



PRIVACY POLICY

TEAMSTERS CANADA RAIL CONFERENCE

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PRIVACY POLICY

1.0 Purpose of TCRC Privacy Policy

Teamsters Canada Rail Conference (TCRC) is a trade union representing approximately 10,000 members nationally in the transportation industry. The organization is comprised of elected officers, representatives and staff offering a wide range of services to our membership.

This privacy policy has been developed to comply with Canada's *Personal Information Protection and Electronic Documents Act* ("*PIPEDA*"). *PIPEDA* sets out rules for the collection, use and disclosure of personal information in the course of commercial activity as defined in the Act. Under *PIPEDA*, the definition of organization includes an association, a partnership, a person or a trade union.

1.1 The Ten Principles of PIPEDA Summarized

The ten principles of *PIPEDA* that form the basis of this Privacy Policy are as follows:

1. **Accountability:** organizations are accountable for the personal information they collect, use, retain and disclose in the course of their activities, including, but not limited to, the appointment of a Privacy Officer;
2. **Identifying Purposes:** organizations are to explain the purposes for which the information is being used at the time of collection and can only be used for those purposes;
3. **Consent:** organizations must obtain an Individual's express or implied consent when they collect, use, or disclose the individual's personal information;
4. **Limiting Collection:** the collection of personal information must be limited to only the amount and type that is reasonably necessary for the identified purposes;
5. **Limiting Use, Disclosure and Retention:** personal information must be used for only the identified purposes, and must not be disclosed to third parties unless the Individual consents to the alternative use or disclosure;
6. **Accuracy:** organizations are required to keep personal information in active files accurate and up-to-date;
7. **Safeguards:** organizations are to use physical, organizational, and technological safeguards to protect personal information from unauthorized access or disclosure.
8. **Openness:** organizations must inform their members and train their employees about their privacy policies and procedures;
9. **Individual Access:** an individual has a right to access personal information held by an organization and to challenge its accuracy if need be; and
10. **Provide Recourse:** organizations are to inform members and employees of how to bring a request for access, or complaint, to the Privacy Officer, and respond promptly to a request or complaint by the individual.

This Privacy Policy applies to all TCRC 's officers, representatives, staff and contracted employees. As well, TCRC ensures that all third party service providers sign confidentiality agreements prior to any transfer of an individual's personal information in the course of providing related information and/or services.

1.2 Definitions

"*Personal information*" means any information about an identifiable individual. It includes, without limitation, information relating to identity, nationality, age, gender, address, telephone number, email address, Social Insurance Number, date of birth, marital status, education, employment health history, as well as certain personal opinions or views of an Individual.

"*Business information*" means business name, business address, business telephone number, name(s) of owner(s), officer(s) and director(s), job titles, etc. Although business information is not subject to *PIPEDA*, confidentiality of business information will be treated with the same security measures by TCRC, as is required for individual personal information under *PIPEDA*.

"*Individual*" means officers, representatives, members, staff and contracted employees.

"*Database*" means the list of names, addresses and telephone numbers of members and individuals held by TCRC in the forms of, but not limited to, computer files, paper files, and files on computer hard-drives.

"*File*" means the information collected in the course of providing services, as well as information collected/updated to maintain /service an individual or group of individuals.

"*Express consent*" means the individual signs the application, or other forms containing personal information, authorizing TCRC to collect, use, and disclose the individual's personal information for the purposes set out in the application and/or forms.

"*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.

"*Processing purposes*" for the application of Section 5.2 means services such as payroll administration, internal and external audits, mailouts and balloting, surveys and research, etc.

"*Third Party*" means a person or company that provides services to TCRC in support of the programs, benefits, and other services offered by TCRC, such as legal firms, consultants and research institutes, but does *not* include any Government office or department to whom TCRC reports in the delivery of such programs, benefits or services.

2.0 Purposes of Collecting Personal Information

TCRC only collects personal information necessary for the management and administration of the services offered to its members, or necessary to manage its own affairs. The individual is the primary source of information, but TCRC may also seek to obtain information directly from a third party source in instances where the individual does not have the required information.

3.0 Consent

An individual's express written consent will be obtained before or at the time of collecting personal information that exceeds contact 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, TCRC has the individual's implied consent to collect or receive any supplementary information that is necessary to fulfil the same purposes. Express consent will also be obtained if, or when, a new use is identified.

This Privacy Policy does not cover statistical data from which the identity of individuals cannot be determined. TCRC retains the right to use and disclose statistical data as it determines appropriate.

4.0 Limiting Collection

Personal information collected will be limited to the purposes set out in this Privacy Policy, TCRC applications, and/or other forms.

5.0 Limiting Use, Disclosure and Retention

5.1 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*:

TCRC will use personal information *without* the individual's consent, where:

- 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, and
- collection is required to investigate a breach of an agreement.

5.2 Disclosure and Transfer of Personal Information

Personal information will be disclosed to only those TCRC 's officers, representatives, staff and contracted employees that need to know the information for the purposes of their work.

Personal information will be disclosed to third parties *with* the individual's knowledge and consent.

