

# Memo

To: The United Church of Canada

From: Privacy Working Group

CC:

Date: 2/19/2004

Re: Privacy Legislation

## **What is PIPEDA and how does it affect me?**

PIPEDA gives individuals the right to privacy in the collection, use and disclosure of their personal information. The law gives individuals the right to see and ask for corrections to information an organization may have collected about them.

## **What is personal information?**

Personal information is any factual or subjective information, about an identifiable individual and includes:

Home address

Home phone #

Age, Date of Birth

Personal email address

Race

National or ethnic origin

Weight / Height

Colour

Religion

Sexual Orientation

Marital and/or social status

Mental or physical disability

Family members names

Employee files  
Identification #'s e.g. S.I.N., Prov. Health #'s, Drivers Licence #'s  
Evaluations  
Income  
Credit card and/or bank records  
Donation information  
Loan or medical records etc.  
Affiliations

### **What is deemed not to be personal information?**

Personal information does not include your job title, telephone number or address, anything that might appear on your business card, or can be found through publicly available information such as the telephone book.

### **What is the intent of the legislation?**

The intent of the legislation is to prohibit the use of personal information for “commercial purposes” and to safeguard against “identity theft”.

### **Our province has privacy legislation, which do we follow?**

The United Church of Canada is considering a policy which adheres to the Federal legislation “The Personal Information Protection and Electronic Documents Act (2000, c.5)” commonly referred to as PIPEDA. Our policy will take into account other provincial legislation and we will also be seeking additional information and clarity from the Federal Privacy Commission.

**We used to send birthday cards to members on our donor list. Is this a contravention of the legislation?**

Age and birthdates are deemed to be personal information so refrain from sending birthday cards. You may want to consider an alternate generic greeting card letting the recipient know that you are thinking of them or get express written consent for use of personal information for purposes other than that for which it was originally collected.

**Our Church Directories contain the names, addresses and other means of contacting members of the congregation etc. Does this infringe on the Privacy Legislation?**

Our understanding is that Church Directories are for internal use only, and do not contravene the intent of the legislation. However, it should be noted that extra caution should be taken when handling personal information and requests for sharing of this information from outside sources should be seriously scrutinized.

**We used to publish in our bulletin, the names of members of our congregation and addresses of retirement residences and long term care facilities where they reside so that individuals could send notes and Christmas cards. We are told that we can no longer do this as it is prohibited under the new privacy legislation.**

As we understand it, it is the intent of the privacy legislation to protect individuals from unauthorized use of their personal information and to safeguard personal information from "identity theft". It is our understanding at this time that the example cited above would not contravene the intent of the legislation. We do however, urge you to continue to exercise the utmost caution when dealing with personal information.

### **Are minutes of meetings considered to be personal information?**

Minutes of a Church's governing body are not confidential. In order to conduct the business of the Church court, it may be necessary to move to go "in camera" from time to time. This should be clearly noted in the minutes, as should any decisions or motions passed in committee of the whole.

### **Do we have to have a Privacy Official at each Pastoral Charge?**

Yes, someone at each location should be designated the "keeper" of personal information with the information kept in a locked, secure area.

### **What do I do if I want to access my personal information?**

A signed, detailed request should be sent to the Privacy Official at your location or unit.

### **Can we use the personal information we have on hand for something other than the original reason for which it was collected?**

No. The Church would have to obtain the consent of the member every time the personal information was to be used for different purposes.

### **The Privacy Legislation states, "personal information will be retained for only as long as is necessary to fulfill the purpose for which it was collected". Does this affect what records we transfer to our Conference Archives?**

Archival records are included in the references to legal or business purposes as defined by the Act. Please continue to send your records to your Conference Archives, using the publication *Managing Your Congregation's Records* as a guide.

**Congregations frequently take photos/videos of events and are then posted in bulletins etc. Is consent required by anyone whose photo may be captured and published in the process?**

Yes, consent is required. This is particularly important if the intent is to publish the photos either in print or electronically. There may also be copyright restrictions.

**Can I refuse to disclose my personal information and what happens if I do?**

An organization, or employer, has the right to obtain your personal information to be able to carry out their day-to-day business e.g. producing a pay cheque, processing benefits claims, managing donor information etc.