

COVENANT HOUSE TORONTO PERSONAL INFORMATION PROTECTION POLICY - CLIENTS

Protecting Personal Information

Covenant House Toronto is committed to collecting, using and disclosing the personal information of its clients in accordance with this policy.

Scope of this Policy

Personal Information Protection and Electronic Documents Act (“PIPEDA”)

This Policy sets out the principles that will be observed by Covenant House Toronto (hereinafter “CHT”) with respect to the collection, use and disclosure of information about any identifiable individual who is or was a client of CHT. If personal information of a client is made anonymous by removing details so that no individual is identifiable to the user or recipient of that information, this Policy will not apply to that information.

Definitions

For the purposes of this Policy:

CHT

Means Covenant House Toronto.

CHT Services

Includes, but is not limited to, providing clothing, counseling, education, food, housing, medical attention, shelter, and vocational services to homeless youth.

collect (personal information)

To gather, receive, or obtain personal information from any source outside CHT, by any means.

client

A person who uses, or applies to use, CHT products or services.

disclose (personal information)

To make known or reveal personal information by any means.

personal information

This information includes, but is not limited to, the individual client's name (given it could be associated with use of CHT services), birthdate, birthplace, languages, gender, address, identification numbers, financial status (income, employment, assets, liabilities, source of funds), personal references, medical and mental health records, drug and alcohol history, mental, emotional and cultural needs, legal situation, past history of suffering abuse (if any), particulars of relatives (parents, siblings, children, spouse, caregivers), immigration status, particulars of income assistance, travel or movement details, lifestyle, leisure activities, court/tribunal/inquiry proceedings, qualifications and skills, student records, work history, physical description, habits, personality, character, marital history, and all factors leading to need for food, shelter, clothing or counseling. In addition, this information includes all personal information about the client collected as a result of the provision of CHT services to the client. With respect to any specific individual, CHT may or may not collect, use or disclose client personal information within these enumerated categories. This list is intended to illustrate the type of information that is considered personal information, but is not exhaustive.

third party

A person, organization or association other than CHT, an employee of CHT or a volunteer working at CHT.

use (personal information)

To review, access, employ or apply personal information for any purpose by and within CHT.

The Personal Information Protection and Electronic Documents Act Principles

Principle 1

CHT's Accountability

CHT is responsible for all client personal information under its control. Its Privacy Officer is accountable for CHT's compliance with the principles described in this Policy.

The CHT Privacy Officer may be contacted at:

Covenant House Toronto
Attention: Privacy Officer
20 Gerrard Street East
Toronto, Ontario, Canada
M5B 2P3
Telephone: (416) 598-4898
Facsimile: (416) 204-7030
E-mail: privacyofficer@covenanthouse.on.ca

Under this Principle, CHT is responsible for personal information in its physical possession or custody, as well as for personal information that is transferred by CHT to a third party for processing. CHT will use contracts with such third parties to require them to give an appropriate level of protection to the personal information while it is being processed.

CHT is establishing and implementing:

- (a) policies and procedures to protect personal information;
- (b) policies and procedures to receive and respond to complaints and inquiries;
- (c) staff training and information programs to explain this Policy and related privacy policies and practices; and
- (d) practices to ensure that clients and other individuals who contact CHT have access to this Policy.

Principle 2

Identifying Purposes

The purposes for which personal information is collected will be identified by CHT and disclosed to the client at or before the time the information is collected.

Depending on the specific circumstances, CHT may collect personal information of a client for one or more of the following purposes:

- 1) To evaluate the eligibility and suitability of a CHT client to receive or to continue receiving CHT services;
- 2) To provide CHT services to a client;
- 3) To communicate with the **Toronto Hostel Services** concerning the client's eligibility for Income Assistance, or to arrange Income Assistance payments to CHT for the period of the client's stay at Covenant House;
- 4) To communicate with family or friends of the client, regarding issues relating to the client's residency and/or discharge from CHT;
- 5) To coordinate client services with other social service agencies concerning issues

relating to the client's case management at CHT ;

- 6) To permit an analysis of CHT services and their efficacy for management purposes and for statutory reports;
- 7) To comply with legal and regulatory requirements and for preparing statutory reports;
- 8) In order to assess and treat or deal with the health and/or safety needs of a client.

CHT will ensure that the above-noted purposes for collecting client personal information are drawn to the attention of the client and noted on the Intake Report prepared with respect to a CHT client. Thereafter, CHT will collect only the personal information that is necessary for those purposes, unless the client expressly consents in advance to the collection of his or her personal information for some other specified purpose.

Circumstances might arise where CHT wishes to collect or use personal information for a new purpose. If that occurs, CHT will take reasonable steps to ensure that the individual concerned is informed of the new purpose and gives his or her consent to the collection or use of personal information for that purpose.

Principle 3

Consent

The knowledge and consent of the individual client will be obtained for the collection, use or disclosure of personal information by CHT, except where the client is deemed by law to have consented.

