

1.3.4 CONFIDENTIALITY/PRIVACY

Applicants and tenants are required to provide a great deal of personal information during the application process and throughout the duration of their tenancy. This data is required in order to determine eligibility for rent-geared-to-income assistance, determine rent and verify suitability of accommodation. With the collection of personal information comes a responsibility for ensuring confidentiality.

Similarly, employees also provide a great deal of personal information during the course of the selection process and throughout their tenure with the Corporation.

The Corporation must comply with the Federal *Privacy Information Protection and Electronic Documents Act (PIPEDA)*, which applies to the standards for personal information with respect to commercial activity.

The Corporation must also comply with the *Social Housing Reform Act* regulations that set the standards for the collection, use, disclosure and safeguarding of privacy of personal information and the individual right of access of their own information as it applies to rent-geared-to-income tenants.

This policy meets the requirements of the *Social Housing Reform Act* and the *Privacy Information Protection and Electronic Documents Act*.

The collection and storage of personal information should be treated in a manner that is respectful of the individual.

1.3.4.1 Privacy Officer

The Manager, Tenant Services is the Privacy Officer. He/she will be responsible for the organization's compliance with all privacy legislation.

The Privacy Officer's duties are to:

- a) review the Corporation's policies and practices with regard to personal information;
- b) implement the necessary changes to guarantee that the collection and retrieval of personal information follow the Corporation's policy;
- c) inform the tenants and public on how the Corporation treats personal information; and
- d) handle complaints.

1.3.4.2 Definition of Personal Information

For the application of this policy, personal information includes:

- the personal address, telephone number or email address of the individual;

- any identifying number assigned to an individual, which can lead to their identification (e.g. SIN);
- information about an individual's income and assets;
- bank account and credit card information;
- information about rent payment history;
- information relating to the race, national or ethnic origin, citizenship status, colour, religion, age, sex, sexual orientation, marital or family status of the individual;
- information relating to the education, medical, psychiatric, psychological, criminal or employment history of the individual;
- credit and rental history reports;
- financial information for the purposes of establishing Rent-Geared-to-Income Assistance;
- an individual's blood type or fingerprints;
- information about an individual's personal or political opinions;
- correspondence sent to the Corporation that is of a private or confidential nature, and any replies that would reveal the contents of the original correspondence;
- the individual's name if it appears with other confidential information (e.g. rental arrears report)
- Employee information including resumes, salary and benefits, disciplinary action, bank account information, tenant complaints about the individual, and problems between staff.

With regards to applicants and tenants it may include income, credit history, subsidy, arrears, personal circumstances, health, conflicts between tenants, requests for transfers for personal reasons, and any requests from tenants of a personal nature.

With regards to staff, personal information includes information on hiring, terminating, disciplining, salary negotiations, performance evaluations, tenant complaints, and problems between staff members.

Personal information does NOT include the name, position and business phone number of employees.

Personal information does NOT include statistical data, which is summarized in such a way as to not identify any individuals.

Business contact information and certain publicly-available information such as name, address and telephone number (as published in telephone directories) are not considered personal information.

1.3.4.3 Collection of Information

a) Personal information will be collected only for the following purposes:

- to approve tenancy and determine appropriate unit type and size

- to determine income and assets for rent calculation
 - to demonstrate compliance with funding requirements
 - to protect the health and safety of the tenant
 - to ascertain service levels required in special needs housing
 - to conduct reference and employment checks
 - to retain relevant information on employees for government reporting purposes
- b) Staff must not seek out personal information about tenants or applicants unless it is relevant to their work.
- a) All documents used for collection of personal information shall state:
- the purpose or purposes of the collection;
 - the reasons for collection, including the fact that the information may be shared as necessary for the purpose of making decisions or verifying eligibility for assistance under the *Social Housing Reform Act*, the *Ontario Disability Support Program Act, 1997*, the *Ontario Works Act, 1997* or the *Day Nurseries Act*, or as authorized by an agreement under section 163 or 164 of the *Social Housing Reform Act*;
 - the name, title, business address and business telephone number of the Privacy Officer who can answer questions and respond to complaints about the collection, use or disclosure of the information;
- and will include
- a consent form to be signed by the applicant or tenant authorized the collection, use, verification and disclosure of the information being collected.

1.3.4.4 Protection of Information

- a) All staff and Board members will be required to sign a confidentiality agreement.
- b) In carrying out the day-to-day administration of applicant, tenant, and employee files (including information of databases) staff must guard unauthorized access.
- c) Applicant/tenant/employee information is stored in locked filing cabinets and/or areas. Secure storage facilities are also provided for archived applicant/tenant/employee information.
- d) Staff and members of the Board, where appropriate, have access to records containing personal information only if as required in order to fulfill their duties.
- e) Databases containing files with personal information are safeguarded from unauthorized access through password protection which limits access to those who need to know.

