

British Columbia Association of Speech Language Pathologists and Audiologists (BCASLPA) Privacy Manual

Policy III.10

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* denotes collection of information handled by CASLPA

INTRODUCTION

This privacy manual sets out the British Columbia Association of Speech Language Pathologist's and Audiologist's (BCASLPA) policies and procedures concerning the collection, use and disclosure of the personal information that the Association obtains from its members and the general public.

This manual is produced as required by the *Personal Information Protection Act (PIPA)* that came into force on January 1, 2004. In keeping with 5(c) of the *PIPA*, the Association will provide a copy of this manual to its members or the general public on request. Reference to specific provisions of the *PIPA* will be noted in the headings used in this manual, for ease of reference to the Act itself.

SCOPE

This manual applies to the personal information the BCASLPA collects concerning its members or potential members. It also provides guidance on the *PIPA* requirements that apply in relation to the rules concerning the use or disclosure of both a member's or an individual's personal information that may arise in the context of a formal investigation of a complaint that can be filed against a member under the BCASLPA Bylaws.

This manual does not apply to certain types of information or the collection, use or disclosure of information that is exempted pursuant to subsections 3(2) &(3) of the *PIPA*. Specifically, this manual does not apply in the following circumstances:

To the collection, use or disclosure of personal information that the Association may collect, use or disclose concerning an employee;¹

¹ Section 1 of Act defines "employee personal information" as personal information about an individual that is collected, used or disclosed solely for the purposes reasonably required to establish, manage or terminate an employment relationship between the Association and that individual. Employee personal information excludes personal information that is not about that individual's employment. The Act also defines "employment" as including working under an unpaid volunteer work relationship. Separate rules under the *PIPA* govern the collection, use or disclosure of employee's personal information.

To the collection, use or disclosure of personal information for journalistic purposes, such as the production of an article for the BCASLPA newsletter;

To personal information in a note, communication or draft decision of the Registration Committee, the Inquiry Committee, the Discipline Committee, an Appeal Panel or any other BCASLPA committee;

To information that is subject to solicitor-client privilege.

In addition, the *PIPA* does not apply to the collection of personal information that was collected on or before January 1, 2004. Therefore, personal information collected by the Association prior to that date will not be recollected under the new requirements. On the other hand, *PIPA* does govern how the Association uses, secures and discloses personal information collected before January 1, 2004. Members and the general public have the right to access and request corrections to their personal information collected by the Association before this date. The Association will therefore ensure that it uses and discloses the personal information of its member or the public collected before that date for a purpose that a reasonable person would consider appropriate in the circumstances and fulfills the purposes for which it was originally collected.

TERMINOLOGY

The following definitions apply:

“Association” means the BCASLPA, a professional association registered under the *Society Act*;

“Bylaws” means the current version of the Bylaws of the Association, approved pursuant to the *Society Act*;

“Privacy Officer” means the person designated in policy 2.1;

“Member” means a Registered Speech Language Pathologist or Audiologist who is a Member of the Association;

“PIPA” means the *Personal Information Protection Act*;

“Public” means a person who is not a Member, and includes a member of the public, and an “Individual” has a similar meaning.

PART ONE - GENERAL RULES

1) Application of PIPA and the Bylaws

1.1) If there is a conflict between a provision in the *PIPA* and these policies and procedures, the Act’s provision applies.

1.2) If a provision in the *PIPA* or the Bylaws imposes a more restrictive term or condition or establishes a longer period of time in relation to the collection, use or disclosure of personal information than those set out in these policies and procedures, that Act or Bylaw provision applies notwithstanding the requirement of these policies and procedures.

2) Information Officer (4(3) to (5) PIPA)

2.1) The following person is designated as the Privacy Officer, who is responsible for ensuring that the Association complies with the *PIPA* and the administration of these policies and procedures, including responding to Member or public complaints:

The President of the Association
c/o The BCASLPA Office
#420-1755 West Broadway
Vancouver, BC, V6J 4S5 Tel: 604-420-2222

3) General responsibility (4(2) PIPA)

3.1) The Association is responsible for a Member’s or the public’s personal information that is under the Association’s control, including personal information that is not in the Association’s custody but was collected by the Association.

3.2) If the Association stores a Member’s or the public’s personal information in a location other than the Association’s office, the Association remains responsible for the proper storage and disposal of that information.

