

JVS TORONTO ENTERPRISE PRIVACY POLICY

Approved By	Executive Management Team
Last Reviewed	August 10, 2018 (next review to be within two years of this date)
Responsible Role	Chief Privacy Officer (Director, Communications & Marketing)
Responsible Department	Chief Privacy Officer

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SECTION 1 – INTRODUCTION

1.1 Purpose

To provide an agency-wide privacy policy that outlines the commitment of those working on behalf of JVS Toronto to comply with privacy legislation to ensure the protection of personal and confidential information for its employees, clients, and any individual who provides personal and confidential information, unless the personal information is collected, used or disclosed through the JVS Toronto website. Personal information collected through the agency's website is covered by the JVS Toronto Web Site Privacy Statement at <https://www.jvstoronto.org/privacy-policy/>

1.2 Scope

The policy applies to all JVS Toronto employees, volunteers including Board and Board Committee members, placement students, contractors or consultants, and anyone working at or acting on behalf of JVS Toronto, and who are privy to personal information.

1.3 Definitions

Word/Term	Definition
Chief Privacy Officer	A member of the JVS Toronto senior management team who is appointed with the responsibility for managing the risks and business impacts of privacy laws and policies.
Client Records or Files	All data, information, documentation and reports prepared by JVS Toronto relating to the service of individual clients, whether stored in hard copy or electronically. Client Records contain personal information.
Consent	Obtaining an individual's permission for something to happen or agreement to do something.
Confidentiality	The obligation of all JVS Toronto employees, or those acting on behalf of JVS Toronto, to keep personal information secret. Confidentiality arises in the course of a relationship in which private information is shared. As the sharing of personal information is essential for accurate assessment, diagnosis, provision of services and/or treatment of JVS Toronto clients, this ethical duty of confidentiality is imposed upon JVS Toronto to ensure that client information obtained in the course of providing services is kept secure and confidential.
Confidential Information	Refers to any information of a sensitive matter that should remain confidential.
Disclosure	When personal or confidential information is shared.
Information Security	The protection of information against threats to its integrity or against inadvertent disclosure.
Information System Security	Protecting both the information contained in a client information System, as well as the system itself from threats and disruption.
Informed Consent	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.
Individuals working for or acting on behalf of JVS Toronto	This includes 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.
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

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	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.
Personnel	This refers to anyone working on behalf of JVS Toronto including full-time, part-time, casual and other employees, volunteers including Board and Board Committee members, placement students, contractors or consultants.
Personnel Records or Files	All data, information, documentation and reports prepared by JVS Toronto relating to JVS Toronto personnel, whether stored in hard copy or electronically. Personnel records contain personal information.
Privacy	The right of the individual to control the collection, use and disclosure of information about the individual, limiting it to “that which is necessary”. Privacy includes having the right to determine what information is collected, how it is used, and the ability to access collected information to review its security and accuracy. Privacy means having the right to choose the conditions and extent to which one’s information is shared.
Privacy Breach	An inappropriate access, use or disclosure of personal information; including, without limitation: (1) unauthorized collection: collected coercively or without consent or for purposes not approved by JVS Toronto or the individual; (2) unauthorized use: used for purposes not supported by JVS Toronto (3) unauthorized disclosure: disclosure without consent or legal authority, security breaches or loss of equipment containing personal information such as laptops or loss of paper records or unauthorized or unsecured disposal of personal information (e.g. in a dumpster); and (4) Denial of client rights: such as collection, use or disclosure without consent, denial of access to personal information. Other breach examples include inappropriate access into client information (snooping), independently accessing one’s own personal information or that of a colleague, members of management or other JVS Toronto employees, family members, friends, acquaintances and people featured in the media.
Security	Preventing unauthorized access to personal information through physical, organizational or technological means. In other words, security is the measures taken to ensure the confidentiality, integrity and availability of personal and confidential information.
Website Privacy Statement	This statement informs website visitors what information is collected by the website and how this information is used.

1.4. Related Policies

1.4.1 Privacy Policies

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

1.4.2 Additional Policies

Code of Conduct Policy
Human Rights and Prevention of Harassment in the Workplace Policy

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Internet & Email Policy
Mobile Device Policy
Password Policy
Whistleblower Policy

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

JVS Toronto complies with the privacy policies listed in Section 1.4, privacy legislation, and professional codes of conduct or ethical guidelines that govern the collection, use, disclosure, storage and destruction of personal and/or confidential information of its clients and employees.

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 Ten Principles of Personal information Protection

The Ten Principles of Personal Information Protection have established the basic principles for the protection of personal information and form the basis of most privacy legislation throughout the world, including Canadian privacy legislation.

By building in these ten principles, JVS Toronto's privacy compliance programs will align with privacy protection legislation in Ontario where JVS Toronto operates.

These principles apply to all JVS Toronto sites and programs, and all its employees are responsible to adhere to these principles. Any additional requirements will be set out in the related policies for the specific privacy topic.

JVS Toronto's commitment is stated under each of the Principles of Personal Information Protection.

3.1.1 Accountability

Principle

The organization is responsible for personal and confidential information under its control and will designate an individual or individuals who are accountable for compliance with the following principles.

