



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 1 OF 10

Purpose:

Municipal Government provides a broad range of services to its citizens. To provide these services, the City collects personal information. This Directive describes why this information is collected, how it is used, whom it will be disclosed to, and how this information will be protected from unauthorized use.

The City of Whitehorse is committed to maintaining the accuracy, confidentiality, security and privacy of customer and employee personal information. This is reflected in existing privacy and confidentiality provisions found in various organizational policies and in standards of practice adopted by our business models. The City and its employees also reflect it in the high regard and trust with which customers and employees view the management of personal information.

The City of Whitehorse's Administrative Directive on Protection of Personal Information is a formal statement of principles and guidelines concerning the minimum requirements for the protection of personal information for our customers and employees. The objective of the Directive is responsible and transparent practices in the management of personal information, in accordance with Federal legislation.

Reference

Bill C-6: Personal Information Protection and Electronic Documents Act
Municipal Act
Employee Code of Conduct Policy

Ten Principles Of Information Protection

- 1. Accountability:** An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.
- 2. Identifying Purposes:** The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
- 3. Consent:** The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except where inappropriate.
- 4. Limiting Collection:** The collection of personal information shall be limited to that



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 2 OF 10

which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

5. Limiting Use, Disclosure, and Retention: Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

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

7. Safeguards: Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

8. Openness: An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

9. Individual Access: Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

10. Challenging Compliance: An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

Scope and Application

The 10 principles that form the basis of this directive are interrelated and the City shall adhere to the 10 principles as a whole. Each principle must be read in conjunction with the accompanying commentary. The scope and application of the Directive are as follows:

- The Directive applies to personal information about customers and employees of the City that is collected, used or disclosed by the City.
- The Directive applies to the management of personal information in any form whether oral, electronic or written.
- The Directive does not impose limits on the collection, use or disclosure of the following information:
 - information that is publicly available, such as a customer's name, address, telephone number and electronic address, when listed in a telephone directory or made available through other publicly available sources;



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 3 OF 10

- the name, title, business address or business telephone number of an employee of an organization; or
- information that is not “Personal Information”.
- The application of the Directive is subject to the requirements or provisions of any applicable legislation, regulations, tariffs or agreements (such as collective agreements), or the order of any court 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 express 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 the City of Whitehorse. Implied consent is consent that can reasonably be inferred from an individual’s action or inaction.

Customer - an individual who:

- (a) uses, or applies to use, the services of the City or any goods purchased from the City;
- (b) corresponds with the City; or
- (c) enters any contest sponsored by the City.

Disclosure - making personal information available to a third party.

Designated Officer – A person designated by the City of Whitehorse to oversee compliance to this policy.

Employee - an employee of the City of Whitehorse.

Personal information - information about an identifiable individual but not aggregated information that cannot be associated with a specific individual.

For a **customer**, such information includes application for services, grant application, billing information, recorded complaints, contact information, and etcetera.

For an **employee**, such information includes information found in personal employment files, performance appraisals and medical and benefits information.

Third party - an individual other than the customer or his agent or an organization other than The City of Whitehorse



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 4 OF 10

Use - the treatment, handling, and management of personal information by the City of Whitehorse.



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 5 OF 10

The Personal Information Protection Directive in Detail

1. Accountability:

The City of Whitehorse is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

- 1.1 Responsibility for ensuring compliance with the provisions of the Directive rests with the designated officer of the City, which has designated the City Manager as the person to be accountable for compliance with the Directive.
- 1.2 Other individuals within The City of Whitehorse may be delegated to act on behalf of the designated person(s) or to take responsibility for the day-to-day collection and processing of personal information.
- 1.3 The City of Whitehorse shall make known, upon request, the title of the person or persons designated to oversee their compliance with the Directive.
- 1.4 The City of Whitehorse is responsible for personal information in their possession or control, including information that has been transferred to a third party for processing. The City of Whitehorse shall use appropriate means to provide a comparable level of protection while information is being processed by a third party (see Principle 7).
- 1.5 The City of Whitehorse has designated the City Manager as its Privacy Official to oversee compliance with the Directive. The Privacy Official may be contacted at:

City of Whitehorse
2121 Second Avenue
Whitehorse, Y.T.
Y1A 1C2
Attention: City Manager, Privacy Official
Or telephone: 1-867-668-8650

2. Identifying Purposes:

The purposes for which personal information is collected shall be identified by the City of Whitehorse at or before the time the information is collected.