Except when the under-noted limited exceptions apply, CHT will obtain the express consent of the individual for the purposes for which his or her personal information will be collected, used or disclosed. CHT will state the purposes in a form that the individual can reasonably be expected to understand.

CHT will not, as a condition of the provision of CHT Services, require an individual to consent to the collection, use or disclosure of his or her personal information beyond what is necessary to provide CHT Services.

CHT will normally obtain the client's written consent to the above-noted purposes for collecting, using and disclosing client personal information by means of a notice and signature line on the Intake Report.

Circumstances may arise where CHT wishes or may be required to collect client personal information from, or disclose client personal information to:

1. Ontario Ministry of Education;
2. Toronto Hostel Services;

3. Human Resources Development Canada;
4. Covenant House New York;
5. Toronto Catholic District School Board; or
6. some other person or agency.

CHT will ensure that it obtains the consent of the individual client to such collection and disclosure of personal information.

CHT staff involved in obtaining the consent of individuals to the collection, use or disclosure of their personal information will be appropriately trained with respect to this Policy.

Withdrawal of Consent

An individual client may withdraw his or her consent to collection, use or disclosure of his or her personal information at any time, subject to legal or contractual restrictions and reasonable notice. CHT shall inform the individual of the likely consequences to the individual of such withdrawal of consent for the continued provision of CHT Services. The individual may not withdraw consent, however, if doing so would frustrate the performance of a legal obligation.

Obtaining Consent

CHT will endeavor to be clear and direct with clients about obtaining their consent to collect, use and disclose their personal information.

Disclosure to Service Providers

CHT may transfer client personal information to a third party for processing. In that regard, CHT will use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.

Circumstances where the individual's consent is not required

CHT may lawfully collect personal information without the consent of the client, or from a source other than the client, where:

- 1) the collection of the personal information is clearly in the interests of the individual and consent cannot be obtained in a timely way;
- 2) the collection is necessary for the treatment of the individual and the individual is unable to give consent;
- 3) it is reasonable to expect that collection of the personal information with the knowledge or consent of the individual would compromise the availability or accuracy of the information and the collection is reasonable for an investigation or a proceeding;
- 4) the information is already available to the public and is specified by the regulations;
- 5) the collection is required or authorized by law; or

- 6) the information is collected from another organization which collected it with the consent of the individual and the information is collected solely for the purposes for which it was previously collected and to assist that organization.

Further, as permitted by law, CHT may use personal information, without the knowledge or consent of the individual, in circumstances where:

- 1) the use is clearly in the interests of the individual and consent could not be obtained in a timely way;
- 2) the use is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent;
- 3) the use with the consent of the individual would compromise an investigation or proceeding and the use is reasonable for purposes related to an investigation or proceeding;
- 4) it is reasonable to believe that the information could be useful in the investigation of a contravention of federal, provincial or foreign law, that has been, is being, or is about to be committed, and the information is used for the purpose of investigating that contravention;
- 5) the information is used for the purpose of acting in respect of an emergency that threatens the life, health or security of an individual or the client;
- 6) the information is already available to the public and is specified by the regulations;
- 7) the use is required or authorized by law; or
- 8) the information was collected from another organization without consent for one of the foregoing reasons, and is used solely for the purposes for which it was previously collected.

With respect to disclosure of personal information without express or implied consent, CHT, as permitted by law, may disclose personal information without the knowledge or consent of the individual in the following circumstances:

- 1) the disclosure is made to a barrister or solicitor who is representing CHT;
- 2) the disclosure is made for the purposes of collecting a debt owed by the individual to CHT;
- 3) the disclosure is made in order to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with the rules of court relating to the production of records;
- 4) the disclosure is made to a government institution or a part of it that has made a request for the information, identified its lawful authority to obtain the information and has indicated that, (i) the information is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or the gathering of intelligence for the

- purpose of enforcing any such law, or (ii) the disclosure is requested for the purpose of administering any law of Canada or a province;
- 5) the disclosure is made by CHT to an investigative body, a government institution or part of one because CHT believes, reasonably, that the information relates to a breach of an agreement or a contravention of the laws of Canada, a province or a foreign jurisdiction that has been or is about to be committed;
 - 6) the disclosure is made to a person who needs the information because of an emergency that threatens the life, health or security of an individual;
 - 7) the disclosure is of information that is publicly available and is specified in the regulations of the Act; or
 - 8) the disclosure is required by law.

CHT will notify a client that a subpoena, warrant or court order for the production of his or her personal information has been received, if the law allows it. It may notify clients by telephone or by letter to the client's last known address.

Principle 4 Limiting Collection

CHT will limit the amount and type of personal information collected to that which is necessary for the purposes identified by CHT.

Although CHT will collect personal information primarily from the individuals concerned, with the individual's consent, CHT may also collect information from third parties. If personal information is collected from a third party, CHT will note their identity unless there is a lawful reason for not doing so.

