

**CONFIDENTIALITY POLICY OF THE MUNICIPALITY OF BLANC-SABLON**



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## INTRODUCTION

- WHEREAS** the Municipality of Blanc-Sablon (hereinafter the "Municipality") is a public body subject to the *Act respecting access to documents held by public bodies and the protection of personal information*, RLRQ c. A -2.1 (hereinafter the "Access Act");
- WHEREAS** the Municipality is committed to protecting the personal information it collects and processes in the course of its activities in compliance with applicable laws and regulations;
- WHEREAS** the *Access Act* requires a public body, including a municipal body, to adopt a privacy policy if it collects personal information by technological means;
- WHEREAS** that such a policy must be published on the Municipality's Web site and disseminated by any means likely to reach any person concerned;
- WHEREAS** this policy is complementary to the « Politique administrative concernant les règles de gouvernance en matière de protection des renseignements personnels de la Municipalité » ;

**CONSEQUENTLY**, in order to fulfill the obligations stipulated in the *Access to Information Act*, the Municipality of Blanc-Sablon has instituted this Confidentiality Policy as follows:

## CHAPTER I - APPLICATION AND INTERPRETATION

### 1. DEFINITIONS

For the purposes of this policy, the following expressions or terms shall have the meanings set forth below:

**CAI:** Refers to the Commission d'accès à l'information created under the *Loi sur l'accès*;

**Council:** Refers to the municipal council of the Municipality of Blanc-Sablon;

**Employee:** Refers to an elected official, manager or employee, whether full-time or part-time, permanent, seasonal or contract;

**Life cycle:** Refers to all the stages in the existence of information held by the Municipality, and more specifically its creation, modification, transfer, consultation, transmission, conservation, archiving, anonymization or destruction;

**Access Act:** Refers to the *Act respecting access to documents held by public bodies and the protection of personal information*, RLRQ c. A -2,1;

**Person concerned:** Refers to any individual for whom the Municipality collects, holds, communicates to a third party, destroys or renders anonymous one or more personal information;

**Stakeholder:** Refers to a natural person in relation with the Municipality within the framework of its activities and, without limiting the generality of the foregoing, an employee or a supplier;

**PRP Governance Policy:** Refers to the administrative policy concerning the Municipality's privacy governance rules;

**PRP:** Refers to the protection of personal information;

**Personal information (or PI):** This refers to any information concerning a natural person that enables that person to be identified directly or indirectly, such as postal address, telephone number, e-mail address or bank account number, whether the data is personal or professional;

**Sensitive Personal Information (or PI):** Refers to any personal information that raises a high reasonable expectation of privacy for any individual, particularly because of the potential harm to the individual in the event of a breach of confidentiality, such as financial information, medical information, biometric data, social insurance number, driver's license number or sexual orientation;

**Responsable de l'accès aux documents (or RAD):** Refers to the person who, in accordance with the *Loi sur l'accès*, performs this function and responds to requests for access to the Municipality's documents;

**Responsable de la protection des renseignements personnels (or RPRP):** Refers to the person who, in accordance with the *Loi sur l'accès*, is responsible for the protection of personal information held by the Municipality.

## 2. OBJECTIVES

The Privacy Policy has the following objectives:

- Set out the guidelines and principles designed to effectively ensure the confidentiality of any PR collected by any technological means;
- Protect the confidentiality of all PR collected by the Municipality throughout its life cycle;
- Indicate the technological means used to collect any PR, the purposes for which it is collected and its processing within the Municipality;
- Ensure public confidence in the Municipality, demonstrate transparency regarding the processing of PR and the PRP measures applied by the Municipality, and provide access when required.

## CHAPTER II - COLLECTION OF PERSONAL INFORMATION AND CONSENT

### 3. PRIVACY

- 3.1. The Municipality keeps confidential all PR collected and makes it accessible only to employees who need it in the performance of their duties.
- 3.2. The Municipality specifies its confidentiality practice when obtaining any consent from the person concerned to the collection of any PR.
- 3.3. The Municipality applies equivalent security measures, regardless of the sensitivity of the information held, in order to prevent breaches of confidentiality and integrity, subject to the exceptions provided for in the *Access Act*.

### 4. TYPES OF PERSONAL INFORMATION COLLECTED BY THE SERVICES

The Municipality determines, on a regular basis and at least every year, the type of PR collected, the purposes for which it is collected, the category of Municipality employees who have access to this PR and the means by which it is collected, and compiles it in accordance with the table in Appendix I of this Policy.