4) Reasons for the collection, use & disclosure of personal information (5(a) PIPA)

4.1) Prior to collecting, using or disclosing personal information about a Member or the public, the Association will advise the Member or public concerning why the personal information is being collected, used or disclosed by the Association.

5) Informing Members and the Public

5.1) The Association will post a notice or set out in a form used to collect information that advises the membership and the public that

- (a) the Association is responsible for ensuring compliance with the *PIPA*, and
- (b) the Privacy Officer (see policy 2.1) is responsible for the administration of these policies and procedures.

5.2) The Association adopts the *Ten Principles for the Protection of Personal Information* set out in Appendix A, and – where appropriate – will include this information in a notice that may be posted under policy (1).

PART TWO - CONSENT

6) Consent required (6 PIPA)

6.1) The Association will not collect, use or disclose personal information about a Member or the public unless

- (a) the Member or individual gives consent to the collection, use or disclosure,
- (b) the Act authorized the collection, use or disclosure without the consent of a Member or an individual (see policies 16, 19 and 22, below), or
- (c) the Act deems the collection, use or disclosure to be consented to by the Member or individual (see policy 8, below).

7) Provision of consent (7 PIPA)

7.1) A Member or a member of the public has not given consent to the Association unless

- (a) the Association has provided the Member or individual with the information required under subsection 10(1) of the Act (see policy 10.1, below), and
- (b) the Member's or individual's consent is provided in accordance with the Act and as described in these policies and procedures.

7.2) The Association will not, as a condition of supplying a product or service, require a Member or the public to consent to the collection, use or disclosure of personal information beyond what is necessary to provide the product or service.

7.3) The Association will not attempt to obtain consent from a Member or the public for collecting, using or disclosing personal information by

- (a) providing false or misleading information respecting the collection, use or disclosure of the information, or
- (b) using deceptive or misleading practices.

8) Implied or deemed consent (8(1) PIPA)

8.1) A Member or an individual is deemed to consent to the collection, use or disclosure of personal information by the Association for a purpose if

- (a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and
- (b) the Member or individual voluntarily provides the personal information to the Association for that purpose.

8.2) While the Association can rely upon implied or deemed consent, the Association will attempt to obtain informed consent from the Member or public concerning the collection, use or disclosure of personal information by the Association (see policy 9, below).

9) Informed consent (8(3) PIPA)

9.1) The Association may collect, use or disclose personal information about a Member or the public for specified purposes if

- (a) the Association provides the Member or the public with a notice, in a form the Member or the public can reasonably be considered to understand, that the Association intends to collect, use or disclose that Member's or that individual's personal information for those purposes,
- (b) the Association gives the Member or individual a reasonable opportunity to decline within a reasonable time to have his or her personal information collected, used or disclosed for those purposes,
- (c) the Member or individual does not decline, within the time allowed under paragraph (b), the proposed collection, use or disclosure, and
- (d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.

9.2) The Association will not collect, use or disclose personal information for a purpose different than the purpose to which the information was originally collected.

10) Withdrawal of consent (9 PIPA)

10.1) On giving reasonable notice to the Association, a Member or individual may withdraw consent to the collection, use or disclosure of personal information about the Member or individual, and may do so at any time.

10.2) Notwithstanding policy (1), a Member or an individual may not withdraw consent if withdrawing the consent would frustrate the performance of the Association's legal obligation.

10.3) When the Association receives a notice referred to in policy (1), the Association will inform the Member or individual of the likely consequences of withdrawing consent; for example, the Association may then have to cease providing services to the Member or the public.

10.4) The Association will not prohibit a Member or an individual from withdrawing his or her consent to the collection, use or disclosure of personal information related to the Member or the public.

10.5) If a Member or an individual withdraws consent to the collection, use or disclosure of personal information by the Association, the Association will stop collecting, using or disclosing the personal information unless the collection, use or disclosure is permitted without the Member's or the public's consent under the Act (see policies 16, 19 and 22, below).

PART THREE - COLLECTION OF PERSONAL INFORMATION

11) Sources of personal information

11.1) The Association collects personal information from the following sources:

- (a) applicants for membership in the Association;
- (b) Members;
- (c) employees or contractors;
- (d) Complainants and witnesses;
- (e) the general public.