Principle 5 Limiting Use, Disclosure and Retention

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

Personal information that has been used by CHT to make a decision that directly affects an individual will be retained for at least one year after using it, to allow the individual to have a reasonable opportunity to obtain access to it.

CHT will retain personal information only as long as necessary for the identified purposes and for legal or business purposes.

CHT specifies in its procedures the shortest and longest periods of time it will keep personal information. Some of these time periods may be determined by legislation.

CHT will destroy, return, or make anonymous, any personal information no longer needed for its identified purposes or for legal requirements.

Principle 6

Accuracy

CHT will keep personal information as accurate and complete as is necessary for the purposes for which it is to be used.

CHT will generally rely on individuals to provide updated information, such as changes to addresses and other contact information. CHT will update personal information as is necessary to fulfill the purposes for which the information was collected.

If an individual successfully demonstrates to CHT that personal information is inaccurate, incomplete, out of date, or irrelevant, CHT will revise the personal information. If necessary, CHT will disclose the revised personal information to third parties which were provided with inaccurate or out-of-date information to permit them to revise their records as well.

Principle 7

Safeguards

CHT will make reasonable security arrangements to protect personal information.

Security arrangements are employed to protect client personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, modification, or disposal. CHT shall protect personal information regardless of the format in which it is held.

The nature of CHT's safeguards will vary depending on the sensitivity of the personal information that has been collected, the amount, distribution, and format of the information, and the method of storage. The more sensitive personal information will be safeguarded at a higher level of protection.

The methods of protection employed by CHT will include:

- physical measures, including locked filing cabinets and restricted access to offices.
- organizational measures, such as security clearances and limiting access on a "need to

know” basis.

- technological measures, such as the use of passwords and encryption.

CHT will inform staff about CHT’s policies and procedures for protecting personal information . All staff and volunteers will be required to conform to CHT’s policies and procedures concerning the security of personal information.

When CHT discloses personal information to third parties, CHT will require these third parties to safeguard all personal information in a way that is consistent with CHT’s Policies and which complies with these principles.

Principle 8 Openness

CHT will be open about its policies and procedures with respect to management of client personal information. CHT will ensure that individuals are able to acquire information about CHT’s policies and procedures without unreasonable effort. CHT will make this information available in a form that is generally understandable.

Copies of this Privacy Policy will be made available on request.

The information made available by CHT will include:

- the name of the Privacy Officer and contact information; and
- the means of gaining access to personal information held by CHT.

CHT will utilize its website to provide access to its Privacy Policies.

Principle 9 Individual Access

Upon a request in writing, CHT shall inform an individual of the existence, use, and disclosure of his or her personal information and the individual shall be given access to that information, except where the law requires or permits CHT to deny access.

A request for access by an individual to his or her personal information shall be made in writing.

CHT will assist any individual who informs CHT that they need assistance in preparing such a written request to CHT.

CHT may require the individual to provide sufficient information to permit CHT, with a reasonable effort, to provide an account of the existence, use, and disclosure of personal information. The information provided by the individual in response to CHT's request will be used only for this purpose.

CHT will respond to a request within 30 days after receipt of the written request. CHT may extend the time limit for a maximum of 30 days if:

- meeting the time limit would unreasonably interfere with the activities of CHT, or
- the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet.

In any of the above cases, CHT will, not later than 30 days after the date of the request, send a notice of extension to the individual, advising them of the new time limit and the reasons for extending the time limit.

CHT may respond to an individual's request at a cost to the individual if CHT informs the individual of the estimate of the fee in advance.

Where CHT responds by refusing a request, CHT will inform the individual in writing of the refusal and setting out the reasons.

An individual may challenge the accuracy and completeness of the personal information collected, used or disclosed by CHT about that individual and have it amended, as appropriate.

CHT may deny access by an individual to his or her personal information where:

1. the information is protected by solicitor-client privilege;
2. it would reveal confidential commercial information;
3. to do so could reasonably be expected to threaten the life or security of another individual; or
4. the personal information was collected in the course of a formal dispute resolution process.

Where CHT is entitled to withhold access to personal information, and that information is severable from other information for which access is requested, CHT will provide access to the personal information after severing such information.

CHT will not record in a client's individual file when personal information was disclosed to government agencies as required by law; for example, reporting to Canada Customs and Revenue Agency.

If CHT denies the individual's request for access to personal information, CHT will provide its reasons for denying access. The individual may challenge CHT's decision.

Where CHT is satisfied that an individual has successfully demonstrated that his/her personal information is inaccurate or incomplete, CHT shall correct the information, as required. Where CHT disagrees with making with the requested correction, CHT will annotate the personal information with the correction that was requested but not made.

Principle 10 Challenging Compliance

An individual will be able to direct a challenge concerning compliance with the above principles to the designated individual accountable for CHT's compliance.

The individual accountable for CHT's compliance is the Privacy Officer.

CHT will investigate all complaints made to it in writing. If CHT's investigation determines that a complaint is justified, CHT will take appropriate measures, including, if necessary, amending its policies and practices.

December 19, 2003