

JVS TORONTO PERSONNEL RECORDS COLLECTION & DISCLOSURE POLICY

Approved By	Executive Management Team
Last Reviewed	November 14, 2017 (to be reviewed within two years of this date)
Responsible Role	Director, Communications, Marketing & Quality (Chief Privacy Officer)
Responsible Department	Marketing

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SECTION 1 - INTRODUCTION

1.1 Purpose

This Privacy Policy describes the personal information that JVS Toronto collects from, or about, its employees, how it uses this information, and to whom JVS Toronto discloses that information, unless the personal information is collected, used or disclosed through the JVS Toronto website. This personal information is dealt with in the JVS Toronto Web Site Privacy Statement. See definition below.

1.2 Scope

This Privacy Policy applies to the personal information of all individuals who seek to be, are, or were employed (paid or unpaid) by JVS Toronto.

1.3 Definitions

Word/Term	Definition
Chief Privacy Officer	A member of the JVS Toronto executive management team who is appointed with the responsibility for managing the risks and business impacts of privacy laws and policies.
Consent	Consent refers permission being given by an individual, or their substitute decision-maker, to collect, use, or disclose the individual's information in order to provide service.
Disclosure	When personal or confidential information is shared.
Explicit Consent	This refers to an individual, or someone acting on their behalf, clearly presented with the option to agree or disagree with the collection, use, or disclosure of personal information prior to receiving any services.
Implicit Consent	<ol style="list-style-type: none"> 1. The individual voluntarily provides personal information for the collection, use, or disclosure for purposes that would be considered obvious at the time 2. The individual provides personal information that is used in a way that clearly benefits the individual.
Implied consent	<ol style="list-style-type: none"> 1. An individual voluntarily provides personal information for the collection, use, or disclosure for purposes that would be considered obvious at the time. Example: offering references to a potential employer and understanding that this action give the potential employer permission to contact the references 2. The individual provides personal information that is used in a way that clearly benefits the individual.
Informed Consent	This means an individual provides consent after they are informed about the expected benefits, potential risks, alternative courses of action, and the likely consequences of receiving or not receiving services, and having the opportunity to ask questions. .
Personnel	Means every individual working or volunteering at JVS Toronto including, but not limited to employees, managers, directors, senior management, casual and contract workers, volunteers, students, consultants, Board members, and Third Party Service Providers.
Personnel - Paid	Refers to an individual who works for JVS Toronto in a paid capacity, includes but is not limited to employees, managers, directors, senior management, casual and contract workers, consultants, and Third Party Service Providers.
Personnel – Unpaid	Refers to an individual who works for JVS Toronto in a voluntary capacity.

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Opt-out Consent	Also known as given consent by not declining to give consent. This means that an individual is given the option to decline consent. If the individual does not clearly decline consent, consent is granted. Opt-out consent is usually done in writing.
Personal Information	Section 2(1) of the <i>Personal Information Protection and Electronic Documents Act</i> (2000, c. 5) (PIPEDA) states that “personal information” means “information about an identifiable individual, but does not include the name, title or business address or telephone number of an employee of an organization.” For example, personal information may include performance reviews, doctor’s notes, home address and a record of their sick days.

1.4. Related Policies

1.4.1 Privacy Policies

Business & Remote Office Privacy and Security Policy
 Client Records Collection & Disclosure Policy
 JVS Toronto Enterprise Privacy Policy
 Privacy Breaches Policy
 Privacy Complaint Resolution Policy
 Records Retention & Destruction Policy

1.4.2 Additional Policies

Human Rights and Prevention of Harassment in the Workplace Policy
 Internet & Email Policy
 Mobile Device Policy
 Password Policy
 Whistleblower Policy

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1.5 Legislative Context

Child and Family Services Act

Ontario's Health Care Consent Act

Personal Health Information Protection Act, (PHIPA) 2004

Privacy and Personal Information Act (PIPA)

Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act

Social Work and Social Service Work Act

The Mental Health Act

SECTION 2 - POLICY

2.1 Policy

Information is to be collected and disclosed in a manner consistent with the **JVS Toronto Enterprise Privacy Policy** principles and applicable legislations to safeguard the privacy of JVS personnel in relation to the following criteria:

- The collection and disclosure as prescribed by various municipal, provincial and federal statutes;
- The collection and disclosure prescribed by a JVS Toronto's personnel's membership in an association, college or other governing body such as those providing psychological services; and
- Other criteria as established by JVS Toronto.