## 5. CONSENT TO THE COLLECTION OF PERSONAL INFORMATION

- 5.1. The Municipality does not collect or store any PI without the consent of the person concerned, subject to the exceptions set out in the *Access Act*.
- 5.2. It is understood that consent is given for **specific purposes**, for a **period of time necessary** to achieve the purposes for which it is requested, and must be:
  - a) **Manifest**: meaning obvious and certain;
  - b) **Free**: meaning that it must be free of constraints;
  - c) **Informed**: meaning that it is made with full knowledge of the facts.
- 5.3. Except in the circumstances permitted by the *Loi sur l'accès*, the Municipality does not transfer to a third party any PI concerning a person concerned without the specific consent of that person to such transfer.
- 5.4. Subject to the obligations of any law or regulation, a person concerned may refuse to consent to the collection of personal information and still receive services from the Municipality.
- 5.5. In order to express his or her refusal to the collection, use and holding of PR concerning him or her, the data subject must:
  - Following receipt of a form from the Municipality or any other document containing a request for consent to the collection of personal information, by indicating his or her refusal by not signing the form and notifying the Municipality employee who sent the form.
- 5.6. A data subject may be denied access to various municipal services if he or she does not consent to the collection and storage of any personal information.
- 5.7. Notwithstanding the foregoing, a person concerned will be denied access to any service of the Municipality in the following circumstances:
  - Refusal by a candidate to collect any PR for the purpose of evaluating his application for any job offered by the Municipality;
  - The refusal by any owner of property subject to assessment to the collection of any PR by the Municipality's property assessment department;
- 5.8. Consent to the collection of any PI by means of a voice or visual recording includes the right for the Municipality to reproduce or broadcast any such recording, if justified in terms of the purposes for which it was collected. Each reproduction is subject to the same rules for the protection of personal information.

## CHAPTER III - RIGHTS OF ACCESS AND RECTIFICATION

### 6. ACCESS RIGHTS

- 6.1. Any person has the right to be informed of the existence of any PR concerning him or her and stored in a PR file, subject to the exceptions provided for in the *Access Act*;
- 6.2. Subject to the exceptions provided for in the *Access Act*, any person concerned has the right to receive information relating to any PR held by the Municipality concerning him or her;

- 6.3. The Municipality provides access to information relating to any PR of the person concerned, by allowing him or her to view it remotely or at the Municipality's offices during regular business hours, i.e. from 8:30 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:30 p.m., Monday to Friday, and to obtain a copy;
- 6.4. Where the person concerned is disabled, the Municipality shall take reasonable accommodation measures to enable him or her to exercise the right of access provided for in the present Article 6. To this end, the Municipality takes into account the policy established under section 26.5 of the *Act to secure the exercise of the rights of handicapped persons with a view to their educational, occupational and social integration* (RLRQ c. E-20.1);
- 6.5. A data subject's access to any PR concerning him or her is free of charge. However, a fee not exceeding the cost of transcribing, reproducing and transmitting the PR may be charged to the person concerned. The Municipality establishes the amount and terms of payment of these fees in accordance with the provisions of the *Regulation respecting fees payable for the transcription, reproduction and transmission of documents and personal information*, RLRQ c A-2.1, r 3;
- 6.6. When the Municipality intends to charge a fee, it must inform the person concerned of the approximate amount to be charged, before proceeding with the transcription, reproduction or transmission of the document.

## **7. RIGHT OF RECTIFICATION**

- 7.1. Any person concerned who receives confirmation of the existence in a file of any PR concerning him or her may, if it is inaccurate, incomplete or equivocal, demand that the file be rectified. The same applies if its collection, communication or storage is not authorized by the *Access Act*;
- 7.2. When the Municipality refuses in whole or in part to grant a request for rectification of a file, the person concerned may demand that the request be registered;
- 7.3. When the Municipality accedes to a request for rectification of a file containing any PR, it issues, free of charge, a copy of any PR modified or added, or, as the case may be, an attestation of its removal, to the person concerned making the request.

## **8. ACCESS OR RECTIFICATION PROCEDURE**

- 8.1. A request for communication or rectification can only be considered if it is made in writing by a natural person justifying his or her identity as the person concerned, or as the representative, heir or successor, or as the liquidator of the estate, or as the beneficiary of- life insurance or death benefit, or as the holder of parental authority even if the minor child is deceased.
- 8.2. Such a request is addressed to the Municipality's RPRP.
- 8.3. The RPRP notifies the applicant in writing of the date of receipt of the application.
- 8.4. This notice of receipt indicates the time limits for responding to the request and the effect that the *Access Act* attaches to failure by the person responsible to meet them. The said notice also informs the applicant of the review procedure provided for in Division III of Chapter IV of the *Access Act*.
- 8.5. The person in charge will respond to a request for communication or rectification with diligence and at the latest within twenty days of the date of receipt.

