

III. General

Section 20 – Privacy

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20.1 Purpose

The purpose of this policy is to provide the Administrator, the Commission, and Stakeholders with a framework that fosters a culture of privacy protection by ensuring that the collection, use, disclosure, and retention of personal information is consistent with the Plan’s legitimate business and mandate, and that the information is properly secured.

20.2 Rationale

This policy follows the principles outlined in the Canadian Standards Association (CSA) Privacy Standards and provincial legislation concerning protection of personal information and personal health information which, notwithstanding that they may not legally apply to the Commission, have been adopted by the Commission as best practices regarding the administration of personal information.

The CSA Privacy Standards outlines ten interrelated principles that form the basis of this Privacy Policy. Each principle must be read in conjunction with *The Freedom of Information and Protection of Privacy Act* (FOIP) and *The Health Information Protection Act* (HIPA). In cases of conflict of interpretation, the policy set out in the Acts shall prevail.

This policy applies to all personal information collected by the Plan whether it is stored in paper, electronic, or other formats.

20.3 Policy

Privacy Vision

The Municipal Employees' Pension Commission seeks to foster and develop a culture of privacy protection by ensuring that personal information is:

- a) collected, used, and disclosed only as required to carry out the Plan's legitimate business and mandates; and
- b) properly protected through the use of appropriate security mechanisms.

Summary of Privacy Principles

1. Accountability

The Municipal Employees' Pension Commission is responsible for all personal information under its control. The Commission is responsible for designating a Privacy Officer who is accountable for the Plan's compliance with the Privacy Policy.

2. Purpose

The purpose for which personal information is collected shall be identified at or before the time the information is collected. The information that is collected will be restricted to what is needed and what is appropriate for the circumstances for which it is required.

3. Limited Consent

Obtaining consent from the member is the expected approach for the collection, use, and disclosure of personal information, but it is not always feasible, appropriate, or the only legal means of authority. The Commission will make reasonable efforts when obtaining consent to ensure that members understand how the information will be used and disclosed.

4. Limiting Collection

The collection of personal information shall be limited to that which is necessary for the purposes being supported. The information shall be collected in a fair and lawful manner.

5. Limiting Use, Disclosure, and Retention

Personal information shall be used or disclosed only for the purposes for which it was collected or for a use consistent with that purpose, except with the consent of the individual or as specifically authorized by law.

6. Accuracy

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

7. Safeguards

Appropriate security safeguards shall protect personal information.

8. Openness

The privacy principles, and the policies and procedures relating to their implementation, should be readily available.

9. Individual Access to Information

Upon written request, and unless prohibited by law, an individual shall be given access to their personal information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

10. Inquiries or Complaints

An individual may challenge a departments or agency's compliance with these principles by contacting one of the responsible officials indicated under the first principle.

Detail of the Commission's Privacy Principles:

1. Accountability

The Municipal Employees' Pension Commission is responsible for all personal information under its control. The Commission is responsible for designating a Privacy Officer who is accountable for the Plan's compliance with the Privacy Policy.

- 1.1 The Chair of the Commission is responsible for compliance with this policy, even though individuals administering the Plan on a day-to-day basis are responsible for the collection and processing of personal information. Other individuals may be delegated to act on behalf of the Chair as circumstances are warranted. The Chair of the Commission may delegate the role of Privacy Officer.
- 1.2 The Commission will implement policies and procedures to support this policy around protecting personal information, including:
 - Implementing procedures to protect personal information;
 - Establishing procedures to receive and respond to complaints and inquiries;
 - Ensuring staff administering the Plan understand and adhere to these policies and procedures; and
 - Informing Plan members, appointing bodies, and others of these policies and procedures as required.

2. Purpose

The purpose for which personal information is collected, shall be identified at or before the time the information is collected. The information that is collected will be restricted to what is needed and what is appropriate for the circumstances for which it is required.

- 2.1 The collection of personal information related to Plan members is used to:
 - Administer the Plan;
 - Pay pensions to members, their spouses, and beneficiaries;
 - Meet statutory reporting requirements, including those in *The Municipal Employees' Pension Act*, *The Pension Benefits Act, 1992*, and the *Income Tax Act (Canada)*; and
 - Communicate Plan information to members.
- 2.2 If the Commission proposes to use personal information for a purpose not previously identified, this purpose shall be identified and documented prior to use. Except as authorized by law, the consent of the individual affected is

required before the personal information can be used for the purpose in question.

3. Limited Consent

Obtaining consent from the member is the expected approach for the collection, use, and disclosure of personal information, but it is not always feasible, appropriate, or the only legal means of authority. The Commission will make reasonable efforts when obtaining consent to ensure that members understand how the information will be used and disclosed.

- 3.1 Participation in the Plan is mandatory for all employees of school boards, rural municipalities, urban municipalities, regional colleges, and regional libraries whose employers do not provide an alternate pension plan. The information that is provided by the employer and the member in relation to the Plan is collected, used, or disclosed under the authority of legislation such as *The Municipal Employees' Pension Act*, *The Pension Benefits Act, 1992*, and the *Income Tax Act (Canada)*. In general, the acceptance of employment with a participating employer constitutes implied consent for the Commission to collect, use, or disclose personal information for all identified purposes.

