

THE WUSKWATIM & KEEYASK TRAINING CONSORTIUM

PRIVACY CODE

Last revised: July 20, 2005

The WKTC respects privacy. That is why the WKTC has adopted the Wuskwatim & Keeyask Training Consortium Privacy Code (this "Privacy Code"), which explains our privacy practices in accordance with established privacy principles and applicable privacy laws. The WKTC is not directly subject to the obligations of Manitoba's *Freedom of Information and Protection of Privacy Act* ("FIPPA") and *Personal Health Information Act* ("PHIA") nor is it generally subject to the obligations of Canada's *Personal Information Protection and Electronic Documents Act* ("PIPEDA"). Nonetheless, the WKTC has voluntarily adopted this WKTC Privacy Code, which seeks to substantially comply with the obligations of PIPEDA.

The ten principles that form the basis of this Privacy Code are interrelated and the WKTC adheres to the ten principles as a whole. Each principle should be read in conjunction with the accompanying commentary. The commentary in this Privacy Code has been drafted to reflect privacy issues specific to the WKTC. The WKTC will continue to review and revise this Privacy Code to make sure that it remains current with changing technologies, industry standards and applicable laws.

Scope and Application

This Privacy Code applies to personal information, in any form, collected, used, or disclosed by the WKTC in the course of our activities. It will not typically apply to information directly relating to organizations or communities. However, such information may be protected by other WKTC policies or through contractual arrangements. For example, the WKTC may introduce policies, on a case by case basis, to account for community privacy rights in ways that are appropriate to First Nations languages and beliefs.

Definitions

Collection: The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

Consent: Voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by an individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of the WKTC. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

Disclosure: Making personal information available to a third party.

Employee: An employee of or independent contractor to the WKTC.

Organization: An association, partnership, person and/or trade union.

Personal Information: Information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization.

The WKTC: The Wuskwatim & Keeyask Training Consortium Inc.

Third Party: An individual or organization other than the WKTC.

Use: The treatment, handling and management of personal information by and within the WKTC or by a third party with the knowledge and approval of the WKTC.

Principle 1 - Accountability

The WKTC is responsible for personal information under its control and shall designate one or more persons who are accountable for the WKTC's compliance with the following principles.

The WKTC is responsible for all personal information under its control and has designated the WKTC Privacy Officer to oversee its privacy compliance efforts. Other individuals within the WKTC may be delegated to act on behalf of the WKTC Privacy Officer or to take responsibility for the day to day management of personal information. The WKTC requires employees to honour the WKTC's privacy practices, including this Privacy Code.

As appropriate, the WKTC implements privacy policies and procedures to properly enforce this Privacy Code and the WKTC uses contractual or other means to provide a comparable level of privacy protection while personal information is being processed or used by a third party.

Principle 2 - Identifying Purposes for Collection of Personal Information

The WKTC shall identify the purposes for which personal information is collected at or before the time the information is collected.

The WKTC collects personal information about individuals only when reasonably required and generally for the following purposes:

- to contact and communicate with individuals;
- to evaluate, implement and assess the effectiveness of WKTC programs and activities;
- to assess an individual's suitability for a particular employment position, job or task, to obtain, contact and verify references and to negotiate and make offers to such individuals if selected as a candidate for a particular position, job or task;
- to manage, train and retain a highly skilled, professional and productive work force in furtherance of the WKTC's mission;
- to manage proposed or actual sales or leases of all or part of the WKTC's assets;
- to facilitate internal and/or third party audits; and
- to achieve any other purpose to which individuals have provided their consent or as required or permitted by law.

Further reference in this Privacy Code to "identified purposes" mean the purposes identified in this Principle.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of an individual are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain limited circumstances personal information may be collected, used, or disclosed without the knowledge and consent of the individual.

The WKTC generally collects, uses, retains and discloses an individual's personal information only with an individual's knowledge and consent. The WKTC may depart from this general consent principle only in accordance with the limited exceptions set forth in applicable laws such as PIPEDA.

In obtaining an individual's consent, whether express or implied, the WKTC will explain the purposes for which the WKTC will collect, use and/or disclose an individual's personal information. The WKTC will not depart from these original and stated purposes unless an individual provides further consent or unless otherwise required or permitted by law.

Individuals may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. An individual may contact the WKTC, at any time, for more information regarding the implications of withdrawing consent.