- 8.6. If it appears impossible to process the request within the timeframe stipulated in this policy without interfering with the normal operation of the Municipality, the RPRP may, before the expiry of this timeframe, extend it for a period not exceeding ten days and notify the applicant by any means of communication that enables the person concerned to be reached.
- 8.7. The RPRP must give reasons for any refusal to grant a request and indicate the provision of the *Access Act* on which the refusal is based.
- 8.8. The RPRP renders its decision in writing and forwards a copy to the applicant. The decision is accompanied by the text of the provision on which the refusal is based, if applicable, and a notice informing the applicant of the right to appeal to the CAI under Division III of Chapter IV of the *Access Act* and the time limit for doing so.
- 8.9. The RPRP ensures that the information that is the subject of the request is retained for the time required to allow the applicant to exhaust the recourses provided for in the *Access Act*.

## **9. RETENTION AND PROTECTION OF PERSONAL INFORMATION.**

- 9.1. The Municipality hosts and processes all collected PR in Quebec.
- 9.2. When the Municipality, in certain circumstances, entrusts the collection, holding or processing of any PI, by a service provider in Quebec or outside Quebec, it takes the best possible measures to ensure that the rights of the persons concerned provided for in this policy are respected by this provider. The laws of jurisdictions outside Quebec may affect the rights of data subjects.

## **10. TRANSFER OF PERSONAL INFORMATION OUTSIDE THE MUNICIPALITY**

- 10.1. Except as authorized by the *Access Act* or with the specific consent of the person concerned, the Municipality does not transfer any PI to a third party outside the Municipality.
- 10.2. When any PR is transferred to a third party through a technological means, the privacy policy of a third-party organization, if any, will apply to such PR henceforth.

## **11. RIGHT OF ACCESS TO A MUNICIPAL DOCUMENT**

- 11.1. The *Access to Information Act* applies to all documents held by the Municipality, whether they are held by the Municipality itself or by a third party.
- 11.2. The law also applies to all documents, whatever their form: written, graphic, audio, visual, computerized or other.
- 11.3. Any person who submits a written request has the right to access the Municipality's documents, subject to the exceptions set out in the provisions of the *Access Act*. The right of access applies only to documents whose communication does not require calculations or comparisons of information or special preparation;
- 11.4. To be admissible, a request for access to a document must be sufficiently precise to enable it to be found.
- 11.5. The FDR must respond to an access request within twenty days of receipt. If it seems impossible to process the request within this timeframe without interfering with the normal operation of the Municipality, the person responsible for access to information may extend the timeframe by a maximum of 10 days. He/she must then notify the applicant, by any

means of communication enabling the person concerned to be reached, within the first 20 days following receipt of the access request.

- 11.6. The requesting person may obtain a copy of the document, by any means of communication enabling him or her to be reached, unless its reproduction would be detrimental to its preservation or would give rise to serious practical difficulties due to its form. The right of access to a document may also be exercised by on-site consultation during the Municipality's normal working hours, or by remote access.
- 11.7. The right of access is free of charge. However, fees not exceeding the cost of transcription, reproduction or transmission may be charged to the applicant in accordance with the *Regulation respecting fees payable for the transcription, reproduction and transmission of documents and personal information* (RLRQ c. A-2.1, r. 3).
- 11.8. If the applicant is disabled, the Municipality will, at his or her request, take reasonable accommodation measures to enable him or her to exercise the right of access provided for in this section 8. To this end, the Municipality takes into account the policy established under section 26.5 of the *Act to secure the exercise of the rights of handicapped persons with a view to their educational, occupational and social integration* (RLRQ c. E- 20.1);
- 11.9. The person in charge must give reasons for any refusal to grant a request and indicate the provision of the Access Act on which the refusal is based.

## 12. PRIVACY OFFICER

- 12.1. Any request for access to a document of the Municipality to a document or file containing any PR must be addressed in writing to the person responsible for access to information and protection of personal information at the following coordinates:  
Karine Benoit, General Director: [tresorier@mbsablon.com](mailto:tresorier@mbsablon.com)  
Laura Lavallée, Assistant General Director: [direction@mbsablon.com](mailto:direction@mbsablon.com)
- 12.2. Any person may formulate a question concerning the Municipality's present confidentiality policy.

## CHAPTER IV - ADMINISTRATIVE MEASURES

### 13. COMPLAINTS

- 13.1. Any person who feels aggrieved by the manner in which the Municipality manages the protection of a PI may lodge a complaint by following the provisions of the Administrative Policy concerning the rules of governance with respect to the protection of personal information of the Municipality of Blanc-Sablon published on the Municipality's website.
- 13.2. When a written request for access to a municipal document has been refused in whole or in part by the person responsible for access to information, or when the time limit for responding has expired, any person requesting access may ask the Commission d'accès à l'information to review the decision. The request for review must be made in writing within 30 days of the date of the decision or the expiry of the time limit granted to the person responsible for access to information. It may briefly set out the reasons why the decision should be reviewed.



