



VILLAGE OF BELCARRA
CORPORATE POLICY NO. 231



TITLE: Privacy Policy

AUTHORITY: <input checked="" type="checkbox"/> Administrative/Legislative <input type="checkbox"/> Operational <input checked="" type="checkbox"/> Council		
APPROVAL: COUNCIL	ISSUED BY: CORPORATE OFFICER	EFFECTIVE DATE: July 8, 2024
		REVIEW DATE: July 2026

1. Purpose:

The Village of Belcarra (the Village) is committed to ensuring the protection and security of all personal information that it collects, uses, maintains, and discloses in the course of carrying out its responsibilities. The Village offers services including but not limited to, bylaw enforcement including ticketing for violations of bylaws, garbage and recycling, parking permits, land development, resident notifications, roads, water and taxes. To deliver these services the Village needs to collect, use and disclose differing types of personal information.

The Village is subject to the *Freedom of Information and Protection of Privacy Act* (the Act). The purpose of this policy is to provide a framework for how the Village will operate to ensure personal information is managed in accordance with the Act and to ensure that all Village employees are aware of the rights, duties, and obligations that apply under the Act with respect to the protection of personal privacy and requests for access to records in the custody or control of the Village.

2. Scope:

- 2.1 This policy applies to personal information that the Village collects, uses or discloses in any form (including verbal, electronic or written personal information).
- 2.2 This policy does not apply to the RCMP. This is a separate public body under the Act.
- 2.3 The Act and the regulations under it will prevail over this policy.
- 2.4 This policy does not create any legal rights, benefits, duties, obligations or requirements of any kind. Among other things, this policy does not limit or otherwise affect the authority, powers, duties or functions of the Village under the Act.

3. Definitions:

“**The Act**” means the *Freedom of Information and Protection of Privacy Act (British Columbia)* as may be amended or replaced from time to time;

“**Commissioner**” means the Information and Privacy Commissioner for the Province of British Columbia;

“**employee**” means an employee of the Village, including a volunteer or service provider;

“personal information” means recorded information about, or can be related to, an identifiable individual. It includes any information that can be linked to an individual or used to identify directly or indirectly an individual. Individuals, for this purpose, include prospective, current, and former customers, employees, and others with whom the Village has a relationship. Most information collected by the Village about an individual is likely to be considered personal information if it can be attributed to an identified individual.

“privacy” means the right and obligation of individuals to control the flow of their personal information, including the collection, use and disclosure of that information.

“privacy breach” means the unauthorized access to personal information or the unauthorized collection, use, disclosure or disposal of personal information.

“Privacy Officer” means the Corporate Officer or delegate who is responsible for being the primary contact for privacy-related matters and in supporting the Village’s compliance with the Act.

“records” mean any paper or electronic media which is used to store or record information as broadly defined under the Act. At the Village, this includes all paper and electronic records, books, documents, photographs, audio or visual recordings, computer files, email, and correspondence.

“service provider” means a person or organization retained under a contract to perform services for the Village.

“Village” means the Village of Belcarra

4. Collection of Personal Information

The Village is committed to protecting the privacy of individuals whose personal information it collects, uses, shares, and retains, and expects all employees to follow responsible information management practices to ensure that the Village fully complies with its legal obligations.

4.1 The Village may collect personal information for such uses included but not limited to as follows:

- a) where the collection is expressly authorized under an Act, including the *Community Charter* (British Columbia) and the *Local Government Act* (British Columbia), or is authorized under Village bylaws;
- b) for the purpose of its services, programs and activities in allowing the identification of preferences and needs of residents
- c) for the purpose of planning or evaluating Village activities, services and programs to ensure a high standard of service;
- d) for law enforcement purposes, including enforcement of Village bylaws;
- e) at presentations, ceremonies, performances, or similar events, that are open to the public and where individuals voluntarily appear, which include but are not limited to: public events such as open Council meetings, public hearings or Council committee meetings; annual events such as festivals, Canada Day celebrations, etc. The information collected may include photographs and/or video recordings of those attending;
- f) employee personal information required to maintain the employer/employee relationship and to satisfy government requirements;
- g) work experience and educational information related to professional qualifications;

