



Policy Name:	Privacy Code		
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At MCS respecting privacy and personal information is an important part of our commitment to our constituents, employees, and contractors. Ensuring the accuracy and security of that information is more than a legal requirement; it is an ethical obligation. MCS believes it is our responsibility to protect the personal information in our control and the fair handling of such personal information at all times, throughout the organization and in dealings with third parties.

The MCS Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the protection of personal information provided by MCS to its constituents, employees, and contractors in a manner consistent with the provisions of the Personal Information Protection and Electronic Documents Act Canada (PIPEDA).

PIPEDA establishes rules for the management of personal information by organizations involved in commercial activities, attempting to strike a balance between an individual’s right to the protection of personal information and the need of organizations to obtain and handle such personal information for legitimate business purposes.

MCS will review the MCS Privacy Code at least every five (5) years to make sure it is relevant and remains current with changing technologies and laws and the evolving needs of MCS, its constituents, employees, and contractors.

Scope

The 10 principles that form the basis of the MCS Privacy Code are interrelated and MCS shall adhere to the 10 principles as a whole. Each principle must be read in conjunction with the following commentary.

The scope and application of the MCS Privacy Code are as follows:

- a) The Code applies to personal information about MCS’s constituents, employees, and contractors that is collected, used, or disclosed by MCS in the course of commercial activities.
- b) The Code applies to the management of personal information in any form whether oral, electronic, or written.
- c) The Code does not impose any limits on the collection, use, or disclosure of the following information by MCS:
 - i. An individual’s name, address, and telephone number that appear in a telephone directory that is available to the public, where the individual can refuse to have their personal information appear in such a directory.
 - ii. An employee’s name, title, business address, or business telephone, e-mail, or fax number.

- iii. Other information about the individual that is publicly available and is specified by regulation pursuant to PIPEDA.
- d) The application of the Code is subject to the requirements and provisions of PIPEDA, the regulations enacted there under and any other applicable legislation, regulation, court order, or other lawful authority.

Definitions

Collection: The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

Consent: Voluntary agreement with the collection, use, and disclosure of personal information for defined purposes. Consent can be either expressed or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically, or in writing, but is always unequivocal and does not require any inference on the part of MCS. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

Constituent: An individual who supports the work of MCS financially or by donating goods; subscribes to MCS publications; volunteers to work with MCS board/committees/projects, etc.; purchases goods and/or accesses services provided by/through MCS.

Contractor: A contractor engaged by MCS.

Disclosure: Making personal information available to a third party.

Personal Information: Information about an identifiable individual, but does not include aggregated information that cannot be associated with a specific individual or the name, title, business address, business telephone number, e-mail, or fax number of an employee of an organization.

- a) For a constituent such information may include opinions, evaluations, comments, recorded complaints, donation records, credit card and bank account information, information on purchases made, and information on services accessed, but does not include certain publicly available information exempted by regulation.
- b) For an employee, such information may include information found in employment files, performance appraisals, medical and benefits information.
- c) For store volunteers, such information may also include information found in a typical employment file.
- d) For a contractor, such information may include information found in service contracts.

Third Party: An individual or organization outside of MCS.

Use: The treatment, handling, and management of personal information by and within MCS or by a third party with the knowledge and approval of MCS.

Principle 1 – Accountability

MCS is responsible for personal information under its control, possession or custody. MCS shall use contractual or other means to provide a comparable level of protection while personal information is in the possession of the third party.

Principle 2 – Identifying Purposes for Collection of Personal Information

MCS shall identify the purposes for which personal information is collected at or before the time the information is collected.

2.1 MCS collects personal information only for the following purposes:

- a) To establish and maintain responsible relations with constituents.
- b) To provide constituents with products and/or services.
- c) To understand, develop, and/or enhance constituent needs, desires, concerns, or opinions.
- d) To manage and develop MCS's business and operations, including employees and employment matters.
- e) To solicit and administer MCS fundraising initiatives.
- f) To meet legal and regulatory requirements.
- g) To advance the goals of the MCS Mission Statement.

