

## **MENNONITE CENTRAL COMMITTEE CANADA PRIVACY CODE**

Mennonite Central Committee (MCC) seeks to demonstrate God's love by working among people suffering from poverty, conflict, oppression, and natural disaster.

MCC serves as a channel for interchange by building relationships that are mutually transformative.

MCC strives for peace, justice, and dignity of all people by sharing our experiences, resources and faith in Jesus Christ.

Mennonite Central Committee is a relief, service, development and peacemaking agency of the Mennonite and Brethren in Christ churches in North America. MCC Canada's office is in Winnipeg, Manitoba and there are provincial offices in British Columbia, Alberta, Saskatchewan, Manitoba and Ontario. There are also regional offices in Manitoba, Ontario, Quebec, New Brunswick, Newfoundland Labrador and in the United States. The bi-national office is located in Akron, Pennsylvania. In addition, there are international MCC offices in Africa, Asia, Europe, Latin America, and the Middle East. As well, there are over fifty Thrift Shops and thirty plus Ten Thousand Villages stores in Canada which are part of the MCC network.

At MCC Canada (MCCC) respecting privacy and personal information has always been 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. MCCC 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 MCCC Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the protection of personal information provided by MCCC 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.

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

### **Scope and Application**

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

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

- ▶ the Code applies to personal information about MCCC's constituents, employees and contractors that is collected, used, or disclosed by MCCC in the course of commercial activities.
- ▶ the Code applies to the management of personal information in any form whether oral, electronic or written.
- ▶ the Code does not impose any limits on the collection, use or disclosure of the following information by MCCC:

- a. an individual's name, address and telephone number that appears 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;
  - b. an employee's name, title, business address or business telephone, e-mail or fax number; or
  - c. other information about the individual that is publicly available and is specified by regulation pursuant to PIPEDA.
- The application of the Code is subject to the requirements and provisions of PIPEDA, the regulations enacted thereunder 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 MCCC. Implied consent is consent that can reasonably be inferred from an individual's action or inaction

constituent: an individual who supports the work of the MCCC network financially or by donating goods; subscribes to MCC network publications; volunteers to work with MCCC board/committees/projects, etc.; purchases goods and/or accesses services provided by/through MCCC

contractor: a contractor engaged by MCCC

disclosure: making personal information available to a third party

employee: an employee of MCCC, whether salaried or a service worker

volunteer: a volunteer of MCCC

MCC Network: the five provincial MCC offices: British Columbia, Alberta, Saskatchewan, Manitoba and Ontario; the MCC Canada office in Winnipeg, Manitoba and regional offices in Manitoba, Ontario, Quebec, New Brunswick, and Newfoundland Labrador. There are also six MCC entities in the United States: The MCC Bi-national office, the MCC U.S. office, and four U.S. Regional offices: MCC East Coast, MCC Central States, West Coast MCC and MCC Great Lakes. In addition, there are international MCC offices in Africa, Asia, Europe, Latin America, and the Middle East. As well, there are over fifty Thrift Shops and thirty plus Ten Thousand Villages stores in Canada which are part of the MCC network

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 or business address or business telephone number, e-mail or fax number of an employee of an organization

- 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.

- ▶ For an employee, such information may include information found in employment files, performance appraisals, and medical and benefits information.
- ▶ For shop or store volunteers, such information may also include information found in a typical employment file
- ▶ For a contractor, such information may include information found in services contracts.

third party: an individual or organization outside of MCCC

use: the treatment, handling, and management of personal information by and within MCCC or by a third party with the knowledge and approval of MCCC

## **PRINCIPLE 1 – ACCOUNTABILITY**

*MCCC is responsible for personal information under its control. The MCCC Privacy Coordinator is accountable for compliance with The MCCC Privacy Code. An annual compliance audit of the personal information management practices of MCCC will be presented to the Board.*

1.1 Responsibility for compliance with the provisions of The MCCC Privacy Code rests with the MCCC Privacy Coordinator who can be reached at 1-204-261-6381 (call collect) or via [privacy@mennonitecc.ca](mailto:privacy@mennonitecc.ca). Other individuals within MCCC may be delegated to act on behalf of the MCCC Privacy Coordinator or to take responsibility for the day-to-day collection and processing of personal information.

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

1.3 MCCC shall implement policies and procedures to give effect to The MCCC Privacy Code, including:

1. Implementing procedures to protect personal information and to oversee MCCC's compliance with the MCCC Privacy Code;
2. Establishing procedures to receive and respond to inquiries or complaints;
3. Training and communicating to employees and contractors about MCCC's policies and procedures;
4. Developing information materials to explain MCCC's policies and procedures; and
5. To actively promote the Mission Statement of MCC.