NOTE: The following section, 3, "RESPONSIBILITY & PROCEDURE" represents best practices as determined by JVS Toronto, and is largely designed to provide guidance to designated JVS Toronto representatives. However, it is understood that, where appropriate, these representatives may adopt modified procedures in response to any given circumstance.

SECTION 3 – RESPONSIBILITY & PROCEDURE

3.1 Maintaining a Privacy Culture

The need to secure and maintain the privacy of collected information is not assumed to be done, nor is it to be taken for-granted, but is to be actively practiced by JVS Toronto. Although personal information records are traditionally viewed to be in a paper or electronic format, records can also be those that are verbally given and exchanged. As such, even as paper records are to be kept in locked files, verbal exchanges should be undertaken with full awareness of the privacy level of surroundings for any collection or exchange of personal information.

3.2 JVS Toronto's Collection of JVS Personnel's Personal Information

JVS Toronto collects and maintains different type of personal information in respect of those individuals who seek to be, are, or were employed (paid or unpaid) by JVS Toronto, including the personal information contained in:

- Resumes and/or applications;
- References and interview notes;
- Photographs and video (subject to the signing of a JVS Toronto Media Release form);
- Letters of offer and acceptance of employment;
- Police reference check forms;
- Medical information such as a doctor note;
- Payroll information, including but not limited to social insurance number, pay cheque deposit information;
- Wage and benefit information;

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- Forms relating to the application for, or in respect of changes to, employee health and unemployment benefits including short and long term disability, medical and dental care; and
- Beneficiary and emergency contact information.

In addition to the examples listed above, personal information also includes information such as name, home address, telephone, personal email address, date of birth, employee identification number and marital status, and any other information necessary to JVS Toronto's business purposes, which is voluntarily disclosed in the course of an individual's application for and employment (paid or unpaid) with JVS Toronto.

As a general rule, JVS Toronto collects personal information directly from the individual. In most circumstances where the personal information collected is held by a third party, JVS Toronto will obtain permission before this information is sought (such permission may be given directly or implied from actions). An example is information provided to or from JVS Toronto's Group Insurance carrier regarding employee benefit usage. This information never discloses the use of any one individual, but is provided in aggregate for all employees, nonetheless it is a disclosure of benefit usage.

Where permitted, or required by applicable law or regulatory requirements, JVS Toronto may collect information about JVS Toronto personnel without their knowledge or consent.

3.2 (a) Reasons Why Personal Information is Collected

The personal information collected is used and disclosed for JVS business purposes, including establishing, managing or terminating a JVS Toronto personnel's employment or volunteer relationship with JVS Toronto.

Such uses include:

- Determining eligibility for initial employment or volunteer positions, including the verification of references and qualifications;
- Administering pay and benefits;
- Processing employee work-related claims (e.g. worker compensation, insurance claims);
- Establishing training and/or development requirements;
- Conducting performance reviews and determining performance requirements;
- Assessing qualifications for a particular job or task;
- Gathering evidence for disciplinary action or termination;
- Establishing a contact point in the event of an emergency (such as next of kin);
- Complying with applicable labour or employment statutes;
- Ensuring the security of company-held information; and
- Other purposes as are reasonably required by JVS Toronto.

3.2 (b) Monitoring of Personnel Work Output

The work output of JVS Toronto personnel, whether in paper or electronic formats, or in any other storage format, belongs to JVS Toronto. Work output, and the tools used to generate that work output, is always subject to review and monitoring by JVS Toronto.

In the course of conducting JVS Toronto's business, JVS Toronto may monitor JVS Toronto personnel activities, its premises and property, through the use of surveillance cameras. Surveillance cameras, when used, are to protection of JVS Toronto personnel, third parties, goods and property against theft, vandalism and damage. Generally, recorded images are routinely destroyed and not shared with third parties unless there is suspicion of crime.

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Pursuant to JVS Toronto's **Internet & Email Policy** and **Mobile Device Policy**, JVS Toronto has the capability to monitor all JVS Toronto personnel's computer, e-mail and mobile device use. This is not meant to suggest that all personnel will in fact be monitored or their actions subjected to constant surveillance. This policy brings to the attention of JVS Toronto personnel the fact that such monitoring may occur and may result in the collection of personal information from personnel. When using JVS Toronto equipment or resources, JVS Toronto personnel should not have any expectation of privacy with respect to their use of such equipment or resourcecy.

