

AD06-06 – Privacy Code
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Introduction

At CALA, respecting privacy is an important part of our commitment to our members and employees. That is why we have developed The CALA Privacy Code. The CALA Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the collection, use and disclosure of personal information. The objective of The CALA Privacy Code is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of the *Personal Information Protection and Electronic Documents Act (Canada)*.

CALA will continue to review The CALA Privacy Code to make sure that it is relevant and remains current with changing industry standards, technologies and laws.

Summary of Principles

Principle 1 - Accountability

CALA is responsible for personal information under its control and shall designate one or more persons who are accountable for CALA's compliance with the following principles.

Principle 2 - Identifying Purposes for Collection of Personal Information

CALA shall identify the purposes for which personal information is collected at or before the time the information is collected.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

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

Principle 4 - Limiting Collection of Personal Information

CALA shall limit the collection of personal information to that which is necessary for the purposes identified by CALA. CALA shall collect personal information by fair and lawful means.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

CALA shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law.

Principle 6 - Accuracy of Personal Information

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

Principle 7 - Security Safeguards

CALA shall protect personal information by security safeguards appropriate to the sensitivity of the information.

Principle 8 - Openness Concerning Policies and Procedures

CALA shall make readily available to individuals specific information about its policies and procedures relating to the management of personal information.

Principle 9 - Individual's Access to Personal Information

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

Principle 10 - Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for CALA's compliance with The CALA Privacy Code.

Scope and Application

The ten principles that form the basis of The CALA Privacy Code are interrelated and CALA shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary. As permitted by the *Personal Information Protection and Electronic Documents Act* (Canada), the commentary in The CALA Privacy Code has been drafted to reflect personal information issues specific to CALA.

The scope and application of The CALA Privacy Code are as follows:

- The CALA Privacy Code applies to personal information collected, used, or disclosed by CALA in the course of commercial activities.
- The CALA Privacy Code applies to the management of personal information in any form, whether oral, electronic or written.

- The CALA Privacy Code does not impose any limits on the collection, use or disclosure of the following information by CALA:
 - (a) an employee’s name, title or business address or telephone number;
 - (b) other information about the individual that is publicly available and is specified by regulation pursuant to the *Personal Information Protection and Electronic Documents Act* (Canada).
- The CALA Privacy Code will not typically apply to information regarding CALA’s corporate members. However, such information may be protected by other CALA policies and practices and through contractual arrangements.
- The application of The CALA Privacy Code is subject to the requirements and provisions of the *Personal Information Protection and Electronic Documents Act* (Canada), the regulations enacted thereunder, and any other applicable legislation or regulation.

Definitions

collection: The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

consent: Voluntary agreement for the collection, use or disclosure of personal information for defined purposes. Consent can be either expressed 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 CALA. Implied consent is consent that can reasonably be inferred from an individual’s action or inaction.

member: An individual who purchases or otherwise acquires or uses any of CALA’s products or services or otherwise provides personal information to CALA in the course of CALA’s commercial activities.

disclosure: Making personal information available to a third party.

employee: An employee of or independent contractor to CALA.

individual: A natural person who is a member, employee or volunteer under the terms of the CALA Privacy Code.

personal information: Information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization.

CALA: CANADIAN ASSOCIATION FOR LABORATORY ACCREDITATION INC.

third party: An individual or organization outside of CALA.

use: The treatment, handling, and management of personal information by and within CALA or by a third party with the knowledge and approval of CALA.

volunteer: A person who performs or offers to perform a service voluntarily: a Board member, an assessor, an advisory panel member, an accreditation council member, a finance committee member, an executive committee member

The CALA Privacy Code in Detail

Principle 1 - Accountability

CALA is responsible for personal information under its control and shall designate one or more persons who are accountable for CALA's compliance with the following principles.

