regional Councillors of the Association.
3. "Branch" means any Branch of the Association.
4. "Branch Officers" means the President, Secretary, Treasurer, Genealogist, Newsletter Editor and any other position designated as an Officer of a branch.
5. "Committee Chairs" means the Chairs of the various Committees of the Association.
6. "contact information" means any information permitting a person to be contacted, including, without limitation, his name, title or position, postal or electronic addresses and telephone or fax numbers.
7. "Dominion Office" means the head office of the Association.
8. "donation information" means any information regarding the identity of donors or the size of donations.
9. "member of the Association" means any person who belongs to the Association.
10. "person" means a living individual.
11. "personal information" means any information held by the Association concerning a person, including, without limitation, personal contact information and any information concerning the person's name, age, citizenship, education, profession or occupation, marital status, religious or political affiliation, Loyalist ancestry, Association or Branch membership and activities outside the Association.
12. "Personal contact information" means the personal information provided in the section marked "applicant" of the certificate application, and includes, name, contact information and names of immediate relations.
13. "Publish" means to make available to the public at large by means of traditional forms of media, the Loyalist Gazette, Loyalist Trails or through internet access but does not include internet access by means of a password.
14. Unless the context otherwise requires, the masculine shall include the feminine and the singular shall include the plural.

## **Applica- tion:**

1. This Policy applies to all the operations of the United Empire Loyalists' Association of Canada. All employees, Officers, Committee Chairs and other persons assisting in the Association's operations shall be bound by its provisions.
2. This Policy also applies to all branches of the Association. All

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employees, Branch Officers, chairs of branch committees and other persons assisting in the operations of any branch shall be bound by its provisions.

3. Branches may enact their own privacy policies provided those policies are no less stringent than this Policy.
4. Dominion Council has the sole and unfettered right to review the privacy policies of the various branches and to determine whether those policies meet the stringency requirement set out in the preceding paragraph. Any decisions of Dominion Council are not subject to appeal.

## **General Provisions:**

1. The object of this Policy is to ensure, as far as possible, the confidentiality of personal information held by the Association and its branches concerning living individuals, in accordance with their right to privacy. The Association and its branches will provide copies of this Policy and related information on the Association's practices concerning the protection of personal information, on request, to any person. The various branches will provide copies of the privacy policies of those branches and related information on the practices of those branches concerning the protection of personal information, on request, to any person.
2. Responsibility for the implementation of this Policy at the national level shall rest primarily with the Association's President. The President may seek the advice of the other Association Officers, as required, in interpreting and applying this Policy. The President shall ensure that all employees and agents of the Association whose duties involve the handling of personal information are properly trained and supervised in the implementation of this Policy and the practices of the Association regarding the protection of such information.
3. Responsibility for the implementation of this Policy at the various branches shall rest primarily with the presidents of the branches. The branch presidents may seek the advice of the branch officers, as required, in interpreting and applying this Policy. The presidents shall ensure that all officers, employees and agents of the branches whose duties involve the handling of personal information are properly trained and supervised in the implementation of this Policy and the practices of the Association regarding the protection of such information.

## **Specific Provisions**

1. The Association collects personal information only for the following purposes:
  - a. to identify individuals;
  - b. to establish, maintain, communicate and renew membership in the Association and its branches;

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- c. to determine whether UE certificate applications satisfy the genealogical criteria for the issuance of a certificate;
  - d. to build a genealogical database about Loyalists and their descendants;
  - e. to protect the Association against error and fraud; and
  - f. to meet legal and regulatory requirements.
2. The Association shall not use the information so collected for any other purpose without the prior consent of the person to whom the information relates or as required by law. The personal information so collected shall be limited to what is reasonably required by the Association for purposes of its effective operation and shall be retained only as long as it is so required, except with the consent of the persons concerned or as required by law.
  3. The Association may share the names of donors to the Association unless the donor requests anonymity;
  4. The Association shall not release any information regarding the size of individual donations to any person, organisation or institution except as required by law.
  5. The only persons who have a need to know the identity of donors and the size of their donations are the Office Administrator, the Treasurer and the Sr. Vice President.
  6. The branches shall identify the purposes, other than those listed in paragraph 1, for which they collect personal information at or before the time of its collection and shall not use the information so collected for any other purpose without the prior consent of the person to whom the information relates or as required by law. The personal information so collected shall be limited to what is reasonably required by the branches for purposes of their effective operation and shall be retained only as long as it is so required, except with the consent of the persons concerned or as required by law.
  7. The Association and its branches shall not disclose or publish personal information without the prior written consent of that person.
  8. Any consent for disclosure or publication of personal contact information shall be only for a specified purpose or as required by law.
  9. The Association and its branches may provide secure access to personal information excluding personal contact information to scholars and institutions, individually approved by the Association or by the relevant branches.
  10. Prior written consent for publication of personal information other than personal contact information shall be solicited on the membership application forms used by the various branches.
  11. If a YES/NO question is provided for requesting consent, a blank response will constitute refusal of permission to publish personal

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information other than personal contact information.