- h) home contact information when required to maintain contact with residents
- i) for verification of identify
- j) to enroll an individual in a program; or
- k) to send out information to residents

4.2 The Village may collect personal information directly from individuals but may also collect information from another source if an individual has consented to the Village doing so. The Village may also collect personal information from another source as permitted under the Act, including in these cases:

- a) where another law allows the Village to do so including, but not limited to, collection of personal information from ICBC for bylaw enforcement or from BC Assessment for property taxation purposes;
- b) for law enforcement, for a court proceeding, to collect a debt or fine, or to make a payment;
- c) where personal information is necessary for the Village to deliver, or evaluate, a common or integrated program or activity;
- d) where personal information is necessary to establish, manage or terminate an employment relationship between the Village and an individual;
- e) if personal information may be disclosed to the Village under Part 3 of the Act;
- f) where the Village collects personal information for the purpose of determining an individual's suitability for an honour or award

4.3 The Village limits collection of personal information to what is necessary for the purposes for which it is collected. The Village collects personal information by fair and lawful methods.

4.4 Personal information will be retained only for as long as necessary for fulfillment of the purposes for which it was collected or was required or permitted by law.

5. Use and Disclosure of Personal Information

5.1 The Village will only use or disclose personal information for the purpose for which it was collected, except with the individual's consent or as required or permitted by the Act or other laws.

5.2 The Village may also use or disclose personal information for another purpose if an individual has identified the information and consented to the Village's other use.

5.3 The Village may use personal information for a purpose for which the information can be disclosed to the Village under Part 3 of the Act.

5.4 The Village may also disclose a person's personal information:

- a) if the individual has identified the information and consent in writing to its disclosure;
- b) to an employee or service provider if the information is necessary for the employee's or service provider's duties, for delivery of a common or integrated activity or for planning or evaluating a program or activity;

- c) If the information is made publicly available in British Columbia by a law that authorizes or requires it to be made public, including but not limited to the publication of minutes of recordings of open Council meetings including public hearings that contain personal information, such as the names and contact information of individuals appearing before Council or who made submissions to Council. Related examples include the images of individuals and the sound of their voices, and what they say at an open meeting;
- d) to a public body or law enforcement agency to assist in a specific investigation or a law enforcement proceeding;
- e) to a person's union representative who is making an inquiry, but only where the employee has given the representative written authority to make the inquiry;
- f) to legal counsel for the Village for the purpose of legal advice or the use in legal proceedings involving the Village;
- g) to a member of the Legislative Assembly who has been asked by the individual to help resolve a problem whereby written consent has been made;
- h) to other branches of government or its contracted service providers, only as authorized by the Act or other laws; or
- i) as otherwise permitted or required under Part 3 of the Act.

5.5 All information provided at open meetings of Council, or its Committees, is considered to be public. By providing information, including personal information, to the Village for that purpose, an individual is considered to have consented to that information being available to the public, including through posting on the Village's website. This information is part of the public record and cannot be removed or changed. However, if an individual can establish to the Village's reasonable satisfaction that the individual has legitimate personal safety concerns for themselves or immediate family members, the Village will permit the individual to submit correspondence to Council or a Committee in confidence and will not make their name or contact information public. That information will, however, be retained in the Administration Office of the Village.

6.0 Collection of Personal Information

- 6.1 The Act deems that an individual has consented to the collection, use or disclosure of personal information about that individual if, at the time the consent is deemed to be given, the purpose would be considered obvious to a reasonable person. In such circumstances, the Village will collect, use, disclose or retain personal information without obtaining a written or verbal consent to do so.
- 6.2 Where required by the Act, the Village will provide the individual with a notice, in a form the individual can reasonably be considered to understand, that it intends to collect, use disclose, or retain the individual's personal information for clearly specified purposes, by either:
- (a) obtaining the express consent of the individual; or
 - (b) providing the individual with the opportunity to decline within a reasonable time to have his or her personal information collected, used, disclosed or retained for the stated purposes.
- 6.3 On request by the individual, the Village will provide the position name or title and the contact information for an officer or employee of the organization who is able to answer the individual's questions about the collection of personal information.