3.2 (c) Use of Personnel Personal Information

JVS Toronto may use their personnel's personal information for:

- The purposes described in this Privacy Policy; and
- Any additional purposes with consent, or without consent if statutes indicate no consent required.

JVS Toronto may use a personnel's personal information without their knowledge or consent where JVS Toronto is permitted or required by applicable law or regulatory requirements to do so.

3.2 (d) Disclosure of a Personnel Personal Information

JVS Toronto may share a personnel's personal information with other JVS Toronto personnel and other parties who require such information to assist JVS Toronto with establishing, managing or terminating employment or a volunteer relationship. This may include parties that provide products or services to JVS Toronto, or on its behalf, and parties that collaborate with JVS Toronto in the provision of products or services to JVS Toronto personnel. In some instances, such parties may also provide certain information technology and data processing services to JVS Toronto so that JVS Toronto may operate. JVS Toronto may share personal information with such parties and as result, a JVS Toronto personnel's personal information may be collected, used, processed, stored or disclosed. Examples of third parties that have access to employee personal information are JVS Toronto's group insurance provider and JVS Toronto external payroll service provider. When JVS Toronto shares personal information with such parties, JVS Toronto typically requires that they only use or disclose such personal information in a manner consistent with the use and disclosure provisions of this privacy policy.

Further, a JVS Toronto personnel's personal information may be disclosed as listed below.

- As permitted or required by applicable law or regulatory requirements. In such a case, JVS Toronto will endeavor to not disclose more personal information than is required under the circumstances.
- To comply with valid legal processes such as court orders.
- To protect the rights and property of JVS Toronto.
- During emergency situations, or where necessary to protect the safety of a person or group of persons.
- Where the personal information is publicly available.
- With consent where disclosure is required by law.

3.2 (e) Notification and Personnel Consent

Privacy laws do not generally require JVS Toronto to obtain a personnel's consent for the collection, use or disclosure of personal information for the purpose of establishing, managing or ending the employment or volunteer relationship. In addition, JVS Toronto may collect, use or disclose a personnel's personal information without their knowledge or consent where JVS Toronto is permitted or required by applicable law or regulatory requirements to do so.

To the extent that a personnel's consent is required, JVS Toronto will assume, unless advised

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otherwise by the personnel, that the personnel has consented to JVS Toronto collecting, using and disclosing the personnel's personal information for the purposes stated above (including any other purposes stated or reasonably implied at the time such personal information was provided to JVS Toronto).

Where a personnel's informed consent was required for JVS Toronto's collection, use or disclosure of a personnel's personal information, the personnel may, at any time, subject to legal or contractual restrictions and reasonable notice, withdraw their consent. All communications with respect to such withdrawal, or variation of consent, should be documented in writing through the use of the **Request for Withdrawal of Consent Form** and addressed to the Chief Privacy Officer. If consent is withdrawn, JVS Toronto will inform the personnel of any implications.

When explicit consent is obtained from personnel JVS Toronto's collection, use or disclosure personal information, this consent will be documented in a written format, be it through the use of a consent form or a written note in the individual's personnel file.

3.2 (f) Protecting Personnel Personal Information

JVS Toronto endeavors to maintain physical, technical and procedural safeguards that are appropriate to the sensitivity of the personal information in question. These safeguards are designed to prevent a personnel's personal information from loss and unauthorized access, copying, use, modification or disclosure.

3.2 (g) Length of Time Personal Information Is Retained

Except as otherwise permitted, or required by applicable law or regulatory requirements, JVS Toronto endeavors to retain a personnel's personal information only for as long as it believes is necessary to fulfill the purposes for which the personal information was collected (including, for the purpose of meeting any legal, accounting or other reporting requirements or obligations). Retention periods are outlined in the **Records Retention & Destruction Policy**.

3.2 (h) Updating Personal Information

It is important that the information contained in JVS Toronto's records is both accurate and current. If a personnel's personal information happens to change during the course of their employment or volunteer period, the personnel is asked to keep JVS Toronto informed of such changes. In some circumstances, JVS Toronto may not agree with the request to change a personnel's personal information and will instead append an alternative text to the record in question.

3.2 (i) Personnel Access to Their Personal Information

JVS Toronto personnel can ask to see the personal information that JVS Toronto holds about them. If a personnel wants to review, verify or correct their personal information, they are to complete the **Personnel Request to Access Personal Record Form** and to submit it to the Human Resources Department.

