

# Privacy Code

## II. CANADIAN CREDIT UNION ASSOCIATION CODE FOR THE PROTECTION OF PERSONAL INFORMATION

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### Introduction

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CCUA  
Privacy Code  
codifies long  
accepted  
privacy  
practices.

Canada is part of a global economy based on the creation, processing, and exchange of information. The technology underlying the information economy provides a number of benefits that improve the quality of our lives. This technology also gives rise to concerns about the protection of privacy rights and the individual's right to control the use and exchange of personal information.

Credit unions and their Central institutions are member-owned and controlled financial institutions and, as such, have an inherent responsibility to be open and accessible while, at the same time, demonstrating the greatest respect for protection of personal privacy.

In adopting the Canadian Credit Union Association Code for the Protection of Personal Information (the "Code"), what has long been accepted practice for years now becomes a documented commitment to privacy.

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## List of Principles

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*Ten interrelated principles form the basis of the Canadian Credit Union Association Code for the Protection of Personal Information ("the Code"). Each principle must be read in conjunction with the accompanying commentary.*

Accountability  
for information  
under CCUA  
control

**1**

### **Accountability**

Canadian Credit Union Association (CCUA) is responsible for personal information under its control and shall designate a Privacy Officer who is accountable for CCUA's compliance with the principles of the Code.

Purpose of  
information to be  
identified

**2**

### **Identifying Purposes**

The purposes for which personal information is collected shall be identified by CCUA at or before the time such information is collected.

Consent to be  
obtained

**3**

### **Consent**

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

Information  
limited to what is  
necessary

**4**

### **Limiting Collection**

The collection of personal information shall be limited to that which is necessary for the purposes identified by CCUA. Information shall be collected by fair and lawful means.

No use or  
disclosure other  
than for the  
original purpose

**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 individual or as required or permitted by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

Information kept  
up-to-date

**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.

Appropriate  
security  
safeguards

**7**

### **Safeguards**

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

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## List of Principles (cont.)

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Policies available  
to members

### **8 Openness**

CCUA shall make readily available specific, understandable information about its policies and practices relating to the management of personal information.

Members are  
entitled to access  
their information

### **9 Individual Access**

Upon request, individuals shall be informed of the existence, use, and disclosure of their personal information, and shall be given access to that information. Individuals are entitled to question the accuracy and completeness of the information and have it amended as appropriate.

Members can  
question  
compliance

### **10 Compliance**

Individuals shall be able to direct questions concerning CCUA's compliance with the above principles to the Privacy Officer. CCUA shall have policies and procedures to respond to the questions and concerns.

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## **Definitions**

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*The following definitions apply in this Code:*

### **Agent**

An organization contracted by CCUA to provide services such as the processing of personal information on its behalf. Where personal information is transferred to agents for processing, CCUA will employ adequate safeguards to protect the information.

### **Collection**

The act of gathering, acquiring, or obtaining personal information from any source, including Third Parties, by any means.

### **Consent**

Voluntary agreement with what is being done or proposed. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent is given explicitly, either orally, electronically or in writing. Express consent is unequivocal and does not require any inference on the part of CCUA. Implied consent arises where consent may reasonably be inferred from the action or inaction of the individual.

### **Disclosure**

Making personal information available to third parties outside CCUA, including related organizations.

### **Individual**

The term "individual" also includes subscribers to the Learning Gateway.

### **Organization**

A term used in the Code that includes business corporations, partnerships, professional practices, persons, government bodies, institutions, associations, charitable organizations, clubs, unions, or any other form of organization.

### **Personal information**

Any information that is about or can be linked to an identifiable individual, but does not include the name, title or business address, telephone number, fax number or email address of an employee of an organization.

### **Privacy Officer**

The person within CCUA who is responsible for overseeing the collection, use, disclosure and protection of personal information, and CCUA's day-to-day compliance with the Code.

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**Subsidiary**

A company or organization wholly-owned or controlled by CCUA such as CUIC.

**Third Party**

Any person or organization other than CCUA or its employees or agents.

