

# **OCH - POLICY**

**Direction to Staff - for Implementation February 14<sup>th</sup> 2005**

## **Protection of Personal Information**

➤ **Housing Management**

➤ **Tenancy Administration**

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## 1. Background

OCH is committed to respecting privacy through the protection of personal information. In fulfilling its obligations to provide social housing, OCH collects, uses and discloses personal information for various purposes including: administration of rent geared to income (RGI) housing, property management, providing support and/or referrals to tenants and assisting in resolving tenants conflicts.

OCH has established procedures and protocols to ensure the personal information in its possession is held in confidence and only used and or released appropriately in accordance with applicable legislation. OCH is now governed by three different pieces of legislation which regulate the collection, use and disclosure of personal information.

## 2. Legal Framework

In protecting the privacy of personal information, OCH must comply with the following Acts:

- 2.1 ***Personal Information Protection and Electronic Documents Act (PIPEDA)***, which stipulates the standards for protection and use of personal information by any organization involved in commercial activity;
- 2.2 ***Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*** which controls the collection and use of personal information held by Ontario municipalities and certain designated organizations, such as OCH; and,
- 2.3 ***Social Housing Reform Act (SHRA)*** which governs the collection, use, and disclosure of personal information in the provision of social housing in Ontario.

## 3. OCH Standards for the Protection of Personal Information

OCH respects the privacy of individuals and their personal information. OCH will only collect use or disclose personal information in accordance with the principles of the SHRA, MFIPPA and PIPEDA. To do this, OCH will apply the following practices and standards:

3.1. **Accountability:** Each OCH staff person is responsible for the maintaining and protecting all personal information under his or her control. OCH is responsible for the personal information in its possession and has designated an individual accountable for OCH's compliance with the legislation's privacy requirements.

3.2. **Identifying purposes:** OCH will identify the purposes for which Personal Information is collected either before or at the time of collection.

3.3. **Consent:** OCH will only collect, use and disclose Personal Information with the individual's knowledge and consent, except where otherwise required or permitted by law.

3.4. **Limiting Collection:** OCH will limit the collection of Personal Information to those details that are necessary for the purposes identified. If OCH plans to use the information for a new

purpose OCH will obtain the consent of the individual. Information will be collected by fair and lawful means.

**3.5. Limiting use, disclosure and retention:** OCH will not use or disclose personal information for purposes other than those for which it was collected, unless OCH has obtained consent or when it is required or permitted by law. OCH will only retain Personal Information only as long as necessary for the fulfillment of the purposes for which it was collected and as directed by the Service Manager and as required by law.

**3.6. Accuracy:** OCH will keep Personal information as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

**3.7. Safeguards:** OCH will protect personal information through security safeguards appropriate to the sensitivity of the information.

**3.8. Openness:** OCH will make information about its policies and practices relating to the management of personal information readily available to applicants and tenants and the general public.

**3.9. Individual access:** Upon request, OCH will inform an individual of the existence, use and disclosure of his/her personal information and OCH will give that individual access to his/her own personal information. An individual will be able to challenge the accuracy and completeness of his/her information held by OCH and have it amended as appropriate.

**3.10. Challenging compliance:** An individual will be able to challenge OCH's compliance with the Privacy Policy by contacting OCH's Privacy Officer.

## 4. Privacy Officer

OCH's Privacy Officer is the Director of Program Development. The Privacy Officer is responsible for OCH's compliance with all privacy legislation. The Privacy Officer's name, title, business address and phone number will be made available to the public<sup>1</sup>.

The Privacy Officer's duties are to:

- 4.1 **review** OCH's policies and practices with regard to personal information;
- 4.2 **implement** the necessary changes to ensure that the collection and retrieval of personal information comply with applicable legislation and OCH's policy;
- 4.3 **inform** tenants and the public about how OCH treats personal information;
- 4.4 **investigate** and respond to individuals who file complaints regarding the collection, use and disclosure of personal information in accordance with legislated requirements;
- 4.5 **submit** to the Commissioner an annual report<sup>2</sup>.

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<sup>1</sup> SHRA 165(2)(b)

<sup>2</sup> MFIPPA, s.26(2)

4.6 **maintain** an index of all personal information in OCH's custody<sup>3</sup>.

All unique situations regarding personal information will be directed to the Privacy Officer.

## 5. Definition of Personal Information

Personal Information is broadly defined as anything which identifies an individual. More specifically, Personal Information means:

- 5.1 The personal address, telephone number or email address of an individual;
- 5.2 Any identifying number assigned to an individual which can lead to that person's identification (e.g. Social Insurance Number);
- 5.3 Information about an individual's income and assets;
- 5.4 Bank account and credit card information;
- 5.5 Information about rent payment history;
- 5.6 Information relating to the race, national or ethnic origin, citizenship status; colour, religion, age, sex, sexual orientation, marital or family status of an individual;
- 5.7 Information relating to the education, medical, psychiatric, psychological, criminal or employment history of the individual;
- 5.8 Credit and rental history reports;
- 5.9 Financial information for the purposes of establishing Rent-Geared-to-Income Assistance;
- 5.10 An individual's blood type or fingerprints;
- 5.11 Information about an individual's personal or political opinions;
- 5.12 Correspondence sent to the OCH that is of a private or confidential nature; and any replies from OCH's that would reveal contents of the original correspondence;
- 5.13 An individual's name if it appears with other confidential information (e.g. rent arrears reports);
- 5.14 Employee information including résumés, salary and benefits, disciplinary action, bank account information, tenant complaints about an individual, and problems between staff.

