



Policies & Procedures Manual
Policy No. 35-2023 (BP – Privacy)
Privacy Policy

PRIVACY POLICY

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1. PURPOSE

The need of the Squamish-Lillooet Regional District (“SLRD”) to collect, use or disclose personal information for the purpose of carrying out its daily business operations is balanced against the right of individuals pursuant to Freedom of Information and Protection of Privacy Act (“FOIPPA”) to have their privacy and personal information protected. The Office of the Information and Privacy Commissioner for British Columbia (“OIPC”) is the agency that provides independent oversight and enforcement of BC’s access and privacy legislation including FOIPPA.

The purpose of this Policy is to:

- set out the general expectations and legal obligations of the SLRD for the protection of privacy and personal information pursuant to FOIPPA;
- be the foundation of the SLRD Privacy Management Program and provide a framework for how the SLRD will operate in order to ensure personal information is collected, used or disclosed in accordance with FOIPPA; and
- demonstrate the SLRD’s commitment and accountability to the protection of privacy and personal information in SLRD systems, projects, programs, activities and initiatives by taking reasonable security precautions to protect privacy and personal information in the course of conducting its daily business operations.

2. FOIPPA FRAMEWORK

(a) Access to information

FOIPPA establishes a process for an individual to request access to information contained in the custody of or under the control of the SLRD. This right to access information is subject to prescribed exemptions from disclosure under FOIPPA.

(b) Protection of Privacy

FOIPPA prohibits the unauthorized collection, use or disclosure of personal information and also provides a right for a person to correct their personal information which is held by the SLRD.

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3. DEFINITIONS

“Business Contact Information” means information that would enable an individual to be contacted at a place of business and includes name, business address, business position or title, business telephone number, business email address and business fax number.

“FOI Head” means the person in the organization designated by the SLRD Board in accordance with FOIPPA as a statutory decision maker for the purpose of administering and complying with FOIPPA.

“Information-Sharing Agreement” means a process where there is a regular and systematic exchange of Personal Information between:

- the SLRD and another public body; or
- the SLRD and an external agency

and contains the terms and conditions of the exchange of Personal Information in compliance with the provisions of FOIPPA and any other applicable legislation.

“Privacy Breach” means the unauthorized collection, use or disclosure of personal information in the course of SLRD business operations and includes theft or loss of Personal Information.

“Personal Information” means recorded information (other than Business Contact Information) about an identifiable individual including, but not limited to, the following:

- the individual’s name, residential address or telephone number;
- the individual’s race, national or ethnic origin, colour, religious beliefs, political beliefs, religious associations or political associations;
- the individual’s age, sex, sexual orientation, marital status or family status;
- an identifying number, symbol or other particular assigned to an individual;
- the individual’s fingerprint, blood type or inheritable characteristic;
- information about the individual’s health care history, including a mental disability or a physical disability;

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- information about the individual's education, financial, criminal or employment history;
- anyone else's opinion about the individual (but not the identity of the opinion holder).

"Privacy Impact Assessment" means the assessment conducted by the SLRD to determine if a current or proposed system, project, program, activity or initiative meets the protection of privacy provisions under FOIPPA.

"Privacy Officer" means the person designated by the FOI Head as being responsible for:

- being the point of contact for privacy-related matters;
- supporting the development, implementation and maintenance of privacy policies and procedures;
- supporting the SLRD's compliance with FOIPPA,

and, for clarity, the Privacy Officer may be the same person as the FOI Head.

"Service Provider" means a person retained under a contractual agreement to perform services for the SLRD.

4. APPLICATION

The SLRD has a statutory obligation to protect privacy and Personal Information from unauthorized collection, use or disclosure.

This Policy applies to employees, Board Directors, agents, volunteers and service providers of the SLRD, and they are responsible for:

- complying with the protection of privacy provisions of FOIPPA and this Policy;
- consulting with the FOI Head regarding the requirements of FOIPPA and this Policy;
- reporting privacy breaches to the Privacy Officer as soon as possible; and
- participating in privacy training.

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5. COLLECTION, USE OR DISCLOSURE OF PERSONAL INFORMATION

The SLRD may only collect Personal Information as expressly authorized under FOIPPA.

In the absence of consent allowing for the collection of Personal Information from a third party, Personal Information will be collected directly from the individual that the information is about. Where Personal Information is collected for a prescribed purpose, the individual that the Personal Information is about will provide consent in the prescribed manner (as set out below in this Policy).

The SLRD will ensure that an individual from whom it collects Personal Information is told:

- the purpose for which the Personal Information is being collected;
- the legal authority for collecting it; and
- the title, business address and business phone number of the Privacy Officer (or delegate) who can answer questions about the collection of the individual's Personal Information.

The SLRD will only collect Personal Information if it is directly related to a system, project, program, activity or initiative of the SLRD.

The SLRD will not collect Personal Information for one purpose and use or disclose it for another purpose.

The SLRD will:

- not "over-collect" Personal Information; and
- only collect the amount of Personal Information necessary for purposes of discharging its statutory obligations or for a use consistent with the operation of its programs, activities or initiatives.

Subject to the specified use and disclosure provisions under FOIPPA, the SLRD generally will only use or disclose Personal Information in its custody and control as follows:

- for the purpose for which the Personal Information was collected; or
- for a use consistent with that purpose; or

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- if the individual the Personal Information is about has consented to the use or disclosure of their Personal Information in the manner prescribed under FOIPPA.