- f) Screen-savers or other protective actions and devices will be used to protect confidentiality of personal information on computer monitors.
- g) All staff have a responsibility to ensure that visitors do not have unsupervised access to areas where files are kept and used.
- h) Personal information will be disposed of according to the Corporation's Records Retention Schedule.
- i) Paper-based personal information being disposed of is shredded. Electronic media is purged.

1.3.4.5 Release of Information

- a) No personal information will be released to third parties without the written consent of the individual. When responding to enquiries for references, staff should limit information provided to the questioner and confirm only the information already provided by the individual.
- b) Circumstances which require the release of confidential information include:
 - The Board: Although when communicating tenant issues to the Board, staff should use non-identifying information as much as possible, there are some specific issues which require such disclosure; i.e. court/tribunal issues of a serious nature.
 - Funders and Auditors: Information shall be released to the funders and auditors provided that they have a legitimate reason for seeking access related to their duty to ascertain compliance with the funding program requirements. Individuals so employed shall act in accordance with their own professional codes and maintain confidentiality.
 - Co-ordinated Access Centres (HAC): As part of the Corporation's responsibilities with regards to co-ordinated access, staff will provide HAC with information about tenants who have left in arrears. This information will be used by HAC as part of their eligibility determination for applicants to not-for-profit housing.
 - Researchers: Occasionally, the Corporation may be asked to assist a researcher, either from an academic institution or an independent. Authorization for such individuals to access the Corporation's tenant files will depend on their credentials and the nature of their research. The General Manager must approve all such requests for personal information.
 - Law Enforcement: While the Corporation has a responsibility to respect and protect the rights of applicants and tenants to privacy, this

responsibility must be balanced with an obligation to the broader community. Law enforcement agencies requesting personal information about applicants and/or tenants shall be required to provide a written request or “warrant” prior to such information being released.

Under the following circumstances confidential information may be released to the Police under without a written request:

- i. In the context of reporting criminal activity, staff with personal knowledge will report theft or damage to the Corporation’s property to the Police and provide full details, including personal information, if applicable.
- ii. With respect to crimes against persons, witnesses are obligated to report and provide appropriate information to the Police to facilitate criminal charges. Domestic violence is a criminal offence and should be reported to the Police.
- iii. Suspected criminal activity - if there is good reason to believe that there is a drug problem in the building, this should be reported to the Police.
- iv. Victims of crimes are responsible for reporting the crime directly to the Police. However, if the victim is a child or a person with a disability that renders them incapable of making the decision to report, the legal responsibility lies with the Corporation to report the crime to the Police or Children’s Aid Society, if it has relevant information.

Protecting Health and/or Well-being: Personal information will be provided to outside agencies, individuals and institutions when it can be clearly identified as contributing to the applicant or tenant’s benefit, for example, information about an individual’s medical condition to the fire department personnel. Where staff have good reasons to believe that an individual is unable to make a rational decision to consent to the disclosure of information, it may be appropriate to contact a community service agency or relative to request assistance. For example:

- i. Use of an emergency contact provided by a tenant and held on file. i.e. contacting medical support services when a tenant is unable to function and maintain his/her tenancy.
- ii. In the case of suspected child abuse, information shall be provided to the Children’s Aid Society.

1.3.4.6 Access to and Correction of Personal Information

- a) The Privacy Officer will respond to all requests for access to or correction of personal information.

- b) An individual who provides satisfactory identification will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information. The privacy of others' personal information must be protected when giving an individual access to his or her personal information.
- c) If the Privacy Officer believes that releasing personal information to an individual would prejudice the mental or physical health or security of any person, he or she will not release the information.
- d) An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate. If the Privacy Officer is not in agreement with the individual's request for correction, a counter-statement will be filed with the original information.

1.3.4.7 Procedure for Handling Complaints

The Privacy Officer will respond to all complaints about collection, use, disclosure, storage and disposal of personal information within thirty (30) days of the request being made, and advise the complainant as to the action that has been taken.

Each complaint will be assessed to determine whether:

- correction of personal information is necessary.
- information was collected, used, released or disposed of inappropriately.
- the Corporation's policies and procedures need to be strengthened
- disciplinary or other action needs to be taken with respect to a breach of a confidentiality agreement.

Where necessary, the Privacy Officer will make the necessary recommendations to the Board of Directors in connection with resolution of the complaint.

1.3.4.8 Breach of Confidentiality

It is a breach of confidentiality to:

- a) Discuss any confidential information within or outside the organization where it may be heard by individuals who are not authorized to have access to that information.
- b) Provide confidential information or records to unauthorized individuals.
- c) Leave confidential information in written form or displayed on a computer terminal in a location where it may be viewed by unauthorized individuals.

A breach of confidentiality may be grounds for staff to be disciplined or terminated.

A breach of his or her confidentiality obligation may be grounds for a Board member to be removed as a director of the Corporation. A Board member who breaches confidentiality may not be covered by the Corporation's insurance if he or she is sued for libel.