**Use**

Refers to the treatment and handling of personal information within CCUA.

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## 1 **Principle 1 -- Accountability**

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*CCUA is responsible for personal information under its control and shall designate a Privacy Officer who is accountable for CCUA's compliance with the principles of the Code.*

Board has the ultimate accountability

**1.1** Ultimate accountability for CCUA's compliance with the principles rests with CCUA's Board of Directors, which delegates day-to-day accountability to a Privacy Officer. Other individuals within CCUA may be accountable for the collection and processing of personal information, or to act on behalf of the Privacy Officer.

Privacy officer to be identified

**1.2** CCUA shall inform its employees and other individuals, upon request, of the name or title of the Privacy Officer who is responsible for the day-to-day compliance with the principles of the Code.

CCUA is responsible for protecting information

**1.3** CCUA is responsible for personal information under its control, including information that has been transferred to an agent for processing. CCUA shall use contractual or other means to provide a comparable level of protection while the information is being processed by an agent.

**1.4** CCUA shall implement policies and procedures to give effect to the principles, including:

CCUA must have policies and procedures for privacy protection

- (a) procedures to protect personal information;
- (b) procedures to receive and respond to concerns and inquiries;
- (c) training for staff to understand and follow CCUA's policies and procedures; and
- (d) developing information to explain the organization's policies and procedures.

## 2 **Principle 2: -- Identifying Purposes**

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*The purposes for which personal information is collected shall be identified by CCUA when or before the information is collected.*

Purposes to be documented

**2.1** CCUA shall document the purposes for which personal information is collected in order to comply with the Openness principle (section 4.8) and the Individual Access principle (section 4.9)

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Member to be informed of purposes

**2.2** CCUA shall make reasonable efforts to ensure that individuals are aware of the purposes for which personal information is collected, including any disclosures to Third Parties.

**2.3** Identifying the purposes for which personal information is being collected at or before the time of collection also helps define the information needed. CCUA shall collect personal information from employees that is reasonable and necessary to administer compensation and benefits, to comply with legislation, and to allow CCUA to evaluate the performance of the employee.

Its use is limited to the purposes specified below:

- To bond all employees through a bonding company.
- To recruit, recognize and retain a highly qualified and motivated workforce;
- To share within respective departments and or to post on an internal website or hard copy, personal phone numbers or e-mail addresses (where applicable) for business recovery/continuity plans, and in emergency situations, to contact designated individuals;
- To establish and maintain harmonious employer-employee relations;
- To file reports according to federal and provincial regulations and legislation to government agencies like, but not limited to, Canada Revenue Agency (CRA).
- To conduct and appraise employee performance including the identification for training and career advancement opportunities;
- To administer compensation and benefits, and where applicable, to transfer required data to third party administrators or processors, including but not limited to, payroll, health, prescription, dental, insurance, pension, corporate credit card providers;
- To be used in the preparation of consolidated reports received from the corporate travel agency outlining details of individual corporate travel.

Additionally, CCUA may collect personal information for the following purposes:

- understanding individuals' needs;

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Eligible purposes

- determining the suitability of the products or services for the individual or the eligibility of the individual for products and services;
- developing, offering and managing products, services and courses and other learning opportunities that meet the individual's needs;
- to enable access to the Learning Gateway;
- providing ongoing service;
- detecting and preventing fraud, money laundering or other criminal activity, and to help safeguard the financial interests of CCUA and its individuals;
- meeting legal and regulatory requirements; and
- meeting personnel requirements as set out above.

Means of informing member

**2.4** The identified purposes should be specified to the individual from whom the personal information is being collected. This can be done orally, electronically or in writing. An application form with the purposes highlighted, for example, may give notice of the purposes.

Using previous information for a new purpose

**2.5** When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, or is subject to a legal exception to consent, the consent of the individual is required before information can be used for that purpose.