There may be instances where the Commission may collect, use, or disclose personal information about a member without consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely manner. It may also be necessary to disclose personal information for investigation of a breach of an agreement or contract, or contravention of a federal or provincial law, when personal information is disclosed to a lawyer representing the Commission to comply with a subpoena, warrant, or other court order, pursuant to lawful and authorized requirements for disclosure from government institutions, or as may otherwise be required or authorized by law.

- 3.2 In obtaining consent, the Commission will use reasonable efforts to ensure that a member is advised of the identified purposes for which the personal information will be used or disclosed. The purpose for use or disclosure of personal information will be communicated in a manner that can be reasonably understood by the member.

- 3.3 Where possible, the Commission will seek consent to use and disclose personal information at the time the information is collected. However, the Commission may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.
- 3.4 Consent to use or disclose personal information may be implied or express. In determining the appropriate form of consent, the Commission will consider the sensitivity of the personal information and the reasonable expectations of the member.

4. Limiting Collection

The collection of personal information shall be limited to that which is necessary for the purposes being supported. The information shall be collected in a fair and lawful manner.

- 4.1 The Commission will limit its collection of personal information to only what is relevant for the purposes identified to the member.

5. Limiting Use, Disclosure, and Retention

Personal information shall be used or disclosed only for the purposes for which it was collected or for a use consistent with that purpose, except with the consent of the individual or as specifically authorized by law.

- 5.1 The Commission limits the use of member personal information to the following:
- Creating and maintaining a record of the member's information to administer the member's pension benefits;
 - Calculating service purchase cost and past service pension adjustments;
 - Preparing and distributing personalized member confirmation and communication documents;
 - Preparing pension statements and benefit estimates;
 - Calculating and paying pension benefits and issuing tax receipts;
 - Verifying identity when responding to inquiries or information requests from members by mail, telephone, or email;
 - Meeting statutory reporting requirements;
 - Preparing Plan Valuations; and

- Facilitating general administration of the Plan.
- 5.2 Information shall be retained only for as long as necessary for the intended purposes.
- 5.3 The Commission shall ensure that personal information that is no longer required to fulfill the intended purposes is disposed of in an appropriate and timely manner.

6. Accuracy

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

- 6.1 Information about a member collected from the participating employer will be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate personal information will be used to make a decision about an employee in the administration of the employee's pension and benefit entitlements.

7. Safeguards

Appropriate security safeguards shall protect personal information.

- 7.1 The security safeguards will protect against loss or theft of personal information as well as unauthorized access, disclosure, copying, use or modification, regardless of the format in which the personal information is held.
- 7.2 The Commission will ensure that the Public Employees Benefits Agency (PEBA) has a policy that communicates the importance of maintaining the confidentiality of personal information to staff responsible for the collection and processing of personal information.
- 7.3 The Commission will ensure that PEBA has procedures in place to dispose of personal information in a manner that prevents unauthorized parties from gaining access to all personal information.

8. Openness

The privacy principles, and the policies and procedures relating to their implementation, should be readily available.

- 8.1 The Commission will make information about its policies and procedures available with respect to the management of personal information. This information will be communicated on the Plan website and in various written materials to employers, members, and others as appropriate.

9. Individual Access to Information

Upon written request, and unless prohibited by law, an individual shall be given access to their personal information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 When requested in writing and upon verification of identity, the Commission will provide a member with information on the collection, use, and disclosure of the member's personal information and provide access to that information.
- 9.2 When a member successfully challenges the accuracy or completeness of the member's personal information, the information will be corrected or amended as required. When appropriate, the amended information will be provided to any third parties having access to the personal information in question.
- 9.3 When a challenge to the accuracy or completeness of personal information is not resolved to the member's satisfaction, the unresolved difference will be noted in the member's file. When appropriate, the unresolved difference regarding the member's information will be provided to any third parties having access to the personal information in question.
- 9.4 In certain situations, such as exemptions under FOIP or HIPA, the Commission may not be able to provide access to all personal information it holds about a member. Such instances would arise in situations where revealing certain personal information would reveal personal information about a third party or could reasonably be expected to threaten the life or security of the member or another individual. In addition, the Commission may not provide access to

personal information if the disclosure would reveal confidential commercial information, if the personal information is protected by solicitor-client privilege, if the personal information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law, or if the Commission is prohibited by law from disclosing the information. If the Commission cannot provide access to personal information, it will inform the individual requesting the personal information as to the reasons for denying access on request unless prohibited by law from doing so.

10. Inquiries or Complaints

An individual may challenge the Commission's or an agent of the Commission's compliance with these principles by contacting one of the responsible officials indicated under the first principle.

10.1 The Commission will implement procedures to receive and respond to complaints or inquiries about its policies and procedures in relation to the handling of personal information. Inquiries should be addressed to:

Chair, Municipal Employees' Pension Commission
c/o The Public Employees Benefits Agency
1000 – 1801 Hamilton Street
Regina, Saskatchewan S4P 4W3

20.4 History

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