

GOVERNANCE POLICY ON BEST PRACTICES FOR HOLDING PERSONAL INFORMATION PERSONAL INFORMATION (PI)

September 22, 2023

In order to ensure that HUMANITY & INCLUSION CANADA (HI CANADA) employees comply with the Act to modernize legislative provisions respecting the protection of personal information in the private sector, also known as Bill 25, we are proposing to validate and adapt HI CANADA's practices in this area. Bill 25 brings significant changes to the provisions of the Act respecting the protection of personal information in the private sector (LP), to which not-for-profit organizations in Quebec were already subject.

We would like to remind you that **corporate information, as well as the professional contact information of individuals, does not represent PR subject to the Act.**

DEFINITION OF PERSONAL INFORMATION :

Here's what constitutes personal information:

- Name, race, ethnic origin, religion, marital status and level of education
- E-mail address, e-mail messages and IP address (Internet-cookie protocol)
- Age, height, weight, medical records, blood type, DNA, fingerprints and voice signature
- Income, purchases, consumer habits, banking information, credit or debit card data, loan or credit reports and tax returns
- Social Insurance Number (SIN) or other identification numbers

Here are some points to consider and put into practice to help you comply with the legislative provisions, most of which will come into force in September 2023.

Life cycle of personal information :



1. Collecting personal information and obtaining consent

HI CANADA may collect personal information in order to properly manage its relationship and services with each individual and limit the collection of information to that which is necessary for this purpose. The consent of the individual is also required for the lawful use of personal information provided to HI CANADA.

HI CANADA must, therefore, implement a process for obtaining consent from each individual in order to document when and how consent was obtained or renewed. HI CANADA's database should, therefore, include and document the consent obtained or renewed and the date on which it was obtained or renewed.

2. Consultation and use of personal information

HI CANADA must ensure compliance with the following parameters:

- **Limit access to personal information** to only those persons authorized to receive it within the company, when this information is necessary for the performance of their duties;
- **Limiting the use of personal information:** unless an exception is provided for by law, the company must **obtain the consent of the person concerned** to use his or her information once the purpose of the file has been fulfilled.
- **Implement security measures** to ensure the protection of personal information that is collected, used, disclosed, retained or destroyed.

3. Communication of information

Personal information held by HI CANADA about an individual may be disclosed to the individual upon request. This possibility must be mentioned on the HI CANADA website.

Moreover, Article 27 of the LP provides for the right to portability of PI, effective as of September 22, 2024. At the request of the person concerned, organizations will be obliged to communicate to him or her, in a structured and commonly used technological format, computerized personal information collected from him or her. This communication may also be made to a person or organization authorized to collect the information, at the request of the person concerned.

In addition, the law provides that HI CANADA may disclose an individual's personal information at the request of a third party or government organization:

- To his attorney;
- To the Director of Criminal and Penal Prosecutions if the information is required for prosecution of an offence under a law applicable in Quebec;

- To an organization responsible, by law, for preventing, detecting or repressing crime or infringement of the law, which requires it in the exercise of its functions, if the information is necessary for the prosecution of an offence under a law applicable in Québec;
- To a person to whom it is necessary to communicate the information within the framework of a law applicable in Quebec or for the application of a collective agreement;
- To a public body within the meaning of the Act respecting access to documents held by public bodies and the protection of public information and the protection of personal information which, through a representative, collects it in the exercise of its powers or the implementation of a program under its management;
- To a person or body with the power to compel disclosure who requires it in the course of his or her duties;
- To a person to whom this communication must be made because of an emergency situation endangering the life, health or safety of the person concerned;
- To third parties in order to prevent an act of violence, including suicide, and when there is reasonable cause to believe that an identifiable person or group of persons is at serious risk of death or serious injury, and the nature of the threat inspires a sense of urgency;
- To an archive under certain conditions and/or after a certain period of time;
- To a person who may use this information for study, research or statistical purposes in accordance with section 21 or to a person who is authorized in accordance with section 21.1 of the LP;
- To a person who, by law, may collect debts on behalf of others and who requires it for this purpose in the performance of his or her duties;
- To an individual if the information is required to collect a debt owed by the company;
- To any person or organization likely to reduce a risk following a confidentiality incident involving personal information, communicating only the personal information necessary for this purpose;
- To his or her spouse or close relative in the case of a deceased person if this information is likely to help that person in his or her grieving process unless the deceased person has recorded in writing his or her refusal to grant this right of access;
- To the holder of parental authority or the guardian of a minor under the age of 14, except where the collection is clearly for the benefit of the minor.

4. Retention of personal information

HI CANADA is required by law to implement rules for the retention and destruction of personal information.

Hardware files :

Since the pandemic, HI CANADA has maintained few physical and paper files containing personal information, mainly for employees. Access to these files is limited, in a locked filing cabinet to which only the Head of Finance and General Management have the key.

Computer files :

HI CANADA's information files are stored on the Humanity & Inclusion federation's computer network and database. For files related to human resources, finance, and the Board of Directors, access permissions are very limited. Only fundraising managers have access to donor files in the database, each with a unique identifier.

Location of computer server(s) :

As the computer server used by HI CANADA is located on the Federation's premises in France, HI's General Policy on the Protection of Personal Data ensures that access to the premises in question is limited to persons who require access to PR or to IT personnel responsible for server maintenance.

The HI Federation also provides the following services for HI Canada:

- Security measures governing access to computer servers;
- It assesses the risks associated with PR access and network security and recommends measures to limit and reduce unauthorized access, including but not limited to external intrusion attempts, phishing, etc.