- 1.1 Responsibility for compliance with the provisions of The CALA Privacy Code rests with the CALA Privacy Officer who can be reached at 613-233-5300 or via email at privacyofficer@cala.ca
Other individuals within CALA may be delegated to act on behalf of the CALA Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information.
- 1.2 CALA shall make known, upon request, the identity of the CALA Privacy Officer.
- 1.3 CALA is responsible for personal information in its possession or control. Whenever personal information is transferred by CALA to a third party for processing, CALA shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party.
- 1.4 CALA shall implement policies and procedures to give effect to The CALA Privacy Code, including:
 - (a) implementing procedures to protect personal information and to oversee CALA's compliance with The CALA Privacy Code;
 - (b) implementing procedures to receive and respond to complaints or inquiries;

- (c) training and communicating to staff about CALA's policies and procedures; and
- (d) developing information materials to explain CALA's policies and procedures.

Principle 2 - Identifying Purposes for Collection of Personal Information

CALA shall identify the purposes for which personal information is collected at or before the time the information is collected.

2.1 CALA collects personal information only for the following purposes:

Typically, the personal information collected about you is used by CALA to confirm your identity, to communicate with you, to respond to your inquiries/comments, to send you important notices about the association, to assess your application and eligibility for membership, to fulfill the legal and legitimate business requirements of CALA, to properly administer CALA programs, and generally to provide you with the goods and services you have requested.

For current or prospective members, the personal information you provide is also used by CALA to process financial transactions (including membership fees, accreditation fees, purchases of products such as proficiency testing samples and of services such as site assessments fees), to process program transactions (including member applications, event registration, course enrolment, seminar or workshop enrolment,) to provide you with required information (including newsletters, notice of annual general meetings, and election of directors), and to maintain the legally-required register of member names for public perusal.

For current or prospective employees and volunteers, the personal information you provide is also used to confirm your identity, to assess your suitability and qualifications for the position, to prove eligibility to work in the country, to process payroll and deductions for EI, CPP, Income Tax and any other similar programs as may be required by law, to process and properly administer health insurance and group benefits, and to compile a personal profile of all employees, to support and document all legitimate and appropriate decisions concerning staffing, including job responsibilities, rates of pay, hours of work, entitlement to benefits, and promotions.

At times, we may conduct surveys – if you choose to participate in such surveys, we will use the information you provide to better understand your profile, your needs, and the needs of users of environmental laboratories. *If you do not wish your personal contact information to be used in this manner, you may opt-out of this use of your information where an opt-out is offered or you can call 613-233-5300 or by e-mail at privacyofficer@cala.ca at any time to withdraw your consent to such use and disclosure.*

Further reference to “identified purposes” mean the purposes identified in this Principle.

- 2.2 CALA shall specify orally, electronically or in writing the identified purposes to the individual 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 CALA who can explain the purposes.
- 2.3 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual will be acquired before the information will be used or disclosed for the new purpose.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of an individual are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.

- 3.1 In obtaining consent, CALA shall use reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the individual.
- 3.2 Generally, CALA shall seek consent to use and disclose personal information at the same time it collects the information. However, CALA may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- 3.3 CALA may require members to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use and/or disclosure is required to fulfill the explicitly specified, and legitimately identified purposes.
- 3.4 In determining the appropriate form of consent, CALA shall take into account the sensitivity of the personal information and the reasonable expectations of the individual.

- 3.5 The completion of an application form shall constitute consent for CALA to collect the personal information contained in the form and to use and disclose the personal information for the identified purposes. The purchase or use of products and services by a member, or the acceptance of employment or benefits by an employee, shall constitute implied consent for CALA to collect, use and disclose personal information for the identified purposes.
- 3.6 An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Individuals may contact CALA for more information regarding the implications of withdrawing consent.
- 3.7 CALA 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 seriously ill or mentally incapacitated.
- 3.8 CALA may collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might compromise the availability or the accuracy of the information or defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a complaint, investigation of the breach of an agreement, including a breach of the terms and conditions of accreditation or of proficiency testing, or a breach of a licence agreement with CALA, or a contravention of a law.
- 3.9 CALA may collect, use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- 3.10 CALA may use or disclose personal information without knowledge or consent to a lawyer representing CALA, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

Principle 4 - Limiting Collection of Personal Information

CALA shall limit the collection of personal information to that which is necessary for the purposes identified by CALA. CALA shall collect personal information by fair and lawful means.