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Commitment

JVS Toronto has appointed a Chief Privacy Officer. The Director, Communications & Marketing has been assigned as the Chief Privacy Officer. The role and responsibilities for the Chief Privacy Officer, management, employees and volunteers are detailed in this section of this policy.

JVS Toronto will ensure that third-party agreements, contracts or Memorandums of Understanding will contain privacy protection and protocols consistent with JVS Toronto's privacy policies regarding any JVS Toronto information that the third party maintains or is privy to.

3.1.2 Identifying Purposes

Principle

The purposes for which personal information is collected will be identified by the employee who is collecting the information at or before the time the information is collected will be outlined in writing.

Commitment

JVS Toronto has as outlined the purposes for which personal information will be collected in the **Client Records Collection & Disclosure Policy** and the **JVS Toronto Personnel Records Collection & Disclosure Policy**.

When a new purpose or use for personal information is identified after the initial collection of the personal information, JVS Toronto will obtain consent from the individual unless the new purpose is required by law. Where possible, personal information is coded, or pseudonymous data is used to help ensure privacy of data.

3.1.3 Informed Consent

Principle

The knowledge and consent of the individual is required for the collection, use, or disclosure of personal information, except where inappropriate.

Commitment

JVS Toronto will obtain individual consent for the collection, use, or disclosure of personal information as outlined in the **Client Records Collection & Disclosure Policy** and the **JVS Toronto Personnel Records Collection & Disclosure Policy**.

Consent is obtained at or before the time of collection of personal information. JVS Toronto employees will be sensitive regarding any issues impacting consent such as a client's language barrier, developmental challenges or age. Consent from Parents or Guardians is obtained when clients are limited due to age and/or developmental disability.

Individuals are informed that they may withdraw their consent at any time; however this will impact JVS Toronto's ability to provide services to the client, who will be advised of this impact.

A separate consent, that is included in JVS Toronto intake forms, asks individuals if they consent to being contacted for marketing or solicitation purposes. Individuals are informed that they can withdraw their consent for secondary purposes at any time.

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3.1.4 Limiting Collection

Principle

The collection of personal information will be limited to that which is necessary for the purposes identified by the organization and is collected by fair and lawful means.

Commitment

JVS Toronto describes the type of personal information that it is required to collect, how it will be used or disclosed, and practices are detailed in the **Client Records Collection & Disclosure Policy** and the **Personnel Records Collection & Disclosure Policy**.

3.1.5 Limiting Use, Disclosure and Collection

Principle

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes.

Commitment

JVS Toronto has outlined its practices regarding this principle in the **Client Records Collection & Disclosure Policy**, the **Personnel Records Collection & Disclosure Policy** and the **Records Retention & Destruction Policy**.

3.1.6. Accuracy

Principle

Personal information will be as accurate, complete and up-to-date as is necessary for the purpose for which it is used.

Commitment

Employees will ensure that client personal information is accurate and information that could change, such as address or telephone number, is kept current while the client is active.

3.1.7. Safeguards

Principle

Personal and confidential information will be protected by security safeguards appropriate to the sensitivity of the information.

Commitment

JVS Toronto has implemented safeguards to ensure the privacy and protection of personal and confidential information and these safeguards are included in all its privacy policies, particularly in the **Business & Remote Office Privacy and Security Policy** and **Records Collection and Destruction Policy**.

3.1.8. Openness

Principle

Detailed information about an organization's policies and practices relating to the management of personal information will be publicly and readily available.

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Commitment

JVS Toronto posts its privacy policies publicly on its website, www.jvstoronto.org/privacy on its intranet, the JVS Insider, and provides written copies to individuals upon request.

3.1.9. Individual Access

Principle

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information, and will be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Commitment

JVS Toronto outlines the process used to disclose individual information, and how an individual can access their records. This includes authenticating an individual's identity when a request for access to personal information is received.

3.1.10. Challenging Compliance

Principle

An individual will be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for compliance. Failure to comply with privacy legislation could result in public complaints, prosecution, litigation, high insurance costs and non-monetary and monetary damage to an organization's morale and reputation.

Commitment

JVS Toronto has a **Privacy Complaint Resolution Policy** to ensure that any concerns or complaints are addressed in a timely, effective, and sensitive manner.

3.2 JVS Toronto & a Privacy Culture

All employees are to practice a privacy culture which is based on the full, complete and ongoing adherence to privacy principles, and the awareness and sensitivity to the personal and confidential nature of information that is collected, how the information is stored and maintained, and destroyed. To affirm their commitment to the privacy culture, each employee is required to complete a **JVS Toronto Personnel Privacy & Confidentiality Agreement**.

3.3 JVS Toronto's Responsibility

Ensure that policies, procedures, and guidelines are developed and are updated according to relevant legislation, regulatory standards, and best practices. JVS Toronto's Executive Management approves JVS Toronto's privacy policies and procedures, disseminate those policies and procedures to ensure their proper and full adherence by employees.

