

HORSE COUNCL OF BRITISH COLUMBIA

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

POLICY AND GUIDELINES

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (RSBC 1996) CHAPTER 165:

PERSONAL INFORMATION PROTECTION ACT – BILL 38 -- 2003

PURPOSE:

This document is to serve as a guideline and policy for staff, directors and members when delivering programs and services on behalf of HCBC. The guidelines are prepared to assist staff, directors and members to administrate the provisions of the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Information Protection Act (PIPA) for the Province of BC.

The purposes of the FIPPA and PIPA are to make public bodies more accountable to the public and to protect personal privacy by

- (a) giving the public a right of access to records
- (b) giving individuals a right of access to and a right to request correction of person information about themselves.
- (c) specifying limited exceptions to the rights of access
- (d) preventing the unauthorized collection, use or disclosure of personal information by public bodies and
- (e) providing for an independent review of decisions made under the Act.

FREEDOM OF INFORMATION CO-ORDINATOR

Horse Council of BC will adopt a position of FIPPA Co-coordinator within the society. The President in consultation with the Executive committee will appoint a person to full the responsibilities of FIPPA Co-coordinator. This position may be held in conjunction with other duties.

FIPPA Co-coordinator will have the following duties and be responsible for:
(a) responsible to receive, comply and act upon all FIPPA and PIPA requests received from individuals.

(b) responsible to receive, comply and act upon all requests or complaints from the Office of the Information & Privacy Commissioner for British Columbia.

(c) will maintain a working knowledge of FIPPA and PIPA as its provisions apply to HCBC

(d) will maintain a written copy of FIPPA and PIPA for reference.

(e) will act as a resource for FIPPA and PIPA for directors and staff.

(f) responsible to ensure documents are collected, used, stored, maintained and disposed of in accordance with the provisions of FIPPA and PIPA.

(g) responsible for the security and storage of sensitive documents such as criminal records, employment resume etc.

(h) responsible for access to information after a request is received and arrangements for personal attendance if required.

(g) other related duties dealing with FIPPA and PIPA as may arise.

POLICY:

(a) HCBC will not collect or use personal information of members or employees without the consent of the individual unless otherwise provided in FIPPA and PIPPA.

(b) HCBC will ensure the provisions of FIPPA and PIPA are maintained during the development and maintenance of all programs.

(c) HCBC Bylaws Section 30 states "Lists of member shall not be available for sale or general public distribution"

(d) HCBC may require an applicant who makes a request for documents to pay a fee for the services rendered. Such fees may include but not restricted to; locating, producing, shipping, handling or photocopy of the records.

(e) FIPPA Coordinator will not respond to requests unless submitted in accordance this policy or with FIPPA and PIPA.

(f) FIPPA Coordinator will respond to requests submitted in the following manner:

- the applicant must make a written request

- the request must provide sufficient detail to enable the coordinator to identify the records sought.

- the request provides written proof of the authority of the applicant to make the request.
- the request is submitted to HCBC as the society which has custody and control of the documents.
- The applicant must ask for a copy of the record or to examine the record.
- (g) HCBC will not allow records to be removed from its custody or control. Every applicant requesting to examine records will be administrated and supervised by FIPPA Coordinator at the offices of HCBC.
- (h) Original documents in the custody or control of HCBC will not supplied to an applicant. A photocopy will be made and “certified true” if required. Appropriate fees may apply.
- (i) HCBC will forward or supply documents to a Third Party only on request of a member.
- (j) HCBC will review and amend FIPPA procedures and policy as required

BEST PRACTICES

- **Always write as if the public will have access to the information being collected**
- **Collect accurate, timely and relevant information for the task at hand**
- **If personal information is not required – do not collect it.**
- **Establish responsible keepers for personal information collected**
- **Engage in as much informed consent and subject notification as possible.**
- **Remember any information about a member is considered personal information and must be treated as such.**
- **Remember any member may restrict the amount or type of information that may be released to the general public or subject to publication.**
- **Programs being developed or surveys being conducted will be designed with FIPPA in mind. Information should reflect the purpose and collection of information towards the value and use of the information.**

DUTY TO INFORM:

The FIPPA requires all individuals being serviced by staff or directors to be informed of the following regarding the collection and use of their personal information.

- (a) type of personal information that will be collected
- (b) reasons the information is being collected (i.e. administration of programs, membership or coaching requirements etc.)
- (c) people who will have access to and use this information (i.e. staff, directors, analysis etc)
- (d) the information will be used only for the purposes for which it was collected.
- (e) after services are complete the individual's information is returned, stored or archived for an appropriate length of time.
- (f) individual's have a right to and expectation of privacy.

PERSONAL INFORMATION – DEFINED

Personal information means recorded information about an identifiable individual, including:

- (a) the individual's name, date of birth, social insurance number, health care number, address, telephone number, fax number, emails address etc.
- (b) The individual's race, national or ethnic origin
- (c) age, sex, sexual orientation, marital status, or family status of the individual
- (d) Information about the individual's health or health history
- (e) anyone else's opinions about the individual, and the individual's personal views or opinions unless they are about someone else:
- (f) personal information is information pertaining to an identifiable individual.

A RECORD – DEFINED

- (a) a record is defined as any information recorded or stored by any means whether in hard copy or in electronic format. A record includes books, documents, maps, drawings, photographs, letters, vouchers, papers and information that is stored on an electronic database.
- (b) Records do not have to be specifically identified in a contract to be subject to the FIPPA if they are requested.

(c) Under the FIPPA, the term record includes anything “..on which information is recorded or stored by graphic, electronic, mechanical or other means.

(d) Any and all material and personal records held by HCBC whether complete or incomplete belong to HCBC and must be returned to HCBC when services to a person has ceased.

(e) Information recorded about a person must be factual.

(f) Opinions, if recorded on a persons file are to be noted as such and must pertain to the person.

(g) Under FIPPA, persons have the right to request any of their personal information that has been collected by HCBC subject to exceptions under FIPPA

Office of the information & Privacy Commissioner for B.C.

The Office of the Information and Privacy Commissioner (OIPC) is independent from government and monitors and enforces British Columbia’s Freedom of Information and Protection of Privacy Act (FIPPA) and Personal Information Protection Act (PIPA). FIPPA allows access to information held by public bodies such as government, hospitals, universities etc and determines how public bodies may collect, use and disclose personal information. PIPA sets out how private organizations such as businesses, associations, charities etc. may collect, use and disclose personal information.

Website is located at <http://www.oipc.org/> The website displays “Legislation” on the right hand side. Click on “Legislation” and the electronic printable version of both Acts are available.