#### **14. FINAL PROVISIONS**

- 14.1. The present privacy policy must be published on the Municipality's website in a dedicated section.
- 14.2. This Privacy Policy and any amendments thereto come into force upon adoption by the Municipality's Board of Directors.
- 14.3. Any amendment to this policy must be the subject of consultation with the RPRP and must be preceded by a 15-day notice of amendment published on the Municipality's website.

**APPENDIX I - Privacy policy (Article 4)**

Service	Description of collected PR	Purposes for which PR is collected	People with access to PR	PR collection methods
<b>General Management</b>	Miscellaneous correspondence (e-mail, letter, etc.) that may contain PR.	Mandatory	General Management Executive Vice President	E-mail Mail
<b>Clerk</b>	Declaration of pecuniary interests of elected representatives	Mandatory	General Management	Declaration of pecuniary interests form
<b>Clerk</b>	Request for access to information: full name, contact details.	Mandatory	General Management Executive Vice President	Access to information request form
<b>Clerk</b>	Submission: CV of resources, surname, first name and contact details of bidder (if individual), contract award complaint (PR on complainant if individual)	Mandatory	General Management Executive Vice President	Submission form Contract
<b>Clerk</b>	Election / referendum : a) Electoral staff: first and last name, contact details, social insurance number, date of birth, banking information, ID, position held, etc. b) Application file: surname, first name, date of birth, contact details, ID, information on supporting signatures, etc. c) Electoral roll: surname, first name, contact details, date of birth, gender, etc.	Mandatory	General Management Executive Vice President Electoral staff	Application form Electoral list Electoral staff employee file

Service	Description of collected PR	Purposes for which PR is collected	People with access to PR	PR collection methods
<b>Treasury/Payroll Department</b>	Taxation and accounts receivable: owner's full name and contact details, property values, accounts receivable amounts, banking information for pre-authorized payment, etc.	Mandatory	General Management Executive Vice President Administrative Assistant	PG solutions Sale for non-payment of property taxes
<b>Treasury/Payroll Department</b>	Accounts payable: first and last names and contact details of suppliers (if individuals), account numbers for transfers, etc.	Mandatory	General Management Executive Vice President Administrative Assistant	Bills PG solutions
<b>Treasury/Payroll Department</b>	Payroll: employees' first and last names and contact details, information on employment conditions, RRSP amounts, social insurance numbers, bank transfer information, etc.	Mandatory	General Management Executive Vice President Administrative Assistant	Hiring form PG solutions
<b>Urban Planning / Assessment</b>	Property file : - Owner's full name and contact details. - Property information: appraisal, work performed, property photos, etc. - Complaint about a building: first and last name of complainant, etc. - Building compliance: inspection report, statement of offence, etc. - Application for permit or certificate: Plan, report, PR on owner and/or applicant, signature, photo of building, etc.	Mandatory	General Management Executive Vice President Administrative Assistant Municipal inspector	Miscellaneous permit application form Evaluation matrix Complaint PG solutions

Service	Description of collected PR	Purposes for which PR is collected	People with access to PR	PR collection methods
Urban Planning / Assessment	CCU file: first and last name of owner or applicant, contact details, photo of building, plan, report, etc.	Mandatory	General Management Executive Vice President Municipal Inspector	Request form
Human Resources Department	Information collected during the recruitment process: first and last name, contact details, CV, criminal record, references, psychometric/psychological test.	Mandatory	General Management Executive Vice President	Curriculum vitae E-mail
Human Resources Department	Employee files : <ul style="list-style-type: none"> <li>- Full name, contact details, date of birth, social insurance number, driver's license number, etc.</li> <li>- Information on working conditions: compensation, insurance, RRSPs, etc.</li> <li>- Information on the dependents of the employee or his beneficiaries.</li> <li>- Disciplinary files (notices, disciplinary measures, etc.)</li> <li>- Medical file: reports, medical bills, etc.</li> <li>- End of employment file: reason for leaving, letter of resignation or dismissal, record of employment, severance pay, etc.</li> </ul>	Mandatory	General Management	Employee files

Service	Description of collected PR	Purposes for which PR is collected	People with access to PR	PR collection methods
<b>Human Resources Department</b>	Occupational health and safety file: accident reports, medical follow-ups, etc.	Mandatory	General Management Executive Vice President	Accident register
<b>Leisure Services</b>	File on users including minors: surname, first name, contact details, date of birth, SIN, medical information, photo, etc. In the case of minors, contact details of parental authority or guardian.	Mandatory	General Management Executive Vice President	Day camp registration form Registration form for various activities

Approuver par : 

Karine Benoit

**Directrice Générale**