- 2.1 The City of Whitehorse shall collect personal information only for the following purposes:
 - a) To establish and maintain responsible commercial relations with customers and to provide ongoing service;
 - b) To understand customer needs;
 - c) To develop, enhance, market or provide municipal products and services;
 - d) To manage and develop their business and operations, including personnel and employment matters; and
 - e) To meet legal and regulatory requirements.Further references to “identified purposes” mean the purposes identified in this Principle



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 6 OF 10

- 2.2 The City of Whitehorse shall specify orally, electronically or in writing the identified purposes to the customer or employee 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 the City who shall explain the purposes.
- 2.3 Unless required by law, the City of Whitehorse shall not use or disclose, for any new purpose, personal information that has been collected without first identifying and documenting the new purpose and obtaining the consent of the customer or employee.
- 2.4 The City of Whitehorse shall compile a list of sources for which personal information is collected. This list shall identify what information is collected, why it is required, what it will be used for, and how the information is accessed.

3 Consent:

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

Note: In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individual. For example, the City of Whitehorse may collect or use personal information without knowledge or consent 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 a minor, seriously ill or mentally incapacitated.

- 3.1 The City of Whitehorse may also collect, use or disclose personal information without knowledge or consent in the following circumstances:
- a) if seeking the consent of the individual might defeat the purpose of collecting the information such as in the investigation of a breach of a bylaw or agreement or a contravention of a federal or provincial law.
 - b) in the case of an emergency where the life, health or security of an individual is threatened, or appears to be threatened.
 - c) The City of Whitehorse may disclose personal information without knowledge or consent to a lawyer representing the companies, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required by law.
- 3.2 In obtaining consent, The City of Whitehorse shall use reasonable efforts to ensure that a customer or employee 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 customer or employee.
- 3.3 Generally, The City of Whitehorse shall seek consent to use and disclose personal information at the same time it collects the information. However, the City 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.



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:

PAGE 7 OF 10

PERSONAL INFORMATION PROTECTION

- 3.4 The City of Whitehorse will require customers to consent to the collection, use or disclosure of personal information as a condition of the supply of a service only if such collection, use or disclosure is required to fulfill the identified purposes, or will allow for the better management of that service.
- 3.5 In determining the appropriate form of consent, The City of Whitehorse shall take into account the sensitivity of the personal information and the reasonable expectations of its customers and employees.
- 3.6 In general, the use of services by a customer, or the acceptance of employment or benefits by an employee, constitutes implied consent for the City of Whitehorse to collect, use and disclose personal information for all identified purposes.
- 3.7 A customer or employee may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Customers and employees may contact the City for more information regarding the implications of withdrawing consent.

4 Limiting Collection:

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

- 4.1 The City of Whitehorse collects personal information primarily from their customers or employees.
- 4.2 The City of Whitehorse may also collect personal information from other sources including other government agencies, employers or personal references, or other third parties that represent that they have the right to disclose the information.
- 4.3 The type and scope of information collected should be consistent with what the information will be used for.

5 Limiting Use, Disclosure, and Retention:

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.

- 5.1 In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individual. (See Note - Principle 3)
- 5.2 In addition, The City of Whitehorse may disclose a customer's personal information to:
- another Government agency for the effective provision of a municipal or government services;
 - a company involved in supplying the customer with municipal services;
 - another person for the development, enhancement, marketing or provision of any of the products or services of The City of Whitehorse;



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 8 OF 10

- d) an agent retained by The City of Whitehorse in connection with the collection of the customer's account;
- e) credit grantors and reporting agencies;
- f) a person who, in the reasonable judgment of the City of Whitehorse, is seeking the information as an agent of the customer; and
- g) a third party or parties, where the customer consents to such disclosure or disclosure is required by law.

5.3 The City of Whitehorse may disclose personal information about its employees:

- a) for normal personnel and benefits administration;
- b) in the context of providing references regarding current or former employees in response to requests from prospective employers; or
- c) where disclosure is required by law.

5.4 Only those employees of The City of Whitehorse who require access for business reasons, or whose duties reasonably so require, are granted access to personal information about customers and employees.

5.5 The City of Whitehorse 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 customer or employee, The City of Whitehorse shall retain, for a period of time that is reasonably sufficient to allow for access by the customer or employee, either the actual information or the rationale for making the decision.