## **PRINCIPLE 2 – IDENTIFYING PURPOSES FOR COLLECTION OF PERSONAL INFORMATION**

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

2.1 MCCC collects personal information only for the following purposes:

1. To establish and maintain responsible relations with constituents;
2. To provide constituents with products and/or services;
3. To understand, develop, and/or enhance constituent needs, desires, concerns, or opinions;
4. To manage and develop MCCC's business and operations, including personnel and employment matters;
5. To solicit and administer MCCC fundraising initiatives;
6. To meet legal and regulatory requirements; and

7. To advance the goals of the MCC Mission Statement.

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

- ▶ donors: individual constituents who contribute financially or in-kind to MCCC
- ▶ subscribers: individual constituents who subscribe to one or more MCC publication
- ▶ volunteers: individual constituents who volunteer with MCCC as a board or committee member, at an MCCC Thrift Shop, at an MCCC Ten Thousand Villages store, or with a specific project or program
- ▶ personnel: individuals who are employed or engaged by MCCC
- ▶ customers: individuals who purchase goods from MCCC Thrift Shops, MCCC Ten Thousand Villages stores, MCCC Relief Sales, or any other resource generating event
- ▶ clients: individuals who access services of/ through MCCC

2.3 MCCC 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 MCCC 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, MCCC 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, MCCC shall seek consent to use and disclose personal information at the same time it collects the information. However, MCCC 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 MCCC 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, MCCC 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 MCCC 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 MCCC 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:

- ▶ 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;
- ▶ 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;
- ▶ if there is an emergency where the life, health or security of an individual is threatened; or
- ▶ if disclosure is to a lawyer representing MCCC, to comply with a subpoena, warrant or other court order, or otherwise required or authorized by law.

#### **PRINCIPLE 4 – LIMITING COLLECTION OF PERSONAL INFORMATION**

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

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

4.2 MCCC 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**

*MCCC 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. MCCC shall retain personal information only as long as necessary for the fulfilment of the purposes for which it was collected.*

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

1. A third party who, in the reasonable judgment of MCCC, is seeking the information as an agent of the constituent;
2. A third party involved in supplying the constituent with MCCC products or services;
3. A third party engaged by MCCC to perform functions on its behalf;
4. A public authority or agent of a public authority if, in the reasonable judgment of MCCC, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information;
5. A third party or parties, where the constituent consents to such disclosure or disclosure is required or permitted by law; or
6. A third party or parties in the MCC Network, where the constituent consents to such disclosure or disclosure is required or permitted by law.

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

1. For normal personnel and benefits administration;
2. In the context of providing references regarding current or former employees and/or contractors in response to requests from prospective employers; or
3. Where the employee or contractor consents to such disclosure or disclosure is required or permitted by law.

5.3 Only MCCC's employees and/or contractors with a business need to know, or whose duties or services reasonably so require, are granted access to personal information about constituents, employees and contractors.

5.4 MCCC 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, MCCC 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 MCCC 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 MCCC 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 MCCC 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**

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

7.1 MCCC 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. MCCC shall use care in disposing of or destroying personal information, to prevent unauthorized parties from gaining access to the information. For example:

- ▶ Security measures include secure locks on filing cabinets and restricted access to the vault where financial information is stored.
- ▶ 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.
- ▶ Physical MCCC files containing personal information deleted from the files are shredded under the supervision of MCCC staff. Deleted electronic files will be permanently removed

from the system, although back-up tapes will contain information removed from the system until such time that the back-up tape is destroyed or reused.

7.2 MCCC 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 MCCC'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**

*MCCC shall make readily available to constituents, employees and contractors specific information about its policies and procedures relating to its management of personal information.*

8.1 MCCC 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**

*MCCC shall inform a constituent, employee or contractor of the existence, use and disclosure of his or her 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, MCCC 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 MCCC may not be able to provide access to all of the personal information it holds about a constituent, employee or contractor. MCCC shall provide the reasons for denying access upon request. For example:

- ▶ 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;
- ▶ if disclosure would reveal confidential MCCC information;
- ▶ if the information is protected by solicitor-client privilege;
- ▶ if the information was generated in the course of a formal dispute resolution process; or
- ▶ 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, MCCC 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, MCCC 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 MCCC 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 MCCC 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, MCCC 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 Constituents can obtain information or seek access to their individual information by contacting the MCCC Privacy Coordinator during MCCC's office hours.

9.7 Employees and contractors can obtain information or seek access to their individual files by contacting their immediate supervisor within MCCC or the Director of Human Resources.

#### **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 MCCC's compliance with the MCCC Privacy Code.*

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

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

10.3 The MCCC Privacy Coordinator may seek external advice where appropriate before providing a final response to individual complaints.

10.4 MCCC shall investigate all complaints concerning compliance with The MCCC Privacy Code. If a complaint is found to be justified, MCCC 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 his or her complaint.

#### **ADDITIONAL INFORMATION**

For more information regarding The MCCC Privacy Code, please contact the MCCC Privacy Coordinator at 1-204-261-6381 (call collect) or via e-mail at [privacy@mennonitecc.ca](mailto:privacy@mennonitecc.ca).

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](http://www.privcom.gc.ca).