- 6.4 Upon giving reasonable notice to the organization, an individual may withhold or withdraw consent to the collection, use, disclosure or retention of personal information about the individual at any time.
- 6.5 If the individual's decision to withhold or withdraw consent restricts the ability of the Village to provide a particular service or product, the Village will explain the situation to assist the individual in making the decision.
- 6.6 In addition to any exceptions permitted under the Act, the Village may collect, use, disclose or retain personal information with an individual's knowledge or consent in the following circumstances:
- (a) when the collection, use, or disclosure of personal information is permitted or required by law;
 - (b) in an emergency that threatens the individual's life, health or personal security;
 - (c) when the personal information is available from a public source;
 - (d) when the Village requires legal advice from a lawyer;
 - (e) for the purposes of collecting a debt;
 - (f) to protect the Village against fraud; or
 - (g) to investigate an anticipated breach of an agreement or a contravention of the law.

7. Accuracy and Correction of Personal Information

- 7.1 The Village will make every reasonable effort to ensure that personal information the Village uses to make a decision directly affecting a person is accurate and complete.
- 7.2 If an individual believes there is an error or omission in their personal information collected by the Village, they may request the correction of the information in writing to the Corporate Officer who is the designated *Freedom of Information and Protection of Privacy* Head or Privacy Officer. The Privacy Officer or designate, is responsible for, as appropriate, correcting the information or annotating the information, in accordance with the requirements of the Act.
- 7.3 If a correction is made, the Village will notify any other public body or third party to whom It has provided the incorrect information during the one-year period before the correction was requested.
- 7.4 If the personal information is not inaccurate or incomplete and therefore the Village decides not to correct the information, the requested change on the information as well as why the Village did not correct the information as requested will be noted.
- 7.4 If the information is subject to interpretation or is an opinion, such as a performance evaluation, the Village may not change the record, however, the individual's correction request will be noted in the file.
- 7.5 This section does not apply to corrections to contact information.

8. Security of Personal Information

- 8.1 The Village protects personal information by ensuring security safeguards appropriate to the sensitivity of the information are in place. Such security safeguards may include passwords, encryption, secured storage etc. Reasonable security arrangements will be made to protect personal information against such risks as unauthorized access, collection, use and disclosure.
- 8.2 The Village will use contractual measures to protect personal information that it discloses to service providers, with those measures varying according to the nature and sensitivity of the personal information. All service providers will be required not to use or disclose personal information other than for the purpose of performing services for the Village.
- 8.3 All Village employees are required and have a duty to protect the privacy and security of personal information collected and used by them as part of their ongoing employment responsibilities. The management and safekeeping of such information is the responsibility of all employees. All employees are required to use and disclose personal information used and compiled only in accordance with this policy.

9. Retention of Personal Information

- 9.1 Any personal information that is no longer required for either administrative, financial, legal, or historical purposes shall be securely destroyed in a confidential manner when permitted or required by the applicable records retention schedules.
- 9.2 Personal Information will be retained for specified periods where required by law. The Act requires that any personal information that is used by the Village for the making of a decision that directly affects an individual is to be retained by the Village for at least one year after being used.

10. Access to Information

- 10.1 Any individual can make a request for access to records in the Village's custody or control. All such requests must be made in writing and must be directed to the Privacy Officer at foi@belcarra.ca. Employees are not authorized to release records in response to an access request without the written authorization or approval of the Village's Privacy Officer and every written request for access to information will be directed to the Privacy Officer. As access requests are governed by strict time limits set out in the Act, access requests must be date stamped and referred to the Privacy Officer promptly.
- 10.2 For formal access requests, the Act allows for a response thirty (30) business days starting on the day the request is received. This time can also be extended under the Act. In some cases, the Village may require under the ACT to refuse access to Personal Information and a written response will be provided in such a situation.