2.2 For example, personal information collected, used, and/or disclosed may include information on:

- a. Donors: Individual constituents who contribute financially or in-kind to MCS.
- b. Subscribers: Individual constituents who subscribe to one or more MCS publication.
- c. Volunteers: Individual constituents who volunteer with MCS as a board or committee member, or with a specific project or program.
- d. Employees: Individuals who are employed or engaged by MCS.
- e. Customers: Individuals who purchase goods.
- f. Clients: Individuals who access services of or through MCS.

2.3 MCS shall specify orally, electronically, or in writing the identified purposes to the constituent, employee, or contractor at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within MCS who shall explain the purposes.

2.4 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is permitted or required by law, the consent of the constituent, employee, or contractor will be required before the personal information will be used or disclosed for the new purpose.

Principle 3 – Obtaining Consent for Collection, Use, or Disclosure of Personal Information

The knowledge and consent of a constituent, employee, or contractor are required for the collection, use, or disclosure of personal information, except where inappropriate.

3.1 In obtaining consent, MCS shall use reasonable efforts to ensure that a constituent, employee, or contractor is advised of the identified purposes for which personal information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the constituent, employee, or contractor.

3.2 Generally, MCS shall seek consent to use and disclose personal information at the same time it collects the information. However, MCS may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.

3.3 MCS will require constituents, employees, or contractors to consent to the collection, use, and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use, and/or disclosure is required to fulfill the explicitly specified and legitimate purposes.

3.4 In determining the appropriate form of consent, MCS shall take into account the sensitivity of the personal information and the reasonable expectations of its constituents, employees, and contractors.

3.5 In general, the financial or in-kind donation of a constituent, the subscription request of a constituent, the purchase of goods by a customer, the acceptance of services by a client, the acceptance of engagement by a contractor, or acceptance of employment or benefits by an employee, constitutes implied consent for MCS to collect, use, and disclose personal information for the identified purposes.

3.6 A constituent, employee, or contractor may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Constituents, employees, and contractors may contact MCS for more information regarding the implications of withdrawing consent.

3.7 In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example:

- a. If it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated.
- b. If seeking the consent of the individual might defeat the purpose of collecting the information, such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction.
- c. If there is an emergency where the life, health, or security of an individual is threatened.
- d. If disclosure is to a lawyer representing MCS, to comply with a subpoena, warrant, or other court order, or otherwise required or authorized by law.

Principle 4 – Limiting Collection of Personal Information

MCS shall limit the collection of personal information to that which is necessary for the purposes identified by MCS. MCS shall collect personal information by fair and lawful means.

4.1 MCS collects personal information primarily from its constituents, employees, or contractors.

4.2 MCS may also collect personal information from other sources including employers or personal references, or other third parties who represent that they have the right to disclose the information.

Principle 5 – Limiting Use, Disclosure, and Retention of Personal Information

MCS shall 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 by law. MCS shall retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected.

5.1 MCS may disclose a constituent's personal information to:

- a) A third party who, in the reasonable judgment of MCS, is seeking the information as an agent of the constituent.
- b) A third party involved in supplying the constituent with MCS products or services.
- c) A third party engaged by MCS to perform functions on its behalf.
- d) A public authority or agent of a public authority if, in the reasonable judgment of MCS, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information.
- e) A third party or parties, where the constituent consents to such disclosure or disclosure is required or permitted by law.
- f) A third party or parties in the MCS Network, where the constituent consents to such disclosure or disclosure is required or permitted by law.

5.2 MCS may disclose personal information about its employees or contractors:

- a) For normal employees and benefits administration.
- b) In the context of providing references regarding current or former employees and/or contractors in response to requests from prospective employers.
- c) Where the employee or contractor consents to such disclosure or disclosure is required or permitted by law.