- 4.1 CALA collects personal information primarily from its members, employees and volunteers.
- 4.2 CALA may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties who represent that they have the right to disclose the information.

- 4.3 CALA shall not collect personal information indiscriminately, but shall limit its collection of personal information to both the amount and type of information that is necessary to fulfill the identified purposes.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

CALA shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. CALA shall retain personal information only as long as necessary for the fulfillment of those purposes.

- 5.1 CALA may share personal information of members with our partners, including but not limited to Standards Council of Canada, Ontario Ministry of Environment, Asia Pacific Laboratory Accreditation Cooperation (APLAC), A2LA -The American Association for Laboratory Accreditation. This shared information may only include your contact information. Our partners use the shared personal information for purposes of accrediting or certifying members. Our partners may also use your personal contact information to provide you with other material (for example, surveys, and public relations materials).
- 5.2 *If you do not wish your personal contact information to be used in this manner, you may opt-out of this use of your information where an opt-out is offered or you can call 613-233-5300 or by e-mail at privacyofficer@cala.ca at any time to withdraw your consent to such use and disclosure.*
- 5.3 Only CALA's employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information.
- 5.4 CALA 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 an individual, CALA shall retain, for a period of time that is reasonably sufficient to allow for access by the individual, either the actual information or the rationale for making the decision.
- 5.5 CALA shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply 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.

Principle 6 - Accuracy of Personal Information

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 CALA shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about an individual.
- 6.2 CALA shall update personal information as necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 - Security Safeguards***CALA shall protect personal information by security safeguards appropriate to the sensitivity of the information.***

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

Principle 8 - Openness Concerning Policies and Procedures***CALA shall make readily available to individuals specific information about its policies and procedures relating to the management of personal information.***

- 8.1 CALA shall make information about its policies and procedures easy to understand, including:
 - (a) the title and address of the person or persons accountable for CALA's compliance with The CALA Privacy Code and to whom inquiries and/or complaints can be forwarded;
 - (b) the means of gaining access to personal information held by CALA;
 - (c) a description of the type of personal information held by CALA, including a general account of its use; and

- (d) a description of what personal information is made available to related organizations (e.g., partners).
- 8.2 CALA shall make available information to help individuals exercise control of the collection, use and/or disclosure of their personal information and, where applicable, privacy-enhancing services available from CALA.

Principle 9 - Individual's Access to Personal Information

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

- 9.1 Upon request, CALA shall afford individuals 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, CALA may not be able to provide access to all the personal information that it holds about the individual. For example, CALA 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, CALA may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client or litigation 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 a contravention of the laws of Canada or a province.
- 9.3 Upon request, CALA 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, CALA shall provide a list of third parties 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, an individual may be required to provide sufficient identification information to permit CALA 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 CALA 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, CALA shall transmit to third

parties having access to the personal information in question any amended information or the existence of any unresolved differences.

- 9.6 Individuals can obtain information or seek access to their individual files by contacting the CALA Privacy Officer.

Principle 10 - Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for CALA's compliance with The CALA Privacy Code.

- 10.1 CALA shall maintain procedures for addressing and responding to all inquiries or complaints from individuals regarding CALA's handling of personal information.
- 10.2 CALA shall inform individuals who make inquiries or lodge complaints 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 CALA Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 CALA shall investigate all complaints concerning compliance with The CALA Privacy Code. If a complaint is found to be justified, CALA shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. An individual shall be informed of the outcome of the investigation regarding his or her complaint.

Additional Information

For more information regarding The CALA Privacy Code, please contact the CALA Privacy Officer (the Chief Financial Officer) at 613-233-5300 or via email at privacyofficer@cala.ca

Please visit the Privacy Commissioner of Canada's web site at www.privcom.gc.ca.