### 3 **Principle 3: -- Consent**

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*The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except in specific circumstances as described within this Code.*

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#### **Note:**

In certain circumstances personal information may be collected, used, or disclosed without the knowledge or consent of the individual. Examples of such circumstances include:

- Where clearly in the interests of the individual and consent cannot be obtained in a timely way;
- To act in respect of an emergency that threatens the life, health or security of an individual;
- To avoid compromising information availability or accuracy and if reasonable to investigate a breach of an agreement, a

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contravention of the laws of Canada or a province; or a threat to Canada's security;

- To comply with a subpoena, warrant or court order, or rules of court relating to the production of records, or otherwise as required by law;
  - For the purposes of administering any law of Canada or a province;
  - To collect an overdue account or debt owed by an individual to CCUA;
  - Where the information is considered by law to be publicly available;
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Obtaining consent after-the-fact

**3.1 Subject to the note above,** consent is required for the collection of personal information and the subsequent use or disclosure of this information. In certain circumstances, consent may be sought after the information has been collected but before use (for example, when existing information is to be used for a purpose not previously identified).

Informed consent

**3.2** The principle requires "knowledge and consent." CCUA shall make a reasonable effort to ensure the individual is aware of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that individuals can reasonably understand how the information will be used or disclosed.

Consent to be limited to specific uses

**3.3** CCUA shall not, as a condition of the supply of a legitimate product or service, require a individual to consent to the collection, use, or disclosure of personal information beyond what is necessary to provide the product or service.

Form of consent determined by sensitivity

**3.4** In determining the form of consent to use, CCUA shall take into account the sensitivity of the information. Although some information (for example, medical and financial records) is almost always considered to be sensitive, any information can be sensitive, depending on the context.

**3.5** In obtaining consent, an individual's reasonable expectations are also relevant.

For example, individuals entering into an employment relationship with CCUA should reasonably expect CCUA to periodically supply information on CCUA developments, products and services, and to provide ongoing services without a requirement for further consent. In this case, CCUA can assume that the existence of a

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relationship constitutes consent for reasonably associated purposes.

- On the other hand, an individual would not reasonably expect that personal information given to CCUA would be given to a Third Party company selling insurance products, unless specific consent was obtained.
- Consent will not be obtained through deception.

**3.6** The way in which CCUA seeks consent may vary, depending on the circumstances and the type of information collected. CCUA will seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).

Means and  
timing for  
obtaining consent

Consent can be obtained in many ways. For example:

- (a) in writing, such as when completing and signing an application;
- (b) through inaction, such as failing to check a box indicating that they do not wish their names and addresses to be used for optional purposes;
- (c) orally, such as when information is collected over the telephone or in person;
- (d) at the time they use a product or service; and
- (e) through an authorized representative (such as a legal guardian or a person having power of attorney).

**3.7** Consent may be withdrawn at any time, subject to legal or contractual restrictions, provided that:

- (a) reasonable notice of withdrawal of consent is given to CCUA;
- (b) consent does not relate to a credit product requiring the collection and reporting of information after credit has been granted; and
- (c) the withdrawal of consent is in writing and includes understanding by the individual that CCUA may subsequently not be able to provide the individual with a related product, service or information of value.

Withdrawing  
consent

CCUA shall inform the individual of the implications of consent withdrawal.

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## 4 **Principle 4: -- Limiting Collection**

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

Limiting information to what is necessary

**4.1** CCUA shall not collect personal information indiscriminately. It shall specify both the amount and the type of information collected, limited to that which is necessary to fulfill the purposes identified, in accordance with CCUA's policies and procedures.

No deception in collection

**4.2** CCUA shall collect personal information by fair and lawful means, and not by misleading or deceiving individuals about the purpose for which information is being collected.

## 5 **Principle 5: -- Limiting Use, Disclosure and Retention**

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*Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.*

New purpose to be documented

**5.1** When CCUA uses personal information for a new purpose, the purpose shall be documented.

**5.2** CCUA shall protect the interests of individuals by taking reasonable steps to ensure that:

CCUA must protect member information

- (a) demands or requests for personal information by government agencies under a statutory authority comply with the laws under which they were issued;
- (b) only the personal information that is legally required to respond to a legitimate demand or request by a government agency is disclosed and nothing more; and
- (d) personal information disclosed to unrelated Third Party suppliers is strictly limited to programs endorsed by CCUA or Canadian credit union System.

