

1.4 PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION POLICY

DEFINITION

For the purpose of this document, personal information refers to any information that can directly identify a client, volunteer or employee¹. This includes, but is not limited to, someone's name, date of birth, address, social insurance number, medical information, sex and/or gender, and income or socioeconomic status.

POLICY

VBIS recognizes the rights of all clients, volunteers, donors, staff and contractors (hereafter referred to as "internal stakeholders") to protection of privacy and confidentiality.

VBIS adheres to the provincial Freedom of Information and Protection of Privacy Act (FOIPPA) and all relevant Federal privacy and confidentiality laws. VBIS also adheres to those guidelines provided by our funders including Island Health.

PROCEDURE

Collection

Collection notices are provided to clients, volunteers and donors on forms that relate to the collection, retention and disclosure of information. The purposes for which VBIS collects information shall be made clear when or before the information is collected.

The purposes will be limited to those which are related to the organization and which a reasonable person would consider to be appropriate in the circumstances. We will specify the intended purposes, orally or in writing, to the individual from whom the personal information is being collected either at time of collection or before, but always before use or disclosure.

VBIS collects information from our clients for the following purposes:

- 1 To ensure our team can provide a comprehensive coordinated service
- 2 To assist in accessing other services and forms of social assistance
- 3 To evaluate the services provided by Victoria Brain Injury Society
- 4 To send pertinent information and surveys regarding VBIS's services
- 5 To comply with Island Health regulations
- 6 To progress services offered to VBIS clients

A collection notice for clients is available on the release of information form.

VBIS collects information from our donors for the following purposes:

- 1 To comply with CRA Fundraising Regulations

¹ Employee/volunteer personal information is information that is collected, used, or disclosed solely for the purposes reasonably required to establish, maintain, manage, or terminate an employment relationship between an employee and an organization.

- 2 To either publically or privately acknowledge the generosity of our donors
- 3 To provide information to our donors as to the use of their donations
- 4 To keep donors informed about future opportunities to donate or future activities
- 5 To build and maintain strong relationships
- 6 Additional information collected includes past donor history, such as programs or activities previously funded by specific donations

Our adherence to FOIPPA is clearly stated on our donation form.

VBIS collects information from our volunteers/employees for the following purposes:

- 1 To verify identity
- 2 The collection of reference information to confirm previous and/or current employment as stated on the applicants resume. After the completion of the reference check this information has no further use.
- 3 Due to working in a vulnerable sector, a criminal record check will be issued before employment or volunteering is guaranteed. This is mandatory so that the integrity of the organization and the protection of our clients is assured.
- 4 While VBIS does not collect social media information, it does retain the right to periodically check the social media platforms of employees and volunteers to ensure the integrity of the organization is being upheld. We retain the right to ask for specific social media identifiers, such as Twitter handle, Facebook profile, Tumblr account, and/or Instagram profile.

A collection notice is available on our Contract of Confidentiality.

VBIS uses cookies on the website and google analytics to collect information such as browser type, browser language, IP address, date of use, pages viewed. This information is collected for the following purposes:

- 1 To help diagnose problems with our server and to administer our web site.
- 2 To evaluate the impact of the website.

VBIS will obtain consent to collect, use or disclose personal information, except where we are legally authorized or required by law to do so without consent.

Individuals can give consent orally, in writing, or electronically (for example, an email or text message).

VBIS will inform every client, employee & volunteer of the purpose of collecting personal information and provide an opportunity to refuse to give personal information or withdraw consent at a later period.

Should consent be withdrawn at a later time, the information collected will be destroyed and can have no bearing on decisions in the future.

Employees/volunteers shall give reasonable notice should they chose to withdraw consent, however they cannot withdraw consent where doing so would frustrate performance of a legal obligation (such as a criminal record check and a vulnerable sector check).

VBIS may collect, use or disclose employee personal information without consent if it is reasonable for the purposes of establishing, managing or terminating an employment relationship. However, the employee will be notified of said actions.

Accountability

The Executive Director is accountable for the compliance of the policy and should be regarded as the “Privacy Representative”.

