

Privacy and Confidentiality Policy

ORGANIZATION: Newmarket African Caribbean Canadian Association (NACCA)	Date of Approval: February 22, 2024
Privacy and Confidentiality Policy	Date of Revision/Amendment: March 21, 2024
	Date of Last Review:

**ARTICLE 1
PURPOSE AND DEFINITIONS**

1.1 Purpose

To outline the policy, practice, and procedure for:

- protecting the personal, organizational, and health information of individuals including, but not limited to, the Newmarket African Caribbean Canadian Association’s (herein and thereafter recognize as NACCA program/service participants/beneficiaries, staff, volunteers, donors and other stakeholders of the NACCA (hereinafter described collectively as “NACCA Clients, Staff and Stakeholders”).
- Ensuring compliance with privacy legislation in the collection, use, disclosure / consent of personal information, personal health information and private information.
- Dealing with breaches of privacy and confidentiality.
- Enforcing the terms and conditions contained in this policy document.

1.2 Definitions

“Clients” mean and include NACCA program/service participants and program/services beneficiaries

“Confidential Information” means any oral, written, or electronic data, including business and operational information, which is treated as confidential by the disclosing party or would reasonably be treated as confidential by the disclosing party, but excluding personal health information;

“Express Consent” means consent that is given either verbally or in writing, to a custodian to collect, use, and/or disclose an individuals;

“Implied Consent” means consent that is determined based on an individual’s actions and conduct, and what such individual does or does not do

“Organizational Information” means information that includes but is not limited to: financial information that is not contained in a public budget or in a public report; non-public information about NACCA’s operation, its staff, its plans, aspects of the relationship between NACCA and other agencies, etc.; and reports or information received or discussed in a closed meeting.

“Personal Information” means recorded information, as defined in the Freedom of Information and Protection of Privacy Act (Ontario), about an individual which identifies such individual in his/her personal capacity, and which may include the following information: name, address, sex, age, education, and medical or employment history, identifying numbers such as a Social Insurance Number, and personal views or opinions;

“Personal Health Information ” means personal health information within the meaning of Personal Health Information and Protection Act, 2004 (Ontario), which includes, but is not limited to physical health, mental health and medical health information and history, that is in the custody or under the control of NACCA, or an agent of NACCA, and that is collected, used, disclosed, processed, or stored by NACCA, or an agent of NACCA; and

“Privacy Officer” means the person appointed by NACCA with responsibility for day-to-day management of NACCA’s privacy and confidentiality policy, practices, procedures.

ARTICLE 2 PRIVACY & CONFIDENTIALITY POLICY, PRACTICE AND PROCEDURE

2.1 Policy

NACCA is committed to maintaining the privacy and confidentiality of the personal, organizational, personal health information and confidential information (“Personal and Confidential Information”) of NACCA’s Clients, and Staff, Stakeholders regardless of the medium (verbal, written, or electronic) in accordance with the Privacy Act (Ontario), the Personal Health Information Protection Act (Ontario), the Child, Youth and Family Services Act and the policies and procedures of NACCA. This commitment and accountability are inclusive of the collection, use, and disclosure of Personal and Confidential Information and the storage, retention, transfer, and disposal of Personal and Confidential Information.

NACCA will store and retain the records of YRDSB students for 10 years after the youth turns 18. In alignment with Education Law, which governs all activities during the instructional day.

2.2 Practice and Procedure, Collection /Use / Disclosure

NACCA agrees that it will collect, use and disclose the Personal and Confidential Information of NACCA’s Clients, Staff, Stakeholders for the following purposes, and for no other purpose unless authorized by the board of directors of NACCA:

- The provision of program/services to Clients that utilize or avail themselves to a program/ service offered by NACCA.
- Evaluating and monitoring programs/services of NACCA.

2.3 Practice and Procedure, Access and Corrections

- 2.3.1 NACCA shall have authority to make any correction to any Personal and Confidential Information and shall advise NACCA Clients, Staff and Stakeholders who requests any such correction.
- 2.3.2 Any request for access or correction shall be directed to NACCA's Privacy Officer within a reasonable timeframe, and a response to be provided within a time frame not to exceed thirty (30) Business Days of the receipt of such request.

2.4 Practice and Procedure, Privacy/Security Breach

- 2.4.1 If NACCA becomes aware that Personal and Confidential Information it collected has been subject to a privacy/security Breach, it shall immediately notify the Privacy Officer and provide particulars of such occurrence.
- 2.4.2 The Privacy Officer, in consultation with NACCA's management, executive and the board of directors, will investigate privacy breaches and provide recommendations for corrective action to avoid similar breaches in the future.
- 2.4.3 The Privacy Officer shall notify those affected by privacy/security breach as soon as reasonably possible if NACCA determines that the breach poses a real risk of significant harm to the individual, taking into consideration the sensitivity of the information and whether it is likely to be misused.
- 2.4.4 Any privacy / security breach by NACCA's Clients, Staff and Stakeholders is subject to disciplinary sanctions, and /or penalties as determined by NACCA, up to and including dismissal of an employee, termination of Client programs/services, and termination of Stakeholder relationships and/or contracts.

2.5 Practice and Procedure, Complaints

If NACCA receives a complaint from a Client, Staff or Stakeholder about the collection, use or disclosure their Personal and Confidential Information, NACCA shall forthwith forward the

complaint and the subject matter of the complaint to the Privacy Officer for investigation, reporting and resolution.

2.6 Practice and Procedure, Consent

2.6.1 NACCA will apply the conditions of consent, as expressed in the Child, Youth and Family Services Act (Ontario), the Privacy Act (Ontario) and the Personal Health Information Act (Ontario), in the following circumstances:

- collection, use and disclosure of personal, organizational, and personal health information
- Withdrawal of consent;
- conditional consent;
- presumption of consent's validity

2.6.2 If NACCA becomes aware that NACCA's Client, Staff and Stakeholders have withdrawn their consent to the sharing of that personal, organizational, and personal health information, NACCA shall notify the Privacy Officer promptly and in any case, within five (5) Business Days of the withdrawal and such personal, organizational, and personal health information will be retained in accordance with its retention procedure and schedule, consistent with the legislative requirements and legal obligations..

2.7 Practice and Procedure, Accuracy and Monitoring

2.7.1 NACCA will apply best efforts to ensure the accuracy (quality, integrity, and reliability) of the Personal and Confidential Information under its control, whether in written, electronic, or other form, that are transmitted, processed or stored by NACCA.

2.7.2 NACCA relies on NACCA's Clients, Staff and Stakeholders to ensure the accuracy of the Personal and Confidential Information into NACCA's database and/or systems.

2.7.3 Questions regarding the accuracy of individual records of Personal and Confidential Information are to be directed back to the original data collector for resolution.

2.7.4 The Privacy Officer will verify compliance to this policy through various methods, including but not limited to, management reports, and internal and external audits.

2.8 Privacy Officer

The contact information of the Privacy Officer for NACCA is as follows or such other Privacy Officers designated by NACCA from time to time:

NACCA

Privacy Officer
Jerisha Grant-Hall, Chairperson
449 Eagle Street, Newmarket ON L3Y 1K7
Telephone: (905) 781-6222
Email: privacy@naccacommunity.ca