CCUA will make reasonable efforts to notify the individual that an order has been received, if not contrary to the security of CCUA and if the law allows it. Notification may be by telephone, or by letter to the individual's usual address.

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**5.3** CCUA shall maintain guidelines and procedures with respect to the retention of personal information. These guidelines include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual shall be retained long enough to allow the individual access to the information after the decision has been made. CCUA may be subject to legislative requirements with respect to retention of records.

Retention guidelines

**5.4** Subject to any requirement to retain records, personal information that is no longer required to fulfill the identified purposes shall be destroyed, erased, or made anonymous. CCUA shall develop guidelines and implement procedures to govern the destruction of personal information.

Destruction guidelines

## 6 **Principle 6: -- Accuracy**

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

**6.1** The extent to which personal information shall be accurate, complete, and up-to-date will depend upon the uses of the information, taking into account the interests of the individual. CCUA relies on the individual to keep certain personal information, such as address information accurate, complete and up-to-date. Information shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the individual.

Information accuracy is dependent on use

**6.2** CCUA shall not routinely update personal information, unless such a process is necessary to fulfill the purposes for which the information was collected.

No routine updating

**6.3** Personal information that is used on an ongoing basis, including information that is disclosed to Third Parties, will generally be accurate and up-to-date unless limits to the requirement for accuracy are clearly set out.

Frequently used information to be up-to-date

## 7 **Principle 7: -- Safeguards**

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*Personal information shall be protected by security safeguards appropriate to the sensitivity of the information. CCUA will apply the same standard of care as it applies to safeguard its own confidential information of a similar nature.*

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Safeguards to be in place for all formats

**7.1** The security safeguards shall protect personal information against loss or theft, as well as unauthorized access, use, copying, modification, disclosure or disposal. CCUA shall protect personal information regardless of the format in which it is held.

Higher protection needed for more sensitive information

**7.2** The nature of the safeguards will vary depending on the sensitivity, amount, distribution and format of the information, and the method of storage. More sensitive information will be safeguarded by a higher level of protection.

Types of safeguards

**7.3** The methods of protection will include:

- (a) physical measures, for example, locked filing cabinets and restricted access to offices;
- (b) organizational measures, for example, controlling entry to data centers and limiting access to information to a "need-to-know" basis;
- (c) technological measures, for example, the use of passwords and encryption; and
- (d) investigative measures, in cases where CCUA has reasonable grounds to believe that personal information is being inappropriately collected, used or disclosed.

Staff to be informed of obligations

**7.4** CCUA shall periodically remind employees, officers and directors of the importance of maintaining the confidentiality of personal information. Employees, officers and directors are individually required to act in accordance with the company's Business Ethics policy as a condition of employment, which includes a commitment to keep individuals' personal information in strict confidence.

Third Parties must maintain similar standards

**7.5** Agents shall be required to safeguard personal information transferred to them in a manner consistent with the policies of CCUA.

Care to be exercised in destruction

**7.6** Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information.

## **8 Principle 8: - Openness**

*CCUA shall make readily available to individuals specific, understandable information about its policies and procedures relating to the management of personal information.*

Publish clear privacy policies

**8.1** CCUA shall be open about privacy policies and procedures with respect to the management of personal information and shall

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make them readily available in a form that is generally understandable.

## 8.2 The information made available shall include:

- (a) the name or title, and the address of the Privacy Officer who is accountable for compliance with CCUA's policies and procedures and to whom inquiries or complaints can be directed;
- (b) the means of gaining access to personal information held by CCUA;
- (c) a description of the type of personal information held by CCUA, including a general account of its uses;
- (d) a copy of any brochures or other information that explains CCUA's policies, procedures, standards or codes; and
- (e) the types of personal information made available to related organizations, such as subsidiaries or other suppliers of services.