12. Notwithstanding the foregoing, the Association and its branches may disclose and publish personal contact information concerning Officers and committee chairs in order to permit such persons to be contacted, in the performance of their duties, on matters pertaining to the operations and activities of the Association or its branches.
13. The Association and its branches shall not knowingly disclose any list or similar document containing personal contact information concerning any members or prospective members of the Association, to any individual or organization, for commercial, charitable, political or any other purposes not directly related to the operations or activities of the Association.
14. The Association and its branches shall ensure, by appropriate contractual provisions, that personal contact information contained in any list or other document which it provides to a third party for processing for purposes directly related to the operations or activities of the Association, is handled and safeguarded in accordance with all applicable laws concerning the protection of personal information.
15. Notwithstanding anything in this Policy, the Association and its branches may disclose personal contact information, if required to do so by any applicable law but will first seek legal remedy or advise the concerned member, wherever possible.
16. The Association and its branches shall endeavour to keep the personal information which they hold reasonably accurate, complete and up-to-date for the purposes for which it is to be used, taking account of the interests of the persons it concerns, without, however, providing any warranty in that regard. Any person to whom such personal information relates may, by writing to the Association's President or the presidents of the various branches, request copies of such information or its correction or updating, as required.
17. The Association and its branches, on written request, shall advise a person of whether or not they hold personal information concerning that person and the source of such information and shall assist the person, if so requested, to prepare a request for access to that information. The Association and its branches shall amend, correct or delete any personal information which is challenged and is shown to be incomplete or inaccurate, and shall not dispose of or destroy the information until all legal recourses of the person making the request have been exhausted. Where the challenge to such information is not resolved to the satisfaction of the person requesting such modification, that fact shall be recorded by the Association or the relevant branch, and third parties having access to that information shall be advised accordingly. The Association and its branches shall respond to such requests within thirty (30) days in writing or such extended period as

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may be permitted by law. Where access to the personal information requested is refused, the Association or the relevant branch, as the case may be, shall provide reasons for the refusal and advise the applicant of his legal recourses.

18. The Association and its branches shall not, in responding to such requests for personal information, disclose information that concerns any other person, unless such information is severable or unless the other person consents to the disclosure of that information. The Association and its branches shall not be required to disclose information which would be prohibitively costly to provide or information which may not be disclosed for any legal reason. Upon request, the Association or the relevant branch shall specify, to the extent possible, the third parties (if any) to which personal information about the person concerned has or may have been disclosed.
19. The Association or its branches may refuse to respond, or may delay responding, to any request for personal information where such response would necessitate a disproportionate allocation of time or effort or would otherwise interfere with the efficient functioning of the Association or branch. In such cases, the Association or the relevant branch, as the case may be, shall explain the situation to the applicant for the information and shall endeavour to find some mutually satisfactory solution.
20. All persons who have occasion to consult or to use personal information in the performance of their Association or branch duties shall respect its confidentiality and exercise due diligence to preserve its confidentiality at all times when such information is in their custody or control. The Association's President or the presidents of the various branches may give advice or direction to such users, as required, concerning the consultation, use, handling, storage and disposal or destruction of such personal information, in order to protect its confidentiality as far as is reasonably possible. Methods of protection may include the use of locked filing cabinets, restricted access to offices, organizational and/or technological measures, adapted to the sensitivity, amount, distribution and format of the information and the method of storage.
21. Personal information that has been provided to the Association for purposes of proving descent from a United Empire Loyalist through a UE certificate application may be disclosed to any person or body for research or statistical purposes where
  - a. the information is of such a nature that disclosure would not constitute an unwarranted invasion of the privacy of the individual to whom the information relates; or
  - b. 110 years have elapsed following the birth of the individual to whom the information relates; or
  - c. in cases where the information was obtained through the taking of a

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census or survey, 92 years have elapsed following the census or survey containing the information