Social Media Background Checks

For the purpose of this document, social media refers to any social networking websites (Facebook, Twitter, LinkedIn, etc.), blogs (Tumblr, Pinterest, etc.), and file-sharing websites (Instagram, Vine, etc.) where information is made public and available.

VBIS recognizes that while certain pieces of information are made publicly available online, they are still subject to privacy laws and will only exercise the ability to check social media platforms when deemed absolutely necessary for employment purposes.

The purposes of the social media background check is to ensure that proprietary information is not being posted online without prior consent, as well as ensuring that the activities of employees and volunteers reflect the values of the organization and the privacy of the clients.

Information will only be collected from a social media background check if a complaint to the Society is made.

Information Disclosure and Retention

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

When VBIS must use personal information for purposes other than those given at the time of collection, consent will be obtained for the newly identified purposes

VBIS does not sell or trade mailing lists or phone numbers.

VBIS will not release information without written permission to anyone unless compelled to do so by a court order or other legal tool, or if we have good reason to believe that the individual is of immediate danger to themselves or others.

Should any accidental disclosure of the details occur (for example due to a break-in), we will immediately notify all those affected.

Personal information will be retained so long as it is pertinent to the purpose for which it was collected, and it will be kept and used in accordance with FOIPPA.

VBIS will keep personal information used to make a decision that directly affects individuals for at least one year after a decision is made. This will include information collected on social media platforms.

Information Security

VBIS has security arrangements in place to prevent risks of unauthorized access, collection, use, disclosure, copying, modification, or improper disposal.

When working remotely, staff are to use only VBIS issued laptops and not personal computers while doing VBIS work. Additionally, staff are to use the Shaw app when speaking to clients.

Our methods of security include physical security (locked filing cabinets and limited office access), cyber security (passwords and encryption), and organization security (“need-to-know” basis and security clearances).

Passwords will be changed every 6 months. Passwords will be changed when a staff member or contractor leaves or is not working at VBIS for an extended amount of time.

All keys will be returned to VBIS when a staff member leaves or is not working at VBIS for an extended amount of time. A record of which keys have been issued is kept by the Office Administrator.

Back-up electronic records are securely stored off-site in Canada on encrypted hard drives, the security keys for which are stored with our IT provider, Compu-Tek.

All personnel who are able to access personal information, that of other employees and that of clients, are required to sign a document ensuring their confidentiality.

Information will only be accessed by personnel while physically located in Canada.

Once personal information is no longer deemed reasonable to retain, there are security measures in place to ensure its proper destruction. Individual records will be anonymized, due to the back-up procedure in place this will take 30 weeks to ensure that no trace of the personal data remains. VBIS will exercise care in the destruction and disposal of personal information to prevent unauthorized access from third-parties. Erasure of physical records will be achieved by crosscut shredding, burning, pulping. When data storage devices reach the end of their life, erasure of electronically held data will at a minimum to US DoD standard 5220.22-M i.e. hard drives will be shredded and a certificate of destruction provided.

Information Accuracy

VBIS is committed to keeping personal information up-to-date and accurate for the purposes of which that information was obtained.

Information will be updated on an ongoing basis to the best of VBIS’ ability for the purposes needed from the organization as well as for any purposes deemed necessary by a third party with the consent of the individual.

If an individual writes to correct any errors or omissions in their personal information, if that information is under the control of VBIS, and the request is deemed reasonable, VBIS will correct the personal information.

If any incorrect information was given to a third party, VBIS will, as soon as reasonably possible, send the individual’s corrected information to each third party it was disclosed to during the time (1 year) before VBIS corrected the omission/error.

Should the request for correction not be deemed reasonable, or the information is not under the control of VBIS, a record will be kept of the request and the reason for the decision made.

Access to Your Personal Information

All individuals have the ability to gain access to their personal information that is under the custody or control of VBIS.

The request must be made in written, either hard copy or electronically.

The individual may be required to show photo ID before gaining access to their personal information.

VBIS will give the individual their personal information under our control, additionally VBIS will provide the ways in which that information was collected or how it was used. VBIS will also provide the names of the individuals or organizations to which the individual's personal information was disclosed.

The personal information will be released within 5 business days.

Staff Training

Staff will be provided with a copy of this policy when they start at VBIS.

