

## 8.3 PRIVACY PROTECTION FOR EMPLOYEES

### Overview

As an employer, BACI is responsible for the collection, maintenance, and use of personal information for the employees. BACI must act in a responsible and lawful manner to make sure the appropriate protections and safeguards for personal information are in place and followed.

For the purpose of this policy, the term employee may refer to the following:

- Employees
- Volunteers
- Support Contractors

For the purpose of this policy, personal information will refer to factual or subjective information that may identify the individual. In accordance with British Columbia's Personal Information Protection Act (PIPA) and Canada's Personal Information Protection and Electronic Documents Act (PIPEDA), personal information does not include certain publicly available information such as a person's name, title, business contact information or other publicly available information. Personal information can be in any form including written, oral, and electronic.

The Privacy Officer oversees all BACI practices, procedures, and decisions related to information privacy. The assigned BACI Privacy Officer is the Chief Executive Officer (CEO) and/or the Senior Manager of Technology.

### Purpose

- To protect employees from harm resulting from the unauthorized or inappropriate release of personal and confidential information.
- To comply with legislation regarding the protection of personal information.
- To comply with best practices concerning the confidentiality of employee information.

### Policy

BACI will comply with provincial and federal legislation and regulations as well as best ethical and professional practices regarding the protection and release of personal and confidential information for the organization's employees.

### Collection and Use of Personal Information

Personal information will be collected by fair and lawful means. BACI will limit the collection and use of employees' information to what is required by law, as well as needed to establish, maintain and terminate the employment relationship.

Personal information may be collected for one or more of the following purposes: recruitment, screening and selection of employees; payroll administration; salary and benefit administration; personnel record-keeping and information systems; performance evaluation; staff development and training; health and safety administration and audit; security access and control; administration and monitoring of electronic equipment, systems or documentation; survey processing and reporting; succession and contingency planning; vehicle management; service delivery planning and implementation; and financial record-keeping and payment.

The Manager of Human Resources (or designate) will review the purpose of collecting personal information with new employees during their orientation. Whenever possible, personal information will be collected directly from the person about whom it pertains. If personal information is collected from a third party, BACI will note their identity unless there is a lawful reason for not doing so.

### **Consents**

BACI may lawfully collect, use or disclose personal information without the employee's consent if the information is reasonably required for the purposes of establishing, managing or terminating the employment relationship, and/or if the disclosure complies with terms of provincial or federal legislation.

At any time, an employee may withdraw (in writing) their consent to the collection, use or disclosure of personal information. This withdrawal is subject to legal or contractual restrictions and reasonable notice. BACI will inform the employee of the implications of a withdrawal of consent, including the possible termination of employment as a result of its inability to administer or manage employment.

Applicants will not be employed with BACI if they do not provide the information required to establish, maintain, or terminate an employment relationship.

The employee's consent will be required for the use and disclosure of personal information outside the employment relationship. The consent must include what party the information can be disclosed to, the information to be disclosed, and the time limits for the disclosure.

Employees may give their consent in writing. Written consents will generally be preferred or required. BACI has discretion to accept email, letters, designated Association forms, or facsimiles as acceptable forms of written consent.

In appropriate circumstances, BACI may seek individual consent to the collection, use and disclosure of personal information by notifying employees that their consent will be assumed unless they expressly inform BACI otherwise. Implied consent may also be assumed through action or inaction on the part of the employee. Regardless of the method used by the BACI to seek expressed consent, it will fairly and reasonably draw the employee's attention to the matter. BACI will not provide false information, or use dishonest or misleading ways to obtain these consents.

### **Access to Personnel Records**

Access to personnel records will be limited to authorized persons to the following individuals: the auditors, staff who administer employment, compensation and benefits policies, and to persons or organizations entitled to access records as per legislation or in accordance to the wishes of an employee via expressed consent.

BACI will limit access to personnel files on a "need to know" basis. Only those staff authorized to create, classify, add to, read, retrieve, transfer or destroy a record will have access to it. Staff will not be given access to the entire personnel file unless their assigned employment responsibilities require it (e.g. program managers, payroll staff).

Employees have the right to review documents within their personnel file. In rare cases, BACI may have to restrict employees' access to their personnel file in accordance to applicable laws and regulations.

When possible, requests to review personnel files will be met within 5 business days. Personnel files must remain onsite and can only be viewed during business hours and in the presence of a manager. Employees are entitled to have someone in attendance with them to review their personnel file.

Copies of documents within an employee's personnel files may be made at the employee's request and expense.

### **Accuracy of Information**

BACI will make every reasonable effort to ensure that the personal information it collects and uses is accurate and complete. It is the responsibility of the employee to inform the payroll administrator or the Manager of Human Resources of any changes to their personal information, which affects the employer/employee relationship. It is the employee's responsibility to submit this notification in writing and as soon as the change occurs.

Employees may request changes to personnel records when they believe information is inaccurate. Corrections will be made when BACI is satisfied that the suggested amendment is more accurate.

### **Protection of Personal Information**

BACI will make sure security arrangements to protect personal information against theft or unauthorized access, disclosure, copying, use, modification or disposal are in place. BACI will take reasonable steps to protect personal information, regardless of the format in which it is held. Safeguards will be proportionate to the sensitivity of information.

Specifically, BACI will protect the privacy of information collected and retained in employee records through safeguards that include, but are not limited to the following:

- Records will be stored in a secure location consisting of locked cabinets within a locked room.
- Users of electronic files and payroll databases will not share passwords with co-workers, leave data applications open when away from their work station during breaks, meetings, and after hours; access sensitive information which is not required for the performance of one's duties; or disclose data without appropriate authorization or consent.
- Security applications will conform to market standards of effectiveness.
- Hardware/software installation and maintenance will be reviewed and tested for security features; and
- Virus shields/firewalls will be used and regularly updated.
- Electronic systems used to manage personnel information (especially payroll) will have a plan in place to respond to a disaster or systems failure. The plan will include a protocol for regular data-backup, a protocol for recovering data and restoring systems to normal operations after disaster(s), and a protocol for operating electronic systems during disasters in an emergency mode (transferability of function).

### **Disclosure to Third Parties**

Personal information will not be disclosed to external organizations without prior written consent from the respective employee. BACI will not disclose information that it deems to be unnecessary or irrelevant to the stated purpose of information requests.

The following individuals are the only parties who can disclose the employee's personal information: the employee, the payroll administrator, the Manager of Human Resources, or the appropriate manager.

### **Retention of Records**

BACI will keep complete and accurate records on its employees. With the exception of licensed facilities, which are permitted to maintain copies of job qualifications onsite (e.g. First Aid/CPR certificates), employee records will be maintained and managed from head office. The originals or duplicates of personnel files will not be kept in program or private sites.

Personal information will be retained only as long as necessary for the fulfillment of its purpose or as per legislative requirements.

### **Disposal of Personnel Records**

BACI will remove personnel files of former employees from regular personnel file storage upon termination. BACI will keep personnel records on site as per the legally required timeframe. Electronic databases will maintain information on inactive employees.

BACI will destroy an employee's printed records when it is legally permitted to do so. Printed documents will be destroyed by means of confidential shredding.

### **Privacy-Related Concerns and Complaints**

Employees with privacy related questions or concerns may contact the BACI Privacy Officer. Complaints will be handled through the appropriate process.

### **Linking Policies**

- 1.8 Code of Ethics
- 8.4 Records Management Policy
- 8.6 IT Plan Policy
- 8.8. Data Retention