PIPEDA permits TCRC to *disclose* personal information to third parties, *without* an individual's knowledge and consent, to:

- a lawyer representing TCRC;
- 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.

PIPEDA permits TCRC 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. TCRC 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.

5.3 Retention of Personal Information

Personal information will be retained in files as long as the file is active and for such periods of time as may be prescribed by applicable laws and regulations.

6.0 Accuracy

TCRC endeavours to ensure that any personal information provided by the individual in his or her active file(s) 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 TCRC of any change in personal or business information.

Information contained in inactive files is not updated.

7.0 Safeguards

TCRC will use physical, organizational, and technological measures to safeguard personal information to only those TCRC officers, representatives, staff and contracted employees, or third parties who need to know this information for the purposes set out in this Privacy Policy.

TCRC officers, representatives, staff and contracted employees, or third parties with access to personal information are required to sign a confidentiality agreement binding them to maintaining the confidentiality of all personal information to which they have access.

Physical Safeguards: Active files are stored in locked filing cabinets or secure offices when not in use. Access to work areas where active files may be in use is restricted to those authorized by aforementioned signed agreement.

All inactive files or personal information no longer required are shredded prior to disposal to prevent inadvertent disclosure to unauthorized persons. TCRC may, for this purpose, retain the services of a specialized external firm.

Technological Safeguards: Personal information contained in TCRC computers and electronic databases are password protected. Access to any of the TCRC's computers are also password protected. TCRC's Internet router or server has firewall protection sufficient to protect personal and confidential information.

8.0 Openness

TCRC will endeavour to make its privacy policy and procedures known to the individual via this Privacy Policy. This document will also be available on TCRC's website: www.teamstersrail.ca

9.0 Individual Access

An Individual who wishes to review or verify what personal information is held by TCRC, or to whom the information has been disclosed (as permitted by the *Act*), may make the request for access, in writing, to the TCRC's Privacy Officer. Upon verification of the individual's identity, the Chief Privacy Officer will respond within 60 days.

If the individual finds that the information held by TCRC is inaccurate or incomplete, upon the individual providing documentary evidence to verify the correct information, TCRC will make the required changes to the individual's active file(s) promptly.

10.0 Complaints/Recourse

If an individual has a concern about TCRC's personal information handling practices, a complaint, in writing, may be directed to the TCRC's Privacy Officer.

Upon verification of the individual's identity, TCRC's Privacy Officer will act promptly to investigate the complaint and provide a written report of the investigation's findings to the individual.

Where TCRC's Privacy Officer makes a determination that the individual's complaint is well founded, the Privacy Officer will take the necessary steps to correct the offending information handling practice and/or revise TCRC's privacy policies and procedures.

Where TCRC's Privacy Officer determines that the individual's complaint is *not* well founded, the individual will be notified in writing.

If the individual is dissatisfied with the finding and corresponding action taken by TCRC's Privacy Officer, the individual may bring a complaint to the Federal Privacy Commissioner at the address below:

The Privacy Commissioner of Canada
112 Kent Street,
Ottawa, Ontario K1A 1H3
Tel 1-800-282-1376

www.privcom.gc.ca

Questions/Access Request/Complaint

Any questions regarding this policy or any other privacy issue may be directed to the Privacy Officer. Requests for access to information, or to make a complaint, are to be made in writing and sent to the Privacy Officer at the address below:

Privacy Officer: Christopher Friesen
National Secretary-Treasurer
Teamsters Canada Rail Conference
1510-130 Albert Street
Ottawa, ON
(613) 235-1828 telephone
(613) 235-1069 fax
cfriesen@teamstersrail.ca

Amendment to TCRC's Privacy Policy

This TCRC's Privacy Policy is in effect April 1, 2015 and is retroactive to January 13, 2015. This policy is subject to amendment in response to changes in the privacy legislation. The Privacy Officer will review and revise the Privacy Policy from time to time as required by changes in privacy law. Notification of any changes in the Privacy Policy will be posted on TCRC's website. www.teamstersrail.ca

last revision – April 3, 2019



TEAMSTERS CANADA RAIL CONFERENCE

CONFÉRENCE FERROVIAIRE DE TEAMSTERS

APPENDIX "A"

Confidentiality Undertaking for the Protection of Personal Information

I agree and acknowledge that all information that is communicated to me as a Teamsters Canada Rail Conference officer, representative, staff, contracted employee, or third party in any capacity related to my duties with Teamsters Canada Rail Conference shall be kept in strict confidence and shall not be disclosed to any party who is not duly authorized to receive it.

I agree that I will not take, or cause to be taken, any action, measure or other contrary to the Teamsters Canada Rail Conference Privacy Policy; nor will I transfer, communicate or release any information acquired, obtained, or made available to me in any capacity to any person, body or organization in a way contrary to said policy or the Law.

I agree and fully understand that the Teamsters Canada Rail Conference reserves the right to take any appropriate action deemed necessary, up to and including termination of employment and/or contract, should I breach any of the terms of this Confidentiality Agreement.

Dated in _____(location) on this _____ day of _____(month), 20__

Name

Title

Organization

Signature

Signed TCRC Privacy Officer