



## PRIVACY POLICY

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### 1. Purpose of CAP AIDS's Privacy Policy

This privacy policy has been developed to comply with Canada's Personal Information Protection and Electronic Documents Act ("PIPEDA") which governs the collection, use and disclosure of personal information in the course of commercial activity as defined in the Act. This privacy policy applies to all CAP AIDS staff, Board of Directors and Volunteers.

### 2. Definitions

- 2.1. "Personal information" means any information about an identifiable individual. It includes, without limitation, information relating to identity, nationality, age, gender, address, telephone number, e-mail address, Social Insurance Number, date of birth, marital status, education, employment health history, assets, liabilities, payment records, credit records, loan records, income and information relating to financial transactions as well as certain personal opinions or views of an Individual.
- 2.2. "Database" means the list of names, addresses and telephone numbers of clients and individuals held by CAP AIDS in the forms of, but not limited to, computer files, paper files, and files on hard-drives.
- 2.3. "Express consent" means the individual signs any form containing personal information, authorizing CAP AIDS to collect, use, and disclose the individual's personal information for the purposes set out in the application and/or forms.
- 2.4. "Implied Consent" means the organization may assume that the individual consents to the information being used, retained and disclosed for the original purposes, unless notified by the individual.

### 3. Purposes of Collecting Personal Information

Personal information is collected by CAP AIDS for the purpose of communicating to supporters regarding their donations, issuing tax receipts for donations, notifying members and contacts of opportunities and sharing information about our work.

### 4. Consent

An individual's express, written consent will be obtained before or at the time of collecting personal information. The purposes for the collection, use or disclosure of the personal information will be provided to the individual at the time of seeking his or her consent. Once consent is obtained from the individual to use his or her information for those purposes, CAP AIDS has the individual's implied consent to collect or receive any supplementary information that is necessary to fulfill the same purposes. Express consent will also be obtained if, or when, a new use is identified. By signing the application and/or other forms, implied consent is granted by the individual to obtain and/or to verify information from third parties such as banks, credit bureaus, other lenders, and insurance companies in the process of assessing the eligibility of an individual or client. An individual can choose not to provide some or all personal information at any time. This Privacy Policy does not cover statistical data from which the identity of individuals cannot be determined. CAP AIDS retains the right to use and disclose statistical data as appropriate.

### 5. Limiting Collection

Personal information collected will be limited to the purposes set out in this Privacy Policy and will apply to donation forms, online donation portals, petitions, sign-up sheets and personal correspondence.

## **6. Limiting Use, Disclosure and Retention**

### **6.1. Use of Personal Information**

Personal information will be used for only those purposes to which the individual has consented with the following exceptions, as permitted under PIPEDA:

- the organization has reasonable grounds to believe the information could be useful when investigating a contravention of a federal, provincial or foreign law and the information is used for that investigation;
- an emergency exists that threatens an individual's life, health or security;
- the information is for statistical study or research;
- the information is publicly available;
- the use is clearly in the individual's interest, and consent is not available in a timely way;
- knowledge and consent would compromise the availability or accuracy of the information;
- collection is required to investigate a breach of an agreement.

### **6.2. Disclosure and Transfer of Personal Information**

- 6.2.1.** Personal information will be disclosed to only those CAP AIDS employees, members of CAP AIDS committees, and the Board of Directors that need to know the information for the purposes of their work or making an assessment as to the individual's involvement with CAP AIDS programs and activities.
- 6.2.2.** Personal information will be disclosed to third parties with the individual's knowledge and consent. PIPEDA permits CAP AIDS to disclose personal information to third parties, without an individual's knowledge and consent, to:
- a lawyer representing CAP AIDS;
  - collect a debt owed to CAP AIDS by the individual or client;
  - comply with a subpoena, a warrant or an order made by a court or other body with appropriate jurisdiction;
  - a law enforcement agency in the process of a civil or criminal investigation;
  - a government agency or department requesting the information; or, as required by law.
- 6.2.3.** PIPEDA permits CAP AIDS to transfer personal information to a third party, without the individual's knowledge or consent, if the transfer is simply for processing purposes and the third party only uses the information for the purposes for which it was transferred. CAP AIDS will ensure, by contractual or other means, that the third party protects the information and uses it only for the purposes for which it was transferred.

### **6.3. Retention of Personal Information**

- 6.3.1.** Personal information will be retained in employee and/or member and/or volunteer files as long as the file is active and for such periods of time as may be prescribed by applicable laws and regulations.

## **7. Accuracy**

CAP AIDS endeavors to ensure that any personal information provided by the individuals their active file is accurate, current and complete as is necessary to fulfill the purposes for which the information has been collected, used, retained and disclosed. Individuals are requested to notify CAP AIDS of any change in information.

## **8. Safeguards**

- 8.1.** CAP AIDS will use physical, organizational, and technological measures to safeguard personal information to only those CAP AIDS employees, members, volunteers, or third parties who need to know this information for the purposes set out in this Privacy Policy.
- 8.2.** Members of the CAP AIDS committees and/or Board of Directors are not permitted to copy or retain any personal information on individuals or clients and must return for destruction all such information given to them to review once the purpose for being provided with this information has been fulfilled.
- 8.3.** Employees, members of CAP AIDS committee(s), volunteers and/or Board of Directors are required to sign a confidentiality agreement binding them to maintaining the confidentiality of all personal information to which they have access.
- 8.4.** Physical Safeguards: Active files are stored in locked filing cabinets when not in use. Access to locations where active files may be in use is restricted to CAP AIDS employees and, Board of Directors and committees as overseen by the Director. All inactive files or personal information no longer required are shredded prior to disposal to prevent inadvertent disclosure to unauthorized persons.
- 8.5.** Technological Safeguards: Personal information contained in CAP AIDS computers and electronic databases are password protected. Internet router or server has firewall protection sufficient to protect personal and confidential business information. Personal information is not transferred to volunteer committee members, the Board of Directors, or third parties by e-mail or other electronic form without password protection.

## **9. Openness**

CAP AIDS will endeavour to make its privacy procedures known to the public via this Privacy Policy which will be available at the office and posted on the website.

## **10. Individual Access**

- 10.1.** An Individual who wishes to review or verify what personal information is held by CAP AIDS, or to whom the information has been disclosed (as permitted by the Act), may make the request for access, in writing, to CAP AIDS' Executive Director. Upon verification of the individual's identity, CAP AIDS' Executive Director will respond within 60 days.
- 10.2.** If the individual finds that the information held by CAP AIDS is inaccurate or incomplete, upon the individual providing documentary evidence to verify the correct information, CAP AIDS will make the required changes to the individual's active file(s) promptly.

## **11. Complaints/Recourse**

- 11.1.** If an individual has a concern about CAP AIDS's handling of personal information, complaint, in writing, may be directed to CAP AIDS' Executive Director.
- 11.2.** Upon verification of the individual's identity, CAP AIDS' Executive Director will act promptly to investigate the complaint and provide a written report of the investigation's findings to the individual.
- 11.3.** Where CAP AIDS' Executive Director makes a determination that the individual's complaint is well founded, they will take the necessary steps to correct the offending information-handling practice and/or revise CAP AIDS's privacy policy and procedures.
- 11.4.** Where CAP AIDS' Executive Director determines that the individual's complaint is not well founded, the individual will be notified in writing.
- 11.5.** If the individual is dissatisfied with the finding and corresponding action taken by CAP AIDS' Executive Director, the individual may bring a complaint to the Federal Privacy Commissioner :  
Privacy Commissioner of Canada - 112 Kent Street, Ottawa, Ontario K1A 1H3 / Ph: 1-800-282-1376