12) Required notification for collection of personal information (10 PIPA)

12.1) On or before collecting personal information about a person listed in policy 11.1, the Association will disclose to that person, verbally or in writing

- (a) the purposes for the collection of the information, and
- (b) on request by the Member or the public, the name and contact information of the Privacy Officer (see policy 2.1, above).

12.2) On or before collecting personal information about a Member or the public from another organization or another individual without the consent of the Member, the Association will provide the other organization or individual with sufficient information regarding the purpose of the collection to allow that other organization or individual to determine whether the disclosure would be in accordance with the Act.

12.3) These requirements do not apply to the collection of personal information where consent can be implied or has been deemed to have been given under subsections 8(1) and (2) of the Act (see policy 8, above).

13) Membership information collected

13.1) The Association collects the following types of personal information from its Members for the purposes of assessing applications for membership and maintaining the membership register:

- (a) Name;
- (b) Address (home, work, directory and mailing);
- (c) Date of birth;
- (d) Gender;
- (e) Phone number (home and office);
- (f) Fax number (home and office);
- (g) Email address (home and office);
- (h) Business information, such as focus of practice, type of employment, etc.;
- (i) Degrees, diplomas and certificates (education);
- (j) Languages spoken (other than English);
- (k) Criminal record.

13.2) The Association collects the information listed in policy (1) by the use of:

- (a) Application forms, new member forms and renewal forms;
- (b) Criminal record check;
- (c) Letters of reference or good standing;
- (d) Clinical and colleague letters of reference;
- (e) Educational program transcripts;
- (f) Applications for insurance coverage and copies of insurance policies;
- (g) Change in membership status forms;
- (h) Complaints against Members;
- (i) Appeals to the BCASLPA Provincial Council.

13.3) The Association may collect other types of information or by other means than those listed in policies (1) and (2).

14) Public information collected

14.1) In addition to the information listed in policy 13.1, by virtue of being a Member of the Association, every Member agrees to allow and authorizes the Association to collect personal information about that Member for the purposes of investigating and resolving a complaint under Part 9 of the Bylaws.

14.2) The Association collects the following information from the public for the purposes of investigating a complaint against a Member:

- (a) Name of the complainant;
- (b) Address of the complainant (home, work and mailing);
- (c) Date of birth of the complainant;

- (d) Phone number of the complainant (home and office);
- (e) Fax number of the complainant (home and office);
- (f) Email address of the complainant (home and office);
- (g) The nature of the services the Member in question provided to the complainant;
- (h) The problem the complainant has experienced in relation to those services, including but not limited to the circumstances listed in part 10 of the Bylaws;
- (i) The name and contact information of third parties who may be able to provide additional information to the Inquiry and/or Discipline Committee.

14.3) The Association collects the information listed in policy 1 by the use of:

- (a) Written complaints received pursuant to part 10 of the Bylaws;
- (b) Paper documents obtained or interviews undertaken during the course of a complaint investigation.

14.4) The Association may collect other types of information or by other means than those listed in policies (2) or (3).

15) Limitations on collection of personal information (11 PIPA)

15.1) The Association may collect personal information about a Member or the public only for purposes that a reasonable person would consider appropriate in the circumstances and that

- (a) fulfill the purposes that the Association discloses as per section 10(1) of the Act (see policy 12, above), or
- (b) are otherwise permitted under the Act (see policy 16, next) or the Bylaws.

16) Collection of personal information without consent (12 PIPA)

16.1) The Association may collect personal information about a Member or the public without consent or from a source other than the Member or an individual in a number of prescribed circumstances.

16.2) The following are the circumstances prescribed under section 12(1) of the Act that are most applicable to the Association:

- (a) the collection is clearly in the interests of the Member or individual, and consent cannot be obtained in a timely way,
- (b) the personal information is collected by observation at an event
 - (i) at which the Member or individual voluntarily appears, and
 - (ii) that is open to the public,
- (c) the personal information is available to the public from a source prescribed by regulation under the Act (e.g., paper, electronic or phone-access versions of home or business telephone directories, professional directories, or public registries, as well as personal information in printed or electronic form in public media, such as magazines, books or newspapers),
- (d) the collection is required or authorized by law,
- (e) the information was disclosed to the Association under sections 18 to 22 of the Act, or
- (f) the personal information is necessary in order to collect a debt owed by the Member or individual to the Association or for the Association to repay a Member or individual money owed to the Member or individual by the Association.

