



**I.A.T.S.E. Local 168**

**Privacy Code**

**Adopted September 2, 2004  
Amended: October 20, 2010**

## **INTRODUCTION:**

Privacy of personal information is an important principle in the negotiation of our contracts, marketing our membership and the administration of our organization. We understand the importance of protecting your personal information and are committed to collecting, using and disclosing your personal information responsibly. We also attempt to be as open and transparent as possible about the way in which we handle your personal information.

The collection, use and disclosure of personal information is governed by the *Personal Information Protection Act* ("PIPA" or the "Act") which came into force on January 1, 2004.

PIPA regulates the collection, use and disclosure of personal information by organizations which includes trade unions. The term personal information is defined broadly in the law as information about an identifiable individual but does not include contact information (the persons name, position name business telephone number, business address, business email address or business fax number).

PIPA attempts to balance the right of individuals (both members and staff) to protect their personal information and the need of the union to collect, use and disclose information for purposes that a reasonable person would consider appropriate. I.A.T.S.E. Local 168 has developed this policy in compliance with the *Act* and its guiding principle in implementing this policy is the union will consider what a reasonable person would consider appropriate in the circumstances when deciding how to meet its obligations under the *Act*.

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### **1. Accountability**

I.A.T.S.E. Local 168 is accountable for the protection of member or staff personal information. While the officers of I.A.T.S.E. Local 168 are ultimately accountable for the protection of personal information, the day-to-day monitoring for compliance is also shared with staff, committee members and the Executive Board. The overall responsibility for the protection of personal information and compliance with its policy rests with I.A.T.S.E. Local 168's Privacy Officer.

I.A.T.S.E. Local 168 will use all available procedures including, but not limited to, contractual arrangements to ensure that the use of member personal information provided to/from third parties is in compliance with this code.

I.A.T.S.E. Local 168 is committed to ensuring that the appropriate security measures are employed in the transfer of sensitive information. However, when using e-mail or wireless communication, you are advised that complete confidentiality and security are not assured.

I.A.T.S.E. Local 168 will continue to develop policies and procedures to: protect personal information; receive and respond to complaints and inquiries; train staff, Executive Board Members and Committee Members; and to communicate the policies and procedures to our members, to employers and to staff, as required.

## **2. Purposes of Collecting Personal Information**

I.A.T.S.E. Local 168 collects personal information for the following reasons:

- communicating effectively with our membership and track Member dispatch / availability for the purpose of providing work.
- providing employers with a means of communicating with our members
- ensuring all policies and procedures of I.A.T.S.E. Local 168 are adhered to, which can include any of the following:
  - enforcing the terms and conditions of the collective agreement
  - providing member benefits
  - workplace health & safety
  - promotion of the membership
  - ensuring member dues or payables are reasonably collected

In the event any new purpose is identified, all members will be apprised of this information.

Much information is collected, used and disclosed in electronic form. The I.A.T.S.E. Local 168 web site uses cookies (see our privacy code Supporting Documentation for a full explanation of cookies) in order to provide members, staff and employers with our full range of services.

A detailed list of what personal information is collected, the reasons why and the retention and disposal of such information is available upon request to the Privacy Officer.

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## **3. Consent**

Consent can be express, implied, given through an authorised representative such as a lawyer or agent or deemed to have been provided by the provisions of the *Act*. Consent may be given orally, in writing, or electronically.

I.A.T.S.E. Local 168 will obtain consent to collect, use or disclose any personal information, except where outlined in this policy and as permitted by the *Act*. A complete list of the exemptions provided in *PIPA* is in the supporting documentation to this policy which is available on request.

Section 8 of the *Act* deems consent to have been given for the collection, use and disclosure of personal information if at the time of consent the purpose would be obvious to a reasonable person and the individual voluntarily provided the information to I.A.T.S.E. Local 168 for that purpose. Further, consent is deemed for the purposes of enrolment and coverage under an insurance, pension, benefit or similar plan by persons who are either the beneficiaries or insured under the plan.

As a result and based on the reasonable expectations of the members of I.A.T.S.E. Local 168 due to the established relationship between the Union and its members, we consider that we have your implied consent to continue with the collection, use and disclosure of your personal information as outlined in this Code.

In the event there is a change in the collection, use and/or disclosure of your personal information, we will advise you in writing and request your consent accordingly.

### **Withdrawal or Refusal of Consent:**

Subject to contractual or legal restrictions, you may withdraw or refuse consent provided that I.A.T.S.E. Local 168 is given reasonable notice. Refusal or withdrawal of consent may prevent I.A.T.S.E. Local 168 from providing you and employers with a service and at the time of withdrawal of consent you will be advised of the likely consequences of doing so. You cannot withdraw consent if doing so would frustrate the performance of a legal obligation by I.A.T.S.E. Local 168.