Policy content

## 8.3 CCUA may make information on its policies and practices available in a variety of ways. The method chosen depends on the nature of its business and other considerations. For example, CCUA may choose to make brochures available in its place of business, mail information to individuals, provide on-line access, or establish a toll-free telephone number.

Methods for disclosing privacy policy

## 9 **Principle 9: - Individual Access**

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*Upon request, an individual shall be informed of the existence, use, and disclosure of their personal information, and shall be given access to that information. An individual is entitled to challenge the accuracy and completeness of the information and have it amended as appropriate.*

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### **Note:**

In certain situations, a CCUA may not be able to provide access to all the personal information it holds about an individual. Exceptions to the access requirement will be limited and specific. The reasons for denying access include the following:

- providing access would likely reveal personal information about a Third Party unless such information can be severed from the record or the Third Party consents to the disclosure, or the information is needed due to a threat to life, health or security;

Conditions for denial of access

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- the personal information has been requested by a government institution for the purposes of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out any investigation related to the enforcement of any law, the protection of national security, the defense of Canada or the conduct of international affairs;
- the information is protected by solicitor-client privilege;
- providing access would reveal confidential commercial information, provided this information cannot be severed from the file containing other information requested by the individual;
- providing access could reasonably be expected to threaten the life or security of another individual, provided this information cannot be severed from the file containing other information requested by the individual;
- the information was collected without the knowledge or consent of the individual for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
- the information was generated in the course of a formal dispute resolution process.

**9.1** Upon request, CCUA shall inform an individual of the existence, use, disclosure, and source of personal information about the individual held by CCUA, and shall allow the individual access to this information.

Access to be granted upon member's request

**9.2** For CCUA to provide an account of the existence, use, and disclosure of personal information held by CCUA, the individual may be asked to provide sufficient information to aid in the search. The additional information provided shall only be used for this purpose.

Member may need to provide other information for search

**9.3** In providing an account of Third Parties to which it has, or may have, disclosed personal information about an individual, CCUA will be as specific as possible, including a list of Third Parties.

Third Parties possessing information to be identified

**9.4** CCUA shall respond to an individual's request within a reasonable time and at no cost, or reasonable cost, to the individual. The requested information shall be provided or made available in a form that is generally understandable. For example, if CCUA uses abbreviations or codes to record information, an explanation will be provided.

Response time, cost and format to be reasonable

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Amendment obligations when information is inaccurate

**9.5** When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, CCUA shall amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to Third Parties having access to the information in question.

Unresolved challenges

**9.6** When a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge shall be recorded by CCUA. When appropriate, the existence of the unresolved challenge shall be transmitted to Third Parties having access to the information in question.

## **10 Principle 10: - Compliance**

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*An individual shall be able to question compliance with the above principles to the Privacy Officer accountable for CCUA's compliance. CCUA shall have policies and procedures to respond to the individual's questions and concerns.*

Privacy Officer to be identified

**10.1** The name or title of the Privacy Officer shall be known to staff. Information on how to contact the Privacy Officer shall be identified to other individuals periodically.

Complaint-handling procedures

**10.2** CCUA shall maintain procedures to receive and respond to complaints or inquiries about their policies and practices relating to the handling of personal information. The complaint procedures will be easily accessible and simple to use.

Escalation of complaints

**10.3** Individuals who make inquiries or lodge complaints shall be informed by CCUA of the existence of relevant complaint procedures. If a complaint is not satisfactorily resolved with the Privacy Officer in CCUA, it may be taken to the CCUA Board of Directors. If not resolved there, procedures shall be in place to refer it to a regulator, or to an independent mediator or arbitrator, as may be appropriate.

Responses to justified complaints

**10.4** CCUA shall investigate all complaints. If a complaint is found to be justified, CCUA shall take appropriate measures, including revision of the personal information and, if necessary, amending CCUA's policies and practices.

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## **How to contact the Privacy Officer**

Access requests, inquiries or complaints should be addressed in writing to:

Privacy Officer,  
Canadian Credit Union Association  
151 Yonge St., Suite 1000  
Toronto, Ontario  
M5C 2W7