

# **THE UNITED EMPIRE LOYALISTS' ASSOCIATION OF CANADA**

## **POLICY AND PROCEDURE ON THE PROTECTION OF PERSONAL INFORMATION**

### **Policy**

#### **1. Definitions**

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

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

“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.

“Branch” means any Branch of the Association.

“Branch Officers” means the President, Secretary, Treasurer, Genealogist and Newsletter Editor of any Branch.

“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.

**“Dominion Office” means the head office of the Association.**

“member of the Association” means any person who belongs to the Association, whether as a Regular, Affiliate, Associate, Honorary or Life Member.

“person” means a living individual.

“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.

“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.

"Publish" means to make available to the public at large by means of traditional forms of media, the member's gazette or through internet access but does not include internet access by means of a password.

“Standing Committee Chairs” means the Chairs of the Standing Committees of the Association.

## 2. General Provisions

- 2.1 This Policy and Procedure and any amendment thereto shall constitute the policy and procedure contemplated by art. 29 of the By-laws of the Association.
- 2.2 The object of this Policy and Procedure is to ensure, as far as possible, the confidentiality of personal information held by the Association concerning living individuals, in accordance with their right to privacy.<sup>1</sup> **The Dominion Office will provide copies of this Policy and Procedure and related information on the practices of the Association concerning the protection of personal information, on request, to any person.**
- 2.3 This Policy and Procedure shall apply primarily to Association Officers, Standing Committee Chairs, employees and agents of the Association in the performance of their duties.
- 2.4 Responsibility for securing the implementation of this Policy and Procedure shall rest primarily with the Dominion President of the Association. The Dominion President may seek the advice of the Executive Committee or of Dominion Council of the Association, as required, in interpreting and applying this Policy and Procedure. **The Dominion President shall ensure that all employees and agents of the Association whose duties involve the handling of personal information at the Dominion Office are properly trained and supervised in the implementation of this Policy and Procedure and the practices of the Association regarding the protection of such information.**
- 2.4.1 Association Officers and Standing Committee Chairs shall be responsible for ensuring the handling of personal information held by them in a manner conforming to this Policy and Procedure, under the general direction of the Dominion President.**

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<sup>1</sup> Personal information about deceased persons may legally be released after twenty years have elapsed following their deaths. Prior to that time, it would appear that such disclosure could be authorized by the legal representatives of the deceased persons concerned.

- 2.5 The Dominion Council of the Association may amend this Policy and Procedure from time to time, in order to better secure the attainment of its object.
- 2.6 Branches of the Association **shall apply** a policy and procedure similar in principle to this Policy and Procedure, **adapted as required to meet their particular needs and circumstances**, in order to better secure the protection of personal information held by them. **The Branch President shall be primarily responsible for the protection of personal information held by the Branch concerned, unless the Branch designates some other person to exercise that responsibility.**
- 2.7 In this Policy and Procedure, unless the context otherwise requires, the masculine shall include the feminine and the singular shall include the plural.
- 2.8 In this Policy and Procedure, references to publishing and publications shall include publishing and publications in both print and electronic form.

### **3. Specific Provisions**

- 3.1 The Association shall endeavor to identify the purposes for which it collects 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 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.
- 3.2 The Association and its Branches shall not disclose or publish **personal information** without the prior written consent of that person.
- 3.3 Any consent for disclosure or publication of **personal contact information** shall be only for a specified purpose or as required by law.
- 3.4 The Association will continue to publish Member names, the Loyalist ancestor name and Branch names, as it has done from time to time in the Association's Gazette and may do so on the internet.
- 3.5 The Association may provide secure access to personal information **excluding personal contact information** by means of internet or otherwise to scholars and institutions, individually approved by Council, and to the Members.
- 3.6 Prior written consent for publication of personal information **other than personal contact information** shall be solicited on the Association's membership application forms or any other document including email.

- 3.7 If both an opt-out option and opt-in option are provided for requesting consent, a blank response will constitute permission to publish personal information **other than personal contact information**.
- 3.8 Notwithstanding the foregoing, the Association **may disclose and publish personal contact information concerning Association Officers, Standing Committee Chairs and Branch Officers**, 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.
- 3.9 The Association 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.
- 3.10 The Association 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.
- 3.11 Notwithstanding anything in this Policy and Procedure, the Association 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.
- 3.13 The Association shall endeavour to keep the personal information which it holds 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 Dominion Office, request copies of such information or its correction or updating, as required.
- 3.14 The Association, on written request, shall advise a person of whether or not it holds personal information concerning him 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 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, and third parties having access to that information shall be advised accordingly. The Association shall respond to such requests within thirty (30) days in writing or such extended

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

- 3.15 The Association 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 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 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.
- 3.16 The Association 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. In such cases, the Association shall explain the situation to the applicant for the information and shall endeavour to find some mutually satisfactory solution.

Association Officers, Standing Committee Chairs, employees and agents of the Association or others who have occasion to consult or to use personal information in the performance of their 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 Dominion President 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.

## Procedure

The following is a suggested procedure for processing requests for personal information concerning a person (the "person concerned") other than the person making the request (the "applicant").

- 4.1 On receiving a request for personal information concerning a person other than the applicant, the Association shall:
- a) advise the applicant of the requirement to obtain the prior consent of the person concerned before the information requested may be disclosed;

- b) ask the applicant whether he consents to the disclosure of his name and personal contact information to the person concerned and of the reasons for his request.
- 4.2 The Association shall then attempt to contact the person concerned, either in person, or by letter, telephone, fax, or e-mail, at his last known number and/or address, as the case may be. On reaching him, the Association shall advise the person concerned of the request received and, if so authorized, of the name of the applicant and his personal contact information, as well as the reasons provided by the applicant for his request or, where applicable, of the applicant's failure or refusal to provide reasons. The person concerned shall also be asked whether he prefers to respond to the request directly to the applicant or through the Association.
- 4.3 If the person concerned prefers to respond directly to the applicant, no further action by the Association shall be required with respect to the request.
- 4.4 If the person concerned prefers to respond to the request through the Association, he shall advise the Association in writing whether he consents to the disclosure, in whole or in part, of the personal information requested, and, in the case of partial disclosure, what specific part of the information he consents to have disclosed. Following receipt of such written consent, the Association, as soon as is reasonably possible, shall disclose the personal information, in whole or in part, as authorized by the person concerned, withholding any such information the disclosure of which has not been so authorized.
- 4.5.1 Where the Association has made two unsuccessful attempts to contact the person concerned, in accordance with art. 4.2, it shall not be obliged to make any further such attempts. In such a case, the person concerned shall be deemed to have refused to consent to the disclosure of the personal information requested.
- 4.6 Complaints or inquiries concerning this Policy and Procedure and/or the practices of the Association respecting the protection of personal information shall be directed to the Dominion President, who shall investigate all complaints and respond thereto in writing within thirty (30) days. Should the complainant be dissatisfied with the response of the Dominion President, the complainant may appeal to the Executive Committee of the Association within thirty (30) days of receiving the response of the Dominion President, and the Executive Committee's decision shall be communicated to the complainant in writing within thirty (30) days of its rendering. If any such complaint is determined to be well-founded, the Association shall take appropriate measures, including, if necessary amending this Policy and Procedure and/or the practices concerned. The complainant may also exercise such other recourses as are by law provided in respect of the decision of the Association on such a complaint.