Personal information does NOT include the name, position and business phone number of employees.

## 6. Collection of Personal Information

OCH will collect information to perform its duties under the *Social Housing Reform Act* or as otherwise authorized by law. Generally, this means that OCH will collect personal information to:

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<sup>3</sup> MFIPPA, s. 34(1) and (2)

- 6.1 approve a tenancy and determine eligibility for Rent Geared to Income (RGI) assistance;
- 6.2 determine the household's appropriate unit type and size;
- 6.3 verify a household's income and assets for rent calculation;
- 6.4 verify compliance with funding requirements;
- 6.5 protect the health and safety of the tenant;
- 6.6 work with tenants to resolve tenancy related issues tenants are encountering;
- 6.7 work with tenants to resolve issues in OCH communities;
- 6.8 determine service levels required by applicants for and tenants in OCH housing.

OCH staff will not seek out personal information about tenants or applicants unless it is relevant to their work.

## 7. Use of Personal Information

OCH staff will only use personal information for the purpose for which the information was obtained or compiled, for a consistent purpose<sup>4</sup>; or as specifically permitted or required by law. Any questions about the appropriate use of information must be directed to the Privacy Officer.

## 8. Protection of Personal Information

- 8.1 Applicant and/or tenant information (including information on databases) will be safeguarded at all times against unauthorized access.
- 8.2 Personal information will be disposed of at the end of the required storage period for tenant records in a manner that will not reveal personal information, in accordance with OCH's procedures. The retention period of all OCH tenant records is seven years.
- 8.3 Staff and members of the Board, where appropriate, may have access to records containing personal information **only** as required in order to fulfil their duties. Board members and Staff are required to sign a confidentiality agreement.

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<sup>4</sup> MFIPPA, s. 31 and s. 33

## 9. Release of Information

OCH will release an individual's own information to that same person upon provision of appropriate identification demonstrating he/she is the individual whose information is sought.

OCH will only release information about an individual to a third party:

- 9.1 with the written consent of the individual; or
- 9.2 when required or permitted by law and in accordance with OCH's Direction to Staff-Protection of Personal Information - Housing Management - Tenancy Administration.

## **10. Access to and Correction of Personal Information**

- 10.1 OCH's Privacy Officer will respond to all requests for access to or correction of personal information.
- 10.2 An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his/her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her own personal information.
- 10.3 If the Privacy Officer believes that releasing personal information to an individual would prejudice the mental or physical health or security of any person, he or she will not release the information.
- 10.4 An individual shall be able to challenge the accuracy and completeness of his/her personal information and have it amended as appropriate. If the Privacy Officer is not in agreement with the individual's request for counter statement will be filed with the original information.

## **11. Procedure for Handling Complaints**

The Privacy Officer will respond to all complaints about collection, use, disclosure, storage and disposal of personal information in compliance with applicable legislation, and advise the complainant as to the action that has been taken.

Each complaint will be assessed to determine whether:

- 11.1 Correction of personal information is necessary;
- 11.2 Information was collected, used, released or disposed of inappropriately;
- 11.3 OCH's policies and procedures need to be strengthened;
- 11.4 Disciplinary or other action needs to be taken with respect to a breach of a confidentiality agreement without releasing personal information about another individual;
- 11.5 Other action is necessary to respond to the complaint.

Where necessary, the Privacy Officer will make the necessary recommendations to the respective Director and to the General Manager in connection with resolution of the complaint. Any potential disciplinary issues will be referred to the Director of Human Resources and Labour Relations for consideration.

## 12. Breach of Confidentiality

It is a breach of confidentiality to:

- 12.1 Discuss any confidential information within or outside the organization where it may be heard by individuals who are not authorized to have access to that information.
- 12.2 Provide confidential information or records to unauthorized individuals.
- 12.3 Leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals.

A breach of confidentiality may be grounds for staff to be disciplined or terminated.

A breach of his/her confidentiality obligation may be grounds for a board member to be removed as a director of the corporation. A board member who breaches confidentiality may not be covered by the OCH's insurance if he/she is sued for libel.

*MFIPPA* provides that any person found guilty of collecting, using, or disclosing, personal information in contravention of *MFIPPA* or obstructing the Privacy Commissioner in the performance of his/her functions may be subject to a fine not exceeding \$5,000<sup>5</sup>.

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<sup>5</sup> MFIPPA, 48. (1) & (2)