

## INFORMATION ACCESS AND PRIVACY POLICY

### Purpose

The purpose of this policy is to establish policies and procedures regarding public access to general records held by SAO and the protection of personal information including access by individuals to their own personal information.

### Definitions

**“Access to information”** means access by the public to SAO’s general records.

The **“Access and Privacy Policy”** means the policies and procedures dealing with access to information and the protection of privacy.

**“Personal Information”** means information about an identifiable individual recorded in any form including:

- a) information relating to the race, national or ethnic origin, colour, religion, age, sexual orientation or marital or family status of the individual;
- b) information relating to the education of the individual or information relating to the financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, telephone number, fingerprints or blood type of the individual;
- e) the person opinions or views of the individual except where they relate to another individual;
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the individual; and
- h) the individual’s name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

For the purpose of collection, “personal information” includes information that is not recorded and that is otherwise defined as “personal information” in this policy.

### Policies

1. **Accountability and Administration**
  - a) SAO shall develop and implement policies and procedures dealing with public access to information and the protection of privacy. The policies and procedures shall be publicly accessible.

- b) SAO shall appoint a senior officer who shall have the responsibility of ensuring SAO's compliance with this policy.
- c) SAO shall develop a procedure and time frames for complying with requests for access to information already held by SAO.
- d) Staff will be required to adhere to strict confidentiality of personal information.
- e) SAO shall publish information regarding its policies and procedures relating to the management of personal information and general records. Such information shall include:
  - i) the name of the person responsible for SAO's policies and procedures;
  - ii) the name of the person to whom complaints should be directed;
  - iii) the form such complaints should take;
  - iv) the means of gaining access to personal information held by SAO;
  - v) a description of the type of information; and
  - vi) brochures or other documentation describing SAO's policies, procedures and codes.
- f) SAO shall ensure that the staff of SAO are adequately trained in order to ensure that the policies and procedures can be effectively implemented.

## **2. Protection of Personal Information**

### **Collection**

The collection of personal information shall be limited to that which is necessary for SAO to comply with the contract, or to meet the obligations of a statute. Wherever possible, personal information shall be collected directly from the individual to whom the information relates by fair and lawful means. The purpose for which information is collected shall be identified by SAO to an individual, at or before the time the information is collected.

### **Individual Access**

- a) Upon request, SAO shall provide an individual with information concerning the existence, use and disclosure of his or her personal information and provide the applicable personal information to the individual, except where releasing the personal information would:
  - i) violate another individual's right to privacy, unless that individual consents to the information's release;
  - ii) violate solicitor-client privilege; or
  - iii) compromise security, or legally recognized commercial proprietary concerns.
- b) Personal information shall be made available to requesters at minimal or no cost and shall be provided in a form that is easily understandable.

### **Use and Disclosure**

- a) Personal information shall not be used or disclosed for purposes other than that for which it was collected, except with the consent of the individual or as required by law.
- b) An individual's consent must be obtained before personal information may be disclosed to third parties, except for law enforcement purposes;
- c) SAO shall provide personal information to third parties who can demonstrate that they have in place a means to provide a means to provide protection comparable to that provided by SAO.
- d) Where personal information is made available to third parties on an ongoing basis, amendments to such information shall regularly be provided to them.

### **Consent**

The knowledge and consent of the individual are required for the use, or disclosure of personal information, except where permitted under freedom of information and privacy legislation, such as law enforcement purposes.

### **Retention**

- a) Personal information shall be retained only as long as necessary for the fulfillment of the purpose for which it was collected.
- b) Guidelines shall be developed to govern the period of time personal information is retained by SAO.

### **Disposal**

- a) Reasonable steps should be taken to protect the security and confidentiality of personal information that is to be destroyed.
- b) Personal information that is not longer required to fulfill the identified purposes should be permanently erased, rendered anonymous or destroyed in such a way that it cannot be reconstructed or retrieved;
- c) Guidelines shall be developed and procedures implemented to govern the secure destruction of personal information to ensure it cannot be reconstructed or retrieved.

### **Accuracy**

Personal information shall be accurate, complete, and as up-to-date as possible.

### **Right of Correction**

- a) The individual has the right to ask that information relating to him or her be corrected, and where there is disagreement about the correctness of the information, SAO shall attach the individual's statement of disagreement to the personal information.
- b) The individual may require that any third party to whom their personal information was disclosed, within the year before the time the correction was requested or a statement of disagreement required, be notified of the correction or statement of disagreement.

## **Security**

In order to prevent the unauthorized disclosure, copying, use or modification of personal information held by the SAO, access to such information shall be restricted by the use of recognized security mechanisms such as passwords, encryption or other reasonable safeguards.

## **Complaints**

- a) An individual shall be able to file a complaint concerning compliance with the above rules to the designated individual or individuals accountable for SAO's compliance with this policy.
- b) SAO shall develop a mechanism to address all complaints about the handling of personal information and the refusal to grant access in response to a request for one's own information.
- c) If a complaint is found to be justified, SAO shall take appropriate measures to rectify the problem in a timely manner.
- d) SAO shall develop and implement procedures which establish a mechanism to allow any unresolved complaints to be addressed by an independent third party.

## **Penalties**

No person shall willfully use, disclose, or retain personal information obtained under the authority of this policy.

### **3. Access to Information**

SAO's records shall be made available to the public on request, subject to the following exceptions:

- a) personal information, including medical information, when the personal information is sought by persons other than by the individual to whom the information relates;
- b) law enforcement information;
- c) information, the disclosure of which, would violate solicitor-client privilege; and
- d) a trade secret, commercial, technical, financial, or labour relations information which, if released, would harm the competitive position of the organization to whom the information belongs when the information is being sought by persons other than the organization to whom the information belongs.