5.6 The City of Whitehorse shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction, which applies 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.

5.7 Additional Information about retention and destruction of personal information is also governed by the Administrative Directive on "*Records Retention and Destruction*".

6 Accuracy:

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 The City of Whitehorse 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 customer or employee.

6.2 The City of Whitehorse shall update personal information about customers and employees as and when necessary to fulfill the identified purposes or upon notification by the individual.



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 9 OF 10

7 Safeguards:

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

- 7.1 The City of Whitehorse shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures. The City shall protect the information regardless of the format in which it is held.
- 7.2 The City of Whitehorse 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 employees of the The City of Whitehorse with access to personal information shall be required as a condition of employment to respect the confidentiality of personal information.

8 Openness:

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

- 8.1 The City of Whitehorse shall make information about its policies and practices easy to understand, including:
 - a) The title and address of the person or persons accountable for the companies' compliance with the Directive and to whom inquiries or complaints can be forwarded;
 - b) The means of gaining access to personal information held by the companies; and
 - c) The City of Whitehorse shall compile an inventory of personal information collected. For each type of information, the following shall be identified:
 - Purpose or reason the information is collected
 - How the information will be used
 - Who will use the information (inside and outside the organization)
 - How is it stored and protected
 - How and when is it disposed of
- 8.2 The City of Whitehorse shall make available information to help customers and employees exercise choices regarding the use of their personal information and the privacy-enhancing services available from the company.

9 Individual Access:

Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 10 OF 10

- 9.1 Upon request, The City of Whitehorse shall afford to a customer or an employee a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time and at minimal or no cost to the individual.
- 9.2 In certain situations, The City of Whitehorse may not be able to provide access to all of the personal information that they hold about a customer or employee. For example, The City of Whitehorse may not provide access to information 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. Also, the City of Whitehorse may not provide access to information if disclosure would reveal confidential 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 bylaw or a contravention of a federal or provincial law. If access to personal information cannot be provided, The City of Whitehorse shall provide the reasons for denying access upon request.
- 9.3 Upon request, The City of Whitehorse 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, the City 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 customer or employee may be required to provide sufficient identification information to permit the City 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 The City of Whitehorse 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, the City of Whitehorse shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- 9.6A customer can obtain information or seek access to his or her individual file by contacting a designated representative at the City, wherever the said file is located. An employee can obtain information or seek access to his or her individual file by contacting his or her immediate supervisor within the City or the manager of the Human Resources Department

10 Challenging Compliance:

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.



ADMINISTRATIVE DIRECTIVE

DIRECTIVE NO.: 2004-01
EFFECTIVE DATE: January 1, 2004

SUBJECT:
PERSONAL INFORMATION PROTECTION

PAGE 11 OF 10

- 10.1 The City of Whitehorse shall maintain procedures for addressing and responding to all inquiries or complaints from its customers and employees about the companies' handling of personal information.
- 10.2 The City of Whitehorse shall inform their customers and employees about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with the Directive may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 The City of Whitehorse, as the case may be, shall investigate all complaints concerning compliance with the Directive. If a complaint is found to be justified, the company shall take appropriate measures to resolve the complaint including, if necessary, amending its administrative directive and procedures. A customer or employee shall be informed of the outcome of the investigation regarding his or her complaint.
- 10.5 If the complaint is not resolved to the satisfaction of the complainant, they may forward their complaint to the Privacy Commissionaire. Types of complaints normally handled by the Commissionaire include:
- a) Denial of individual access to information
 - b) Improper collection, use or disclosure of information
 - c) Refusal to correct inaccurate or incomplete information
 - d) Failure to provide access to personal information in an alternative format to an individual with a sensory disability
 - e) Inappropriate safeguards to the protection of personal information
- 10.6 The Privacy commissionaire can be contacted at:
The Office of the Privacy Commissioner of Canada
112 Kent Street
Ottawa, Ontario K1A 1H3
Telephone 1-(800) 282-1376
Web: www.privcom.gc.ca
Email: info@privcom.gc.ca

For more information on the commitment of The City of Whitehorse to privacy, contact them at the number shown for the privacy official or contact them through the following website:
www.city.whitehorse.yk.ca

Original signed by
Bill Newell
City Manager