Personal Information Protection and Electronic Documents Act (PIPED) Policy

September 2006
GENERAL POLICY GUIDELINE

Newfoundland and Labrador Credit Union Limited (NLCU) shall comply with the Personal Information Protection and Electronic Documents Act (PIPED), the requirements of which apply to NLCU's operational use of personal information in commercial activity, as well as use of employee information.

The Privacy Officer, as documented in the Credit Union Code for the Protection of Personal Information and supporting Policies & Procedures, manages primary responsibilities under this Policy.

The Privacy Officer's responsibilities include documentation of uses of personal information, counseling and training in correct practices, compliance monitoring, reporting and dispute resolution.

Principles of the Code for the Protection of Personal Information

1. **Accountability** – NLCU is responsible for personal information under its control and shall designate a Privacy Officer who is accountable for NLCU’s compliance with the principles of the Code.

2. **Identifying Purposes** - The purposes for which personal information is collected shall be identified by NLCU at, or before, the time the information is collected.

3. **Consent** - The knowledge and consent of the member is required for the collection, use, or disclosure of personal information, except in specific circumstances as described within this Code.

4. **Limiting Collection** – The collection of personal information shall be limited to that which is necessary for the purposes identified by NLCU. Information shall be collected by fair and lawful means.

5. **Limiting Use, Disclosure, and Retention** - Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the member or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.

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

7. **Safeguards** - Personal information shall be protected by security safeguards appropriate to the sensitivity of the information. Employees handling confidential information shall ensure they act in accordance with the “Code of Conduct” outlined in NLCU’s Human Resources Policy.

8. **Openness** - NLCU shall make readily available to members specific, understandable information about its policies and practices relating to the management of personal information.
9. **Individual Access** - Upon request, a member shall be informed of the existence, use, and disclosure of their personal information, and shall be given access to that information. A member is entitled to question the accuracy and completeness of the information and have it amended as appropriate.

10. **Challenging Compliance** - A member shall be able to question compliance with the above principles and such questions shall be directed to the Privacy Officer accountable for NLCU's compliance. NLCU shall have policies and procedures to respond to the member's questions and concerns.

**Board of Directors' Responsibilities:**

**Accountability**

- The Board of Directors shall appoint a Privacy Officer.
- Ultimate accountability for NLCU's compliance with the principles rests with the Board of Directors, who delegate day-to-day accountability to a Privacy Officer.
- At the time that a Privacy Officer is appointed, the Board of Directors shall notify, in writing, all employees and the credit union system of the designated individual who is responsible for the day-to-day compliance with the principles.
- The Board of Directors shall designate a replacement, who will be available in the event of absences by the Privacy Officer, and who will have identical decision-making responsibilities during those absences.
- The Privacy Officer shall be responsible for continual review of this Code and NLCU’s compliance within and shall report to the Board of Directors and/or Senior Management on any matters concerning compliance with the Code's principles, policies or procedures that are likely to require input from the Board; for example, any matter that could result in an investigation or audit by the Office of the Privacy Commissioner.
- The Privacy Officer shall provide an Annual Review, including any recommendations for action, to the Board of Directors, within four months of the end of each calendar year.

**General Identification of Purposes**

- To understand the member’s needs – i.e., to conduct research by a specialized third party market research firm, focus group sessions, etc.
- To determine the suitability of products or services for the member or the eligibility of the member for products and services.
- To develop, offer and manage products and services that meet the member’s needs.
- To provide ongoing service.
- To detect and prevent fraud, and to help safeguard the financial interests of NLCU and its members.
- To meet legal and regulatory requirements; i.e., the Income Tax Act, Proceeds of Crime Act, fiduciary requirements under provincial legislation, etc.
- To meet personnel requirements; i.e., recruitment of employees, compensation and benefits planning, tax administration, etc.
Limiting Use, Disclosure, and Retention

- If a proposed purpose is significantly different than existing purposes, or involves a new disclosure to a third party, it must receive the approval of the Board of Directors. The Board must consider any privacy impacts on NLCU and individuals as a result of using personal information for this new purpose.

Challenging Compliance Procedures

- When responding to a complaint, the Privacy Officer will indicate the right of an individual to re-direct the complaint to the Board of Directors, or, if not satisfied, to use third-party mediation, or to direct the complaint to the Privacy Commissioner.
- If the Board receives a complaint, it shall first verify that the Privacy Officer previously dealt with the complaint and shall review the file prepared by the Privacy Officer.
- The Privacy Officer may assist the Board and shall communicate the results of the Board decision to the individual.
- The Privacy Officer shall immediately inform Senior Management and the Board of Directors of a matter that has been brought to the attention of the Privacy Commissioner.
- Where the complaint requires changes to policies and procedures, the Privacy Officer will review these (before implementation) with Senior Management and/or the Board of Directors.
- Where the complaint involves disciplinary action against any employee for any reason, the Privacy Officer will review the matter with Senior Management and/or the Board. An employee may be disciplined, up to and including termination, for knowingly and deliberately contravening any of the principles of this Code and the accompanying policies and procedures.
- Where the Board of Directors has reviewed the complaint, the Privacy Officer will report back to the complainant on actions proposed or taken to resolve the issue.
- In the event of an investigation by the Privacy Commissioner, notice of the complaint is delivered immediately to the Privacy Officer. The Privacy Officer shall immediately inform the Senior Management and the Board of Directors of the investigation.
- The Privacy Officer will then prepare an analysis of findings and recommendations and a proposed response for review by the Senior Management and the Board of Directors.

Compliance

- All components of the PIPED Policy are to be strictly adhered to at all times, and any breach of policy may result in disciplinary action, up to and including dismissal.
- Copies of this policy will be made available on the NLCU intranet, and it shall be a requirement that all employees read the policy and have ready access to it at all times.
Policy Approval and Review

(a) Alterations, amendments or deletions must only be made to these policies with the approval of NLCU’s Board of Directors.

(b) This policy shall be reviewed annually for ongoing appropriateness by the Board (or by a delegated subcommittee of the Board).