Personal Information Handling

VBIS will annually undertake an audit of all access to personal information, this will take the form of a review of the level of access provided to different profiles. Staff will be updated on the policy and processes on a semiannual basis as part of the tax form and criminal record check that occurs in January and as part of the flu vaccination check that occurs in September

VBIS will semi-annually ensure that all passwords to personal data are changed.

Will promptly remove access for all employees/personnel that are terminated, leave VBIS or are not working for an extended period of time.

Investigation and Asking for Access to the Office of the Information and Privacy Commissioner

VBIS will cooperate with any investigation of a complaint regarding personal information.

If a client, staff member or volunteer is unhappy with the treatment of their personal information by VBIS, or if they want additional information about accessing their information, or any if they have any additional concerns or questions, then they are able to contact the Office of the Information and Privacy Commissioner of British Columbia.

Mailing Address: Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038 Stn. Prov. Govt. Victoria B.C. V8W 9A4

INCLUSION OF ARTIFICIAL INTELLIGENCE (AI)

As part of our commitment to safeguarding personal data and maintaining confidentiality, this section addresses the privacy implications of all technologies used within VBIS, including AI. For a comprehensive understanding of how we utilize AI in our operations and services, and the associated privacy considerations, please refer to the 'Use of Technology' section of the Personnel Manual (see

Section 2.9, Page 35). This cross-reference is crucial to ensure a holistic approach to AI, balancing its benefits with our unwavering commitment to privacy and data protection.

USE OF ARTIFICIAL INTELLIGENCE (AI) GUIDELINES

VBIS acknowledges the increasing integration of Artificial Intelligence (AI) technologies in various operational aspects. AI offers potential benefits in enhancing service delivery and operational efficiency. However, the responsible and ethical use of AI is paramount, especially considering the sensitive nature of our work with acquired brain injury (ABI) survivors. This section outlines our commitment to maintaining privacy and confidentiality in the context of AI usage.

1. AI and Personal Information

- AI applications used within VBIS will adhere strictly to the definitions and guidelines of personal information as outlined in our existing privacy policy.
- The use of AI will be carefully evaluated to ensure that personal information is used ethically and is protected against unauthorized access and breaches.

2. Consent and Transparency in AI Usage

- VBIS will obtain explicit consent for the use of personal information in AI systems, except where legally authorized or required to do so without consent.
- Clear information about the use of AI, including the nature of data processing involved, will be provided to our clients, volunteers, and employees.

3. Data Security and AI

- Robust security measures will be implemented to protect AI systems from unauthorized access, data breaches, and misuse.
- Personal information within AI systems will be handled in accordance with FOIPPA and relevant federal privacy laws.

4. Ethical Considerations in AI Deployment

- VBIS commits to using AI systems that are designed to be unbiased and fair, continuously monitoring for any signs of biased decision-making.
- AI systems will be deployed only when they enhance our ability to serve our clients without compromising their privacy and confidentiality.

5. Accountability and Oversight of AI Use

- The Executive Director will oversee the compliance of AI usage with this policy, acting as the Privacy Representative for AI matters.
- Decisions made with the assistance of AI will be subject to regular review and oversight to ensure they align with our ethical standards and privacy obligations.

6. Ongoing Monitoring and Evaluation of AI Technologies

- VBIS will continuously monitor and evaluate the impact of AI on our service delivery, making necessary adjustments to protect the interests of our stakeholders.
- This policy will be regularly updated in response to technological advancements and best practices in AI usage.

7. Training and Awareness

- Staff and volunteers will be educated about the responsible use of AI, including potential privacy risks and mitigation strategies.

8. Feedback and Redress

- Mechanisms will be established for internal stakeholders to provide feedback or raise concerns about the use of AI, ensuring responsive and effective addressal of such concerns.

By incorporating AI into our privacy policy, VBIS demonstrates its commitment to leveraging emerging technologies responsibly, ethically, and in alignment with our core values of protecting the privacy and wellbeing of our clients, volunteers, and staff.

AUDIT

APPROVAL DATE: July 2016

DATE REVIEWED/UPDATED: March 2017, January 2022, January 2024