11. Access to Personal Information

- 11.1 An individual can make a written request that the Village disclose a copy of that individual's own personal information by contacting the Privacy Officer. An individual has a right to access their personal information, subject to the exceptions set out in the Act.

- 11.2 Upon reasonable notice, the Village will allow an individual to access and review their personal information collected by the Village.'
- 11.3 Upon request, the Village will inform an individual how their personal information is used and to whom it has been disclosed, if applicable.
- 11.4 As per Section 10.2, the Village will make requested information available within 30 business days or provide written notice of an extension where additional time is required to fulfill the request. Also, as per Section 10.2, if a request is refused in full or in part, the Village will notify the individual in writing, providing the reasons for refusal and the recourse available to the individual.
- 11.5 Identification verification will be required prior to disclosure of a person's personal information to ensure that the requestor is the individual whose information is being requested.
- 11.6 If any employee of the Village would like a copy of their own employee personal information the employee must do so directly through the Chief Administrative Officer.

12. Privacy Complaints and Breaches

- 12.1 Procedures for responding to a privacy breach are outlined in Appendix A of this policy.

13. Roles and Responsibilities

- 13.1 Under Village of Belcarra Freedom of Information and Protection of Privacy Bylaw No. 616, 2023:
- (a) The Privacy Officer is designated as the *Freedom of Information and Protection of Privacy* Head for the purposes of the *Act*.
 - (b) In the absence of the Privacy Officer, the Chief Administrative Officer shall act as the Head.
 - (c) The Accounting Clerk is designated as the FOI Coordinator. The Coordinator is hereby authorized to exercise responsibility for the overall management of *Freedom of Information and Protection of Privacy* functions on behalf of or in the absence of the Head.
- 13.2 Employees, volunteers and service providers are responsible for securing and protecting Personal Information in the custody and control of the Village.

14. Authority to Act

- 14.1 The Privacy Officer is delegated responsibility and authority for ensuring compliance with this policy and the *Act*.

15. Review

- 15.1 This policy replaces Village of Belcarra Corporate Policy No. 209, 2018 which is hereby repealed. Privacy Corporate Policy No. 231, 2024 will be reviewed by the Privacy Officer at least every two (2) years.

APPENDIX A: Administrative Procedure for Managing Privacy Breaches

Purpose:

This Administrative Procedure (the “procedure”) for Managing Privacy Breaches describes the appropriate and immediate action to be taken by the Village of Belcarra employees if a real or suspected privacy breach occurs.

When a breach occurs that is suspected or known to compromise the physical safety of an individual or individuals, the RCMP shall be contacted in an emergency capacity.

1. Privacy Complaints and Breaches

- 1.1 Any complaints about a Privacy-related matter under this policy or under the Act must be made to the Village in writing addressed to the *Freedom of Information and Protection of Privacy* Head/Privacy Officer.
- 1.2 The Village will consider a complaint, including a breach of privacy and will disclose the outcome to the individual in writing. Reasonable and timely cooperation with the Village’s work is expected. The Village reserves the right to not proceed with a complaint should a complainant fail to cooperate with the process.
- 1.3 An individual may seek advice from the Office of the Information and Privacy Commissioner for British Columbia at info@oipbc.ca and if appropriate, file a written complaint with that office.

The Village staff shall, wherever they can, attempt to work through issues directly with persons, to their satisfaction.

2. Reporting a Suspected or Confirmed Privacy Breach

- 2.1 Any Village of Belcarra employee who becomes aware of a possible breach of privacy involving personal information in the custody or control of the Village will immediately inform the Privacy Officer. If the breach is suspected to be digital-related, the Privacy Officer will immediately inform the IT provider.
- 2.2 Reporting a suspected privacy breach to the Privacy Officer and the IT provider are strongly encouraged even if uncertain that a breach has occurred, including but not limited to:
 - a) Clicking on an unsafe link;
 - b) Opening a corrupted file; and
 - c) Downloading a document from an unknown source.