Principle 4 - Limiting Collection of Personal Information

The WKTC shall limit the collection of personal information to that which is necessary for the purposes identified by the WKTC. The WKTC shall collect personal information by fair and lawful means.

In most cases the WKTC will only collect personal information that is necessary for the purposes identified in this Privacy Code.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

The WKTC shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law. The WKTC shall retain personal information only as long as necessary for the fulfillment of those purposes.

The WKTC will not disclose personal information for purposes other than those purposes for which it was collected, except with the consent of the individual or as required or permitted by law. The WKTC may disclose an individual's personal information:

- with an individual's consent, whether express or implied;
- to third party levels of provincial and/or federal government who require certain personal information for monitoring, assessing and evaluating the effectiveness of the WKTC's programs and activities;
- to third party agents or suppliers engaged by the WKTC to perform functions on its behalf;
- if and when the WKTC is involved in a reorganization or the WKTC sells or leases all or part of its operations; and
- where required or permitted by law.

In such circumstances, the WKTC will not disclose more information than is required. The WKTC will also enter contractual arrangements with third parties with whom the WKTC shares personal information as appropriate.

The WKTC will retain personal information for a period of time only as long as it remains necessary or relevant for the identified purposes or as required or permitted by law.

Depending on the circumstances, where personal information has been used to make a decision about an individual, the WKTC shall retain, for a period of time that is reasonably sufficient to allow for access by the individual, either the actual information or the rationale for making the decision.

Principle 6 - Accuracy of Personal Information

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

The WKTC makes reasonable efforts to ensure that personal information it collects, uses or discloses is as accurate, complete and up-to-date as necessary for the purposes for which it is to be used. If an individual finds any errors in the WKTC's personal information records, the WKTC should be informed and will make the appropriate corrections. The WKTC will convey these corrections to relevant third parties as appropriate. For personal information that remains in dispute, the WKTC will make note in its records of an individual's opinion as to accuracy of the relevant personal information.

Principle 7 - Security Safeguards

The WKTC shall protect personal information by security safeguards appropriate to the sensitivity of the information.

The WKTC protects personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate physical, electronic and organizational security measures.

Principle 8 - Openness Concerning Policies and Procedures

The WKTC shall make readily available to individuals specific information about its policies and procedures relating to the management of personal information.

Individuals should forward questions or concerns regarding the WKTC's policies and procedures relating to the management of personal information to the WKTC Privacy Officer.

Principle 9 – Access to Personal Information

Upon request, the WKTC shall inform an individual of the existence, use, and disclosure of his or her personal information and shall give the individual access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

An individual may access any personal information that the WKTC has concerning them by sending a written request to the WKTC Privacy Officer. The WKTC may advise an individual in advance if there is a minimal charge to conduct a search of our records and will respond within 30 days. Where an individual has been provided with access to their personal information, they shall be able to challenge the accuracy and completeness of their personal information and have it amended as appropriate.

The WKTC may not be able to provide personal information to an individual if doing so would violate the privacy of a third party or if certain personal information is subject to legal privilege, contains information proprietary to the WKTC or a third party, is too costly to retrieve, or cannot be disclosed for other legal reasons. Personal information that has been transferred or disclosed to third parties by the WKTC will be subject to the general laws of application in the jurisdiction in which the third party conducts business. As a result, and in certain limited situations, the WKTC may not legally be permitted to account for certain collections, uses and disclosures of personal information. If the WKTC is unable to provide access to all or part of an individual's personal information, we will explain our reasons for such a decision as appropriate.

Principle 10 - Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for the WKTC's compliance with the WKTC Privacy Code.

Questions regarding the WKTC's privacy practices should be directed to:

Joan Harris-Warren
WKTC Project Director
Telephone: (204) 771-0341
Email: j.harriswarren@wktc.ca

The WKTC will investigate all complaints concerning compliance with this Privacy Code and if a complaint is found to be justified, the WKTC shall take the appropriate measures to resolve the complaint including, if necessary, amending this Privacy Code. The WKTC shall inform an individual of the outcome of an investigation regarding his or her complaint.

Additional Information

For more information regarding privacy, please visit the Privacy Commissioner of Canada's Internet web site at www.privcom.gc.ca or the Office of the Manitoba Ombudsman's Internet web site at www.ombudsman.mb.ca.