Where an individual's consent is required for purposes of collecting, using or disclosing their Personal Information, consent will:

- be in writing;
- be done in a manner that specifies the Personal Information for which the individual is providing consent; and
- specify the date on which the consent is effective and, if applicable, the date on which the consent expires.

The collection of Personal Information through the use of audio taping or video surveillance is strictly prohibited unless authorized by the FOI Head. (However, please see below for information about open meetings of the Board and its Committees that are livestreamed and videorecorded with the authorization of the FOI Head.)

The SLRD will make every reasonable effort to ensure that the Personal Information it collects from an individual is accurate with the understanding that an individual has a right under FOIPPA to request the FOI Head to correct the Personal Information where the individual believes that there is an error or omission in their Personal Information.

Personal Information used to make a decision about an individual will be retained for at least one year after being used to make a decision that directly affects the individual. Personal Information will be destroyed in accordance with SLRD Records Management Bylaw No. 1450-2015 (or successor bylaw).

The SLRD will make reasonable security arrangements to protect Personal Information. Security measures are appropriate and proportional to the sensitivity of the Personal Information. This includes records containing Personal Information that may be located outside of SLRD offices but which is still within the custody or under the control of the SLRD including but not limited to Personal Information contained on mobile phones and laptop computers.

As part of the SLRD Privacy Management Program and as appropriate to their work function, the SLRD will provide general FOIPPA training to employees, Board Directors, agents, volunteers and service providers. Additional training is given in the following circumstances:

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- Employees handling what the Privacy Officer considers to high-risk or sensitive personal information receive training related to information systems and their security, in coordination with IT employees;
- Employees managing systems, projects, programs, activities or initiatives receive training related to privacy impact assessments; and
- Employees managing common or integrated systems, projects, programs, activities or initiatives receive training related to information sharing agreements.

A Privacy Impact Assessment will be undertaken in respect of the implementation of any new system, program, activity or initiative which may include the collection, use or disclosure of Personal Information. The FOI Head will oversee the Privacy Impact Assessment with the involvement of any employees as deemed necessary. A Privacy Impact Assessment may also be undertaken in respect of an existing system, program, activity or initiative, in order to determine if the privacy provisions under FOIPPA are being met.

Where the external use and disclosure of SLRD-held Personal Information is required for the operation of an SLRD program, activity or initiative, an Information Sharing Agreement will be put in place to establish sufficient parameters and security measures for the purpose of protecting privacy and Personal Information. The Information Sharing Agreement will be developed in consultation with the FOI Head and any employees as deemed necessary.

In the absence of an individual's consent as prescribed under FOIPPA, Personal Information in the custody of or under the control of the SLRD will be stored and accessed within Canada except in limited circumstances authorized under FOIPPA.

New Service Providers, whose work on behalf of the SLRD involves the collection, use or disclosure of Personal Information, will be required to abide by FOIPPA, this Policy and any related contractual requirements. New Service Provider contracts will contain language outlining this requirement.

Personal Information provided by individuals at open meetings of the Board and its committees is considered to be public and forms part of the public record. If an individual provides or discloses Personal Information to the SLRD for that purpose, the individual is deemed to have consented to the Personal Information being available to the public, including through posting on the SLRD website, livestreaming and videorecording.

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6. BREACH OF POLICY

Privacy complaints will be reported to the Privacy Officer in writing.

A suspected Privacy Breach will be reported in writing to the Privacy Officer as soon as possible.

The Privacy Officer (or delegate) may carry out an investigation and is authorized to collect, use or disclose Personal Information contained in the complaint as necessary for the purpose of conducting the investigation, except that the name of the complainant will be held in strict confidence and not disclosed.

The complainant will co-operate reasonably and in a timely way with an investigation, including by promptly providing requested information that might reasonably be needed as part of the investigation. A failure by a complainant to do so may result in the Privacy Officer deciding not to proceed any further with the complaint.

A complainant may make a written formal complaint to the OIPC, although a complainant is encouraged to use the SLRD's complaint procedure first.

7. THE SLRD WEBSITE

(a) Use of SLRD Website

The SLRD website automatically collects and stores the following information from website visitors:

- the internet protocol (IP) address and domain name used (the IP address is a numeric identifier assigned to either the individual's internet service provider or directly to the computer);
- the type of browser and operating system;
- the date and time of the website visit;
- the webpage(s) accessed;
- amount of time spent on each page;

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This automatically-collected information is used only for the following purposes:

- administering the SLRD website;
- assessing website system performance;
- improving website services; and
- improving website management.

The SLRD will not use this data to determine the inquirer's identity unless required to do so as part of an internal investigation for law enforcement purposes.

Personal Information (such as name, email address and demographic information) is only obtained when an individual supplies it voluntarily through contacting the SLRD via email or using the forms available on the SLRD website. This information will only be used for statistical purposes and to support the individual's relationship with the SLRD (i.e. the SLRD may respond to the individual's inquiry via email, etc.).

(b) Links to External Websites

The SLRD website includes links to webpages operated by external organizations. These links to external organizations are not referrals and are posted on the SLRD website only for convenience. The SLRD has no responsibility for, liability, or control over these external organization links and external organization websites. Please refer to the individual privacy policies and terms and conditions of use for the websites of these external organizations.

8. REVIEW

This policy will be brought forward to the Board for review as follows:

- at least every 3 years; and
- at the initiative of the Privacy Officer, at any time.

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