When requesting access to their personal information, JVS Toronto may request specific information from the personnel to enable JVS Toronto to confirm the individual's identity and their right to access, as well as to search for and provide the personnel with the personal information that JVS Toronto has. JVS Toronto may charge the personnel a fee to access their personal information depending on if it has been placed in off-site storage and there is a retrieval fee. However, JVS Toronto will advise the personnel of any fee in advance. If personnel require assistance in preparing their access request, they are to please contact the office of the Chief Privacy Officer.

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The personnel's right to access the personal information that JVS Toronto holds about each personnel is not absolute. There are instances where applicable law or regulatory requirements allow or require JVS Toronto to refuse to provide some or all of the personal information that JVS Toronto holds about any individual personnel. In addition, the personal information may have been destroyed in accordance with the practices outlined in the **Records Retention & Destruction Policy**. In the event that JVS Toronto cannot provide personnel with access to their personal information, JVS Toronto will endeavor to inform the personnel of the reasons why, subject to any legal or regulatory restrictions.

3.2 (j) Inquiries or Concerns Regarding Privacy

If personnel have any questions about this privacy policy or concerns about how JVS Toronto manages a personnel's personal information, personnel are to contact the office of the Chief Privacy Officer by telephone, in writing or by e-mail. JVS Toronto will endeavor to answer the questions and advise the personnel of any steps taken to address the issues raised by them. If the personnel is unsatisfied with the response provided by JVS Toronto, the personnel may make a written submission to the Privacy Commissioner of Ontario.

Privacy Officer

JVS Toronto has appointed a Chief Privacy Officer to oversee compliance with this Privacy Policy. The contact information for JVS Toronto's Chief Privacy Officer is as follows:

Sharon Cardie
(416) 649-1725
privacyofficer@jvstoronto.com

3.2 (k) Revisions to this Policy

JVS Toronto may from time to time make changes to this Policy to reflect changes in its legal or regulatory obligations or in the manner in which it deals with personal information.

JVS Toronto will communicate to its personnel any revised version of this privacy policy. Any changes to this privacy policy will be effective from the time they are communicated, provided that any change that relates to *why* JVS Toronto collects, uses or discloses a personnel's personal information, are consistent with those uses previously identified in **Section 3.1, JVS Collection of JVS Personnel's Personal Information** of this policy, and will not require that JVS Toronto obtains personnel consent to such collection, use or disclosure. Changes to the policy may require JVS Toronto to obtain personnel consent to such collection, use or disclosure. Policy changes will not be effective until such consent to the change has been obtained from the individual.

3.2 (l) Interpretation of this Policy

Any interpretation associated with this policy will be made by the Chief Privacy Officer. This privacy policy includes examples but is not intended to be restricted in its application to such examples, therefore where the word 'including' is used, it shall mean 'including without limitation'. This Policy does not create or confer upon any individual any rights, or impose upon JVS Toronto any rights or obligations outside of, or in addition to, any rights or obligations imposed by the privacy laws applicable to such individual's personal information. Should there be, in a specific case, any inconsistency between this privacy policy and such privacy laws, this privacy policy shall be interpreted, in respect of that case, to give effect to, and comply with, such privacy laws.

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3.3 Supporting Documentation

Name	Location	Document Type
JVS Personnel Consent to Collect, Use and Disclose Personal Information	JVS Insider	PDF
Personnel Request to Access Personal Information Record	JVS Insider	PDF
Request For Withdrawal Of Consent	JVS Insider	PDF
Website Privacy Statement	JVS Insider www.jvstoronto.org/privacy-policy/	PDF

SECTION 4 – GOVERNANCE

4.1 Policy Owner

Policy Owner	Director, Communications, Marketing & Quality (Chief Privacy Officer)
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4.2 Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
Version 5	n/a	n/a	This policy was edited on November 14, 2017 to change the position responsible for the Chief Privacy Officer.
Version 4	n/a	n/a	This policy was reviewed on December 22, 2016 and minor wording changes were made to reflect staffing changes and currently used internal terms.
Version 3	n/a	n/a	This policy was reviewed and edited on March 20, 2014 as part of the Imagine Canada accreditation process.
Version 2	n/a	n/a	This policy was reviewed and edited for wording consistency on June 26, 2013.
Version 1	September 20, 2011	EMT	This policy has been developed as part of a full agency policy review.