16.3) The Association may collect personal information from or on behalf of another organization or individual without consent of the Member or member of the public to whom that information relates, if

- (a) the Member or individual previously consented to the collection of the personal information by the other organization or individual, and
- (b) the personal information is disclosed to or collected by the Association solely
 - (i) for the purposes for which the information was previously collected, and
 - (ii) to assist the Association to carry out work on behalf of the other organization or individual.

PART FOUR - USE OF PERSONAL INFORMATION

17) Limitations on use of personal information (14 PIPA)

17.1) The Association may use personal information only for purposes that a reasonable person would consider appropriate in the circumstances and that

- (a) fulfill the purposes that the Association discloses as per section 10(1) of the Act (see policy 12, above),
- (b) for information collected before the Act came into force (on January 1, 2004), fulfill the purposes for which it was collected, or
- (c) are otherwise permitted under the Act (see policy 19, below) or the Bylaws.

18) Specific uses of personal information

18.1) The Association may use personal information for the following purposes:

- (a) to assess applications for membership in the Association;
- (b) to investigate and resolve complaints that have been filed against Members under the Bylaws;
- (c) to prepare mailing labels for the purposes of informing Members of continuing education opportunities, products, etc.;
- (d) to fulfill any other duty or purpose prescribed by the Bylaws.

19) Use of personal information without consent (15 PIPA)

19.1) The Association may use personal information about a Member or the public without the consent of the Member or individual in a number of prescribed circumstances.

19.2) The following are the circumstances prescribed under section 15(1) of the Act that are most applicable to the Association:

- (a) the use is clearly in the interests of the Member or individual, and consent cannot be obtained in a timely way;
- (b) the personal information is collected by observation at a performance, a sports meet or a similar event
 - (i) at which the Member or individual voluntarily appears, and
 - (ii) that is open to the public;
- (c) the personal information is available to the public from a source prescribed by regulation;
- (d) the use is required or authorized by law;
- (e) the personal information was disclosed to the Association under sections 18 to 22 of the Act (see policies 22 to 24, below);
- (f) the personal information is needed in order to collect a debt owed by the Member or individual to the Association or for the Association to repay a Member or individual money owed by the Association;
- (g) the use is necessary to respond to an emergency that threatens the life, health or security of the Member or another individual.

19.3) The Association may use personal information collected from or on behalf of another organization or individual without the consent of the Member or individual to whom that information relates, if

(a) the Member or individual consented to the use of the personal information by the other organization or individual, and

(b) the personal information is used by the Association solely

(i) for the purposes for which the information was previously collected, and

(ii) to assist the Association to carry out work on behalf of the other organization or individual.

PART FIVE - DISCLOSURE OF PERSONAL INFORMATION

20) Limitations on disclosure of personal information (17 PIPA)

20.1) The Association may disclose personal information only for purposes that a reasonable person would consider are appropriate in the circumstances and that (a) fulfill the purposes that the Association discloses as per section 10(1) of the Act (see policy 12, above),

(b) for information collected before the Act came into force, fulfill the purposes for which it was collected, or

(c) are otherwise permitted under the Act (see policy 22, below).

21) Specific disclosures of personal information

21.1) The Association may disclose personal information for the following purposes:

(a) to assess applications for membership in the Association;

(b) to investigate and resolve complaints that have been filed against Members under the Bylaws;

(c) to send information to Members concerning continuing education opportunities, products, etc.;

(d) to fulfill a duty or purpose prescribed by the Bylaws.

22) Disclosure of personal information without consent (18 PIPA)

22.1) The Association may disclose personal information about a Member or the public without the consent of the Member or individual in a number of prescribed circumstances.

22.2) The circumstances prescribed under section 18(1) of the Act that are most applicable to the Association include:

(a) the disclosure is clearly in the interests of the Member or individual, and consent cannot be obtained in a timely way,

(b) it is reasonable to expect that the disclosure with the consent of the Member or individual would compromise an investigation or proceeding and the disclosure is reasonable for purposes related to an investigation or a proceeding,

(c) the personal information is collected by observation at an event

(i) at which the Member or individual voluntarily appears, and

(ii) that is open to the public,

(d) the personal information is available to the public from a source prescribed by regulation under the Act,

(e) the disclosure is necessary in order to collect a debt owed by the Member or individual to the Association or for the Association to repay a Member or individual money owed by the Association,

(f) the disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of personal information,