3. Requirement to Notify

- 3.1 Upon notice of a privacy breach, the Privacy Officer must be contacted, in writing, without reasonable delay.

3.2 The Privacy Officer, shall, without reasonable delay

3.1.1 notify an affected individual if the privacy breach could reasonably be expected to result in significant harm to the individual, including:

- a) identity theft or significant bodily harm,
- b) humiliation,
- c) damage to reputation or relationships,
- d) loss of employment, business or professional opportunities,
- e) financial loss,
- f) negative impact on a credit record, or
- g) damage to, or loss of, property

3.1.2 notify the Commissioner if the privacy breach could reasonably be expected to result in significant harm referred to in subsection 3.1.1 above.

4. Notification Procedures

4.1 Direct Notification for Affected Individuals

4.1.1 Notifications must include the following information:

- a) the name of the public body;
- b) the date on which the privacy breach came to the attention of the public body;
- c) a description of the privacy breach, including, if known:
 - i) the date on which or the period during which the privacy breach occurred, and
 - ii) a description of the nature of the personal information involved in the privacy breach
- d) confirmation that the Commissioner has been or will be notified of the privacy breach;
- e) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;
- f) a description of steps, if any, that the public body has taken or will take to reduce the risk of harm to the affected individual;
- g) a description of steps, if any, that the affected individual could take to reduce the risk of harm that could result from the privacy breach.

4.2 Indirect Notifications for Affected Individuals

4.1.2 A notification may be given to an affected individual in an indirect manner if:

- a) the public body does not have accurate contact information for the affected individual,
- b) the head of the public body reasonably believes that providing the notice directly to the affected individual would unreasonably interfere with the operations of the public body, or

- c) the head of the public body reasonably believes that the information in the notification will come to the attention of the affected individual more quickly if it is given in an indirect manner.

4.1.3 If a notification must be given in an indirect manner, the notification must

- a) be given by public communication that can reasonably be expected to reach the affected individual, and
- b) contain the following information:
 - i) the name of the public body;
 - ii) the date on which the privacy breach came to the attention of the public body;
 - iii) a description of the privacy breach including, if known, the date on which or the period during which the privacy breach occurred, and a description of the nature of the personal information involved in the privacy breach.
- c) confirmation that the Commissioner has been or will be notified of the privacy breach;
- d) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;
- e) a description of steps, if any, that the public body has taken or will take to reduce the risk of harm to the affected individual;
- f) a description of steps, if any, that the affected individual could take to reduce the risk of harm that could result from the privacy breach.

4.3 Notifications – Commissioner

4.1.3 A notification under section 36.3 (2)(b) of the Act must be given to the Commissioner in writing and must include the following information:

- a) the name of the public body;
- b) the date on which the privacy breach came to the attention of the public body;
- c) a description of the privacy breach including, if known,
 - i) the date on which or the period during which the privacy breach occurred,
 - ii) a description of the nature of the personal information involved in the privacy breach, and
 - iii) an estimate of the number of affected individuals;
- d) contact information for a person who can answer, on behalf of the public body, questions about the privacy breach;
- e) a description of steps, if any, that the public body has taken or will take to reduce the risk of harm to the affected individuals.

4.4 Not Required to Notify

4.4.1 The head of a public body is not required to notify an affected individual under subsection (4.5) if notification could reasonably be expected to

- a) result in immediate and grave harm to the individual's safety or physical or mental health, or
- b) threaten another individual's safety or physical or mental health.

4.5 Disregarding Requests

4.5.1 If the Privacy Head asks, the Commissioner may authorize the public body to disregard a request if

- a) a request is frivolous or vexatious,
- b) a request is for a record that has been disclosed to the applicant or that is accessible by the applicant from another source, or
- c) responding to the request would unreasonably interfere with the operations of the public body because the request
 - i) is excessively broad, or
 - ii) is repetitious or systematic.