5.4 MCS shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a constituent, employee, or contractor, MCS shall retain, for a period of time that is reasonably sufficient to allow for access by the constituent, employee, or contractor, either the actual information or the rationale for making the decision.

5.5 MCS shall maintain reasonable and systematic controls, schedules, and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased, or made anonymous.

Principle 6 – Accuracy of Personal Information

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

6.1 Personal information used by MCS shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a constituent, employee, or contractor.

6.2 MCS shall update personal information about constituents, employees, and contractors as necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 – Security Safeguards

MCS shall protect personal information through the use of security safeguards appropriate to the sensitivity of the information.

7.1 MCS shall use appropriate security measures to protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction regardless of the format in which it is held. MCS shall use care in disposing of or destroying personal information, to prevent unauthorized parties from gaining access to the information.

For example:

- a) Security measures include secure locks on filing cabinets and restricted access to any location where financial information is stored.
- b) There is restricted access to sensitive personal information through secure passwords limited to those who have a need to use the personal information contained in sensitive databases.
- c) Physical MCS files containing personal information deleted from the files are shredded under the supervision of MCS employees. Deleted electronic files will be permanently removed from the system, although back-up records will contain information removed from the system until such time that the back-up is destroyed or reused.

7.2 MCS shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.

7.3 All of MCS's employees and/or contractors with access to personal information shall be required as a condition of employment or engagement to respect the confidentiality of personal information.

Principle 8 – Openness Concerning Policies and Procedures

MCS shall make readily available to constituents, employees, and contractors' specific information about its policies and procedures relating to its management of personal information. MCS shall make available information to help constituents, employees, and contractors exercise choices regarding the use of their personal information.

Principle 9 – Access to Personal Information

MCS shall inform a constituent, employee, or contractor of the existence, use, and disclosure of their personal information upon request and shall give the individual access to that information. A constituent, employee, or contractor shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

9.1 Upon request, MCS shall afford constituents, employees, and contractors a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in an understandable form within a reasonable time and at a minimal or no cost to the individual.

9.2 In certain situations MCS may not be able to provide access to all of the personal information it holds about a constituent, employee, or contractor. MCS shall provide the reasons for denying access upon request. For example:

- a) If doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual.
- b) If disclosure would reveal confidential MCS information.
- c) If the information is protected by solicitor-client privilege.
- d) If the information was generated in the course of a formal dispute resolution process.
- e) If the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction.

9.3 Upon request, MCS shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, MCS shall provide a list of organizations to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.

9.4 In order to safeguard personal information, a constituent, employee, or contractor may be required to provide sufficient identification information to permit MCS to account for the existence, use, and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.

9.5 MCS shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, MCS shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.

9.6 Employees and contractors can obtain information or seek access to their individual files by contacting their immediate manager or the Human Resources manager.

Principle 10 – Challenging Compliance

A constituent, employee, or contractor shall be able to address a challenge concerning compliance with the above principles to the person accountable for MCS's compliance with the MCS Privacy Code.

10.1 MCS shall maintain procedures for addressing and responding to all inquiries or complaints from its constituents, employees, and contractors about MCS's handling of personal information.

10.2 MCS shall inform its constituents, employees, and contractors about the existence of these procedures as well as the availability of complaint procedures.

10.3 MCS may seek external advice where appropriate before providing a final response to individual complaints.

10.4 MCS shall investigate all complaints concerning compliance with the MCS Privacy Code. If a complaint is found to be justified, MCS shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A constituent, employee, or contractor shall be informed of the outcome of the investigation regarding their complaint.

Additional Information

Until an MCS Privacy Coordinator is appointed, please contact either the Executive Director or HR Manager for more information regarding the MCS Privacy Code.

For a copy of The Personal Information Protection and Electronic Documents Act (Canada) or to contact the Privacy Commissioner of Canada, please visit the Office of the Privacy Commissioner of Canada's Internet web site at: www.privcom.gc.ca.