The law also requires HI CANADA to conduct a Privacy Impact Assessment (PIA), particularly before disclosing personal information outside Quebec.

The Director of Information Systems for the Humanity & Inclusion network is responsible for risk management and assessment. When a processing is likely to generate a high risk for the rights and freedoms of the persons concerned, HI carries out a Data Protection Impact Assessment (DPIA) on the Processing, in advance of the Processing's implementation. Also, HI ensures that a prior assessment is carried out for any new Processing in order to determine the level of risk of the Processing and, therefore, whether a DPIA needs to be conducted.

For further information: CNIL fact sheet on AIPD and internal method for handling Impact Assessments.

5. Destruction of personal information

HI CANADA has defined rules for the destruction of personal information held about an individual. Consent is also given for specific purposes and for the **duration necessary** to achieve the purposes for which it was requested.

Since the obligations of a charitable organization require it to retain information related to the issuance of tax receipts to its donors for a period of 6 years, it is necessary to preserve this personal



information. Here is a reminder of the information that must be included on tax receipts issued by charitable organizations that contain personal information:

Official donation receipts issued for income tax purposes must contain the following information:

- A statement that this is an official receipt for income tax purposes;
- Name and address of HI Canada charity registered with the Canada Revenue Agency (CRA);
- The charity's registration number;
- The serial number of the receipt;
- The place or region where the receipt was issued;
- The date or year the donation was received;
- The date on which the receipt was issued, if different from the date on which the donation was received;
- Donor's name and address, including first name and initial;
- The amount of the donation;
- The value and description of any benefits received by the donor;
- The eligible amount of the donation;
- The signature of a person who has been authorized by HI Canada to acknowledge donations;
- The name and address of the CRA website.

Each organization must, therefore, define the necessary duration of the consent obtained from its donors and stakeholders according to the purpose for which the PR was obtained. HI Canada considers that it will keep the PR obtained from its donors for a maximum of 10 years following the date of its last donation or its last consent to the use of its personal information, whichever is more recent.

It should be remembered that this consent may be renewed by donors and stakeholders as part of their links and transactions with HI Canada, and that a mechanism for documenting the consents obtained must be defined.

Individuals for whom HI Canada holds PR may request at any time that their personal information be destroyed, de-indexed (s. 28.1 of the LP) or made anonymous (with the exception of previously required information appearing on tax receipts for a period of 6 years).

6. Confidentiality commitments by parties with access to PR

Commitment to confidentiality by staff, contractors and volunteers with access to personal information

Any person who may have access to an individual's personal information held by HI Canada would be required to sign a confidentiality agreement with HI Canada.



The following commitment could be made by HI Canada stakeholders:

"For the duration of my involvement with HI Canada following the termination of my involvement with HI CANADA, I undertake and agree not to disclose or divulge to anyone, directly or indirectly, any personal information of an individual held by HI Canada to which I may have access. Personal information includes, without limiting the generality of the foregoing:

- Name, race, ethnic origin, religion, marital status and level of education;
- E-mail address, e-mail messages and IP address (Internet-cookie protocol);
- Age, height, weight, medical records, blood type, DNA, fingerprints and voice signature;
- Income, purchases, consumer habits, banking information, credit or debit card data, loan or credit reports and tax returns;
- Social Insurance Number (SIN) or other identification numbers;

I also agree not to use any personal information for personal purposes or for purposes other than the involvement required of me by HI Canada.

Notwithstanding any other provision of this undertaking, I will not be in default or contravention by reason of any disclosure of personal information if I am compelled by law to disclose such information provided that I have made best efforts to notify HI Canada in a timely manner so that the organization may take appropriate steps to prevent such disclosure if necessary. "

Confidentiality undertaking from a third-party contractor with access to personal information

The following commitment could be made by HI Canada stakeholders.

"Considering that HI Canada has decided to entrust the mandate of (description of mandate) to (name) and that the execution of this contract requires the transfer and/or access by (name), its personnel or any sub-contractor it mandates, to personal information held by HI Canada.

Given that (name) undertakes to take all measures required to ensure the protection and confidentiality of personal information held by HI Canada.

It is agreed that the preamble forms an integral part of this undertaking.

It is agreed that during the term of my contract with HI CANADA and following the termination of my involvement with HI CANADA, I undertake and agree not to disclose or divulge to any person, directly or indirectly, any personal information of an individual held by the organization to which I may have access. Personal information includes, without limiting the generality of the foregoing :

- Name, race, ethnic origin, religion, marital status and level of education;
- E-mail address, e-mail messages and IP address (Internet-cookie protocol);
- Age, height, weight, medical records, blood type, DNA, fingerprints and voice signature;
- Income, purchases, consumer habits, banking information, credit or debit card data, loan



- or credit reports and tax returns;
- Social Insurance Number (SIN) or other identification numbers;

I also undertake not to use any personal information for personal purposes or for purposes other than the involvement required of me by the organization.

Notwithstanding any other provision of this Undertaking, I will not be at fault or in contravention by reason of any disclosure of personal information, if I am compelled by law to disclose such information provided that I have made best efforts to notify HI Canada in a timely manner so that HI Canada may take appropriate steps to prevent such disclosure if necessary.

In addition, I undertake that all members of my staff involved in this contract will adhere to this undertaking. This undertaking is binding on any corporation and any person associated with HI Canada having access to personal information transmitted by the organization.

At the end of the contract, I agree that personal information transmitted by HI Canada and processed by me and my staff will be returned to HI Canada and then destroyed without backup."

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