3.3.1 Chief Privacy Officer's Responsibilities

1. Act as an expert resource to JVS Toronto on privacy matters.
2. Promote compliance throughout JVS Toronto with privacy policy and all associated privacy policies and procedures.
3. Ensure that JVS Toronto establishes and maintains appropriate privacy and information practices.
4. Act as a consultant and provide advice to sites regarding access requests, privacy-related inquiries and complaints, and investigations by the provincial privacy commissioner; as related to complaints JVS Toronto receives as a provincial or municipal funder service provider.
5. Review and approves final resolutions to any privacy-related complaints, or investigations.
6. Act as an advisor and facilitator to assist JVS Toronto in implementing privacy principles.

Policy Category: Privacy

Policy Owner: Chief Privacy Officer

August 2018

File Name: Privacy_Policy 1_JVS Toronto Enterprise Privacy_Final

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7. Establish, manage and monitor privacy policies in JVS Toronto.
8. Ensure that privacy principles are applied in JVS Toronto.
9. Establish requirements and standards for privacy in corporate information systems and business processes.
10. Collaborate with site leadership to ensure that JVS Toronto employees are informed of their legal duties regarding privacy.
11. Investigate and address privacy-related complaints and breaches and recommend improvements; and/or assigns a member of the senior management team to conduct investigations and support the Chief Privacy Officer on any related activities.
12. Promote privacy to internal and external stakeholders, including the provision of privacy training and awareness programs.
13. Review organizational practices to ensure privacy policies are implemented and followed.
14. Investigate privacy breaches and incidents and determine corrective action.
15. Respond as expeditiously as possible to requests from employees for advice, consults or provides permission to take any action under the privacy policies or privacy procedures.
16. Develop and improve privacy procedures including access, correction, inquiry and complaints procedures.
17. Develop and make available a written statement that describes JVS Toronto's information practices, the Chief Privacy Officer's contact information and JVS Toronto access, correction, inquiry and complaints procedures.

3.3.2 Directors' Responsibilities

1. Comply with the privacy policies and all associated privacy procedures.
2. Conduct privacy compliance training to employees, and any individuals acting or working on behalf of JVS Toronto.
3. Modify program operations, when required, to ensure compliance with all privacy policies is possible at all times.
4. Provide oversight and support to the Manager with regard to privacy compliance matters at the program level.

3.3.3 Managers' Responsibilities

1. Comply with the privacy policies and all associated privacy policies and procedures.
2. Work with the Chief Privacy Officer, or designate assigned by the Chief Privacy Officer, to manage the privacy function in their respective locations.
3. Implement privacy training and awareness programs as disseminated by the Chief Privacy Officer.
4. Promote compliance throughout their programs' operations with the privacy policy and all associated privacy policies and procedures.
5. Assist front line staff to comply with the privacy policies and all associated privacy procedures.
6. Respond to access requests, privacy related inquiries and complaints, and investigations at the site level when requested.
7. Ensure that privacy principles are applied in their respective locations.
8. Assist the Chief Privacy Officer or designate assigned by the Chief Privacy Officer, as requested, to investigate and address privacy-related complaints, breaches and incidents and identify improvement opportunities.
9. Promote privacy practices to clients and service users. Ensure that privacy training is conducted in respective locations.
10. Respond to requests from employees for advice, consults or permission to take any action under the privacy policy and all associated privacy policies and procedures.

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3.3.4 Frontline Staff Responsibilities

1. Comply with the privacy policies and all associated privacy policies and procedures.
2. Ensure that clients and co-workers, and other employees they come in contact with are aware of their rights, responsibilities and obligations as outlined in the privacy policies and all associated privacy policy and procedures.
3. Ensure that the privacy rights of co-workers are respected by adhering to JVS Toronto's privacy policies, principles and practices.

3.3.5 Volunteer's Responsibilities

1. Volunteers include members of the Board of Directors, Board committee members and Placement Students.
2. Comply with the privacy policies and all associated privacy procedures.
3. Ensure that clients are aware of their rights, responsibilities and obligations as outlined in the privacy policies and all associated privacy procedures.

Failure to comply with the practices, processes and conduct outlined above may result in disciplinary action up to and including termination of employment and/or the individual's relationship with JVS Toronto.

3.4 Supporting Documentation

Name	Location	Document Type
JVS Toronto Personnel Privacy & Confidentiality Agreement	JVS Insider	PDF
All privacy policies	JVS Insider www.jvstoronto.org/privacy-policy/	PDF
Website Privacy Statement	JVS Insider www.jvstoronto.org/privacy-policy/	PDF

SECTION 4 – GOVERNANCE

4.1 Policy Owner

Policy Owner	Chief Privacy Officer
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4.2 Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
Version 8	N/a	n/a	This policy was reviewed and edited for wording additions on August 10, 2018.
Version 7	n/a	n/a	This policy was edited on November 14, 2017 to change the position responsible for the Chief Privacy Officer.
Version 6	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 5	n/a	n/a	This policy was reviewed and edited on March 20, 2014 during the Imagine Canada

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			accreditation process.
Version 4	n/a	n/a	This policy was reviewed and edited for wording consistency on June 26, 2013.
Version 3	September 20, 2011	EMT	This policy has been developed as part of a full agency policy review.
Version 2	April 2011		
Version 1	December 2007		