In the event you have chosen to disable all cookies on your computer and/or set your privacy settings to high, you may not be able to access certain areas of the I.A.T.S.E. Local 168 website. If you do want to access the I.A.T.S.E. Local 168 website and are blocked by privacy or cookie settings, you have some alternatives available to you:

- list the I.A.T.S.E. Local 168 website on your exclusion list, or
- purchase cookie managing software to allow for access to the I.A.T.S.E. Local 168 website.

If you are not desirous of proceeding through the website, you may phone the I.A.T.S.E. Local 168 office for copies of written documentation that would otherwise be available through the I.A.T.S.E. Local 168 website.

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### **4. Limits for Collecting Personal Information**

I.A.T.S.E. Local 168 will only collect personal information for the purposes identified. I.A.T.S.E. Local 168 will use methods that are lawful and will not collect information unnecessarily. On request, you are entitled to the position, name or title and contact information for an officer or employee of I.A.T.S.E. Local 168 who can answer any questions regarding the collection of such information.

Member information may only be used or disclosed for the purposes for which it was collected, unless the member has otherwise consented, or when it is required or permitted by law.

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### **5. Limits for Using, Disclosing, and Keeping Personal Information**

Member information will only be used or disclosed for the purpose for which it was collected. I.A.T.S.E. Local 168 will not use personal information for any additional purpose unless I.A.T.S.E. Local 168 seeks your approval to do so, unless legally or contractually required to do so or unless *PIPA* permits implied consent to do so.

All member or staff personal information will be retained only as long as necessary or expected to be necessary for the identified purposes, or as required by legislation or for business purposes. Section 35 of *PIPA* requires that any personal information used to make a decision that directly affects you will be retained for at least one year. If information becomes redundant, it will be deleted, shredded or otherwise destroyed.

## **6. Accuracy**

Reasonable efforts will be made to ensure member or staff personal information is as accurate, complete, and current as required for the purposes for which it was collected. In most cases, I.A.T.S.E. Local 168 relies on its members and staff to ensure that certain information (i.e. contact information) is current, complete and accurate.

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## **7. Safeguarding Personal Information**

Depending upon the sensitivity of the personal information, appropriate safeguards will be implemented to protect information from unauthorised use and access in an effort to ensure the security, integrity and privacy of personal information. These safeguards shall include but not be limited to:

- a) physical measures, such as locked cabinets and restricted access to offices
  - b) organizational measures, for example limiting access on a 'need to know' basis
  - c) technological measures, such as the use of passwords
  - d) contractual measures with third parties
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## **8. Openness**

I.A.T.S.E. Local 168 is open about the policies and procedures in use to protect personal information, which are available to individuals upon request.

The following information will be made available:

- The name, title and address of the person accountable for the code, policies and procedures, and to whom complaints or inquiries can be forwarded
  - A description of the type of personal information held by I.A.T.S.E. Local 168, including a general account of its use
  - A copy of our Privacy Code or other information that explains the policies and procedures
  - An explanation of what personal information is made available to related organizations.
  - The individuals and organizations to whom personal information has been disclosed.
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## **9. Individual Access**

Upon written request to the Privacy Officer, members or staff shall be informed of the existence, use and disclosure of their information, and shall be given access to it. Members and staff may verify the accuracy and completeness of their information, and may request that it be amended, if appropriate. The review procedures may not compromise the security, integrity or privacy of other member or staff information.

All requests will be responded to with due diligence, no later than 30 days of receipt of the request, at minimal or no cost and in a form that is generally understandable. This time limit may be extended if additional time is required to undertake any consultations necessary to respond to the request.

In some situations, I.A.T.S.E. Local 168 may not be able to provide access to any or all personal information about a member or staff person. The reasons for the refusal of access are set out in Section 23 of *PIPA* a copy of which is available on request.

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## **10. Challenging Compliance**

Members and staff have the right to challenge the compliance with the privacy principles and our stated privacy policies and practices by filing a written challenge. All communication regarding this should be directed in writing to the I.A.T.S.E. Local 168 Privacy Officer:

PO Box 5312, Station B  
Victoria, BC V8R 6S4

A decision will be rendered within a reasonable period of time.

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## **11. Employee Personal Information**

Employee personal information is personal information about an individual that is collected, used or disclosed solely for purposes required to establish, manage or terminate the employment of an employee of I.A.T.S.E. Local 168 Consent for the collection, use and disclosure of such information is not required if it is reasonable for such purpose. However we will notify employees prior its collection, use or disclosure and the purpose(s) of such collection, use or disclosure.

## Reference

### **BRITISH COLUMBIA Section 8(3)**

(3) An organization may collect, use or disclose personal information about an individual for specified purposes if

- (a) the organization provides the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use or disclose the individual's personal information for those purposes,
- (b) the organization gives the individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes,
- (c) the individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and
- (d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.