- (g) the disclosure is to a public body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation,
- (i) to determine whether the offence has taken place, or
- (ii) to prepare for the laying of a charge or the prosecution of the offence,
- (h) there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the Member or individual to whom the personal information relates,
- (i) the disclosure is for the purpose of contacting next of kin or a friend of an injured, ill or deceased Member or individual,
- (j) the disclosure is to a lawyer who is representing the Association in a civil or criminal proceeding,
- (k) the disclosure is to an archival institution if the collection of the personal information is reasonable for research or archival purposes,
- (l) the disclosure is required or authorized by law, or
- (m) the disclosure is in accordance with sections 19 to 22 of the Act (see policies 23 and 24, below)

22.3) The Association may disclose personal information to another health professional or organization without consent of the Member or individual to whom that information relates, if

- (a) the Member or individual consented to the collection of the personal information by the Association, and
- (b) the personal information is disclosed to the other organization or individual solely
 - (i) for the purposes for which the information was previously collected, and
 - (ii) to assist the Association to carry out work on behalf of the other organization or individual.

22.4) The Association may also disclose personal information to another organization or individual without consent of the Member to whom the information relates, if the Association was authorized by section 12(2) of the Act to collect the personal information from or on behalf of the other organization or individual.

23) Disclosure for research or statistical purposes (21(1) PIPA)

23.1) The Association may disclose, without the consent of the Member or individual, personal information for a research purpose, including statistical research, but only if

- (a) the research purpose cannot be accomplished unless the personal information is provided in a personally identifiable form,
- (b) the disclosure is on condition that it will not be used to contact persons to ask them to participate in the research,
- (c) linkage of the personal information to other information is not harmful to the Members or individuals identified by the personal information and the benefits to be derived from the linkage are clearly in the public interest,
- (d) the organization or individual to which the personal information is to be disclosed has signed an agreement to comply with the following:
 - (i) the Act;
 - (ii) the Association's policies and procedures relating to the confidentiality of personal information that the Association has collected;
 - (iii) security and confidentiality conditions;
 - (iv) a requirement to remove or destroy individual identifiers at the earliest reasonable opportunity;

(v) prohibition of any subsequent use or disclosure of that personal information in individually identifiable form without the express authorization of the Association that disclosed the personal information, and

(e) it is impracticable for the Association to seek the consent of the Member or individual for the disclosure.

23.2) The Association will not disclose personal information for market research purposes without the expressed consent of the Member or the public, which will be documented in writing.

24) Disclosure for archival or historical purposes (22 PIPA)

24.1) The Association may disclose personal information for archival or historical purposes if

(a) a reasonable person would not consider the personal information to be too sensitive to the Member or individual to be disclosed at the proposed time,

(b) the disclosure is for historical research and is in accordance with section 21 of the Act,

(c) the information is about someone who has been dead for 20 or more years, or

(d) the information is in a record that has been in existence for 100 or more years.

PART SIX - ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

25) Access to personal information (23 PIPA)

25.1) Subject to subsection 23(3) of the Act (as explained in policies (2) & (3), below) on request of a Member or a member of the public, the Association will provide the Member or individual with the following:

(a) the Member's or individual's personal information under the control of the Association;

(b) information about the ways in which the personal information referred to in paragraph (a) has been and is being used by the Association;

(c) the names of the organizations or individuals to whom the personal information referred to in paragraph (a) has been disclosed by the Association.

25.2) According to subsection 23(3) of the Act, the Association is not required to disclose personal information under subsection 23(1) of the Act to a Member or the public in a number of prescribed circumstances.

25.3) The following are circumstances prescribed under subsection 23(3) of the Act that are most applicable to the Association:

(a) the personal information is protected by solicitor-client privilege;

(b) the disclosure of the personal information would reveal confidential commercial information that if disclosed could, in the opinion of a reasonable person, harm the competitive position of the Association;

(c) the personal information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act

(i) under a collective agreement,

(ii) under an enactment, or

(iii) by a court.

25.4) The Association will not disclose personal information in the following circumstances:

(a) the disclosure could reasonably be expected to threaten the safety or physical or mental health of a Member or an individual other than the Member or individual who made the request;

(b) the disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the Member or individual who made the request;

(c) the disclosure would reveal personal information about another individual without consent;
(d) the disclosure would reveal the identity of a Member or individual who has provided personal information about another individual, and the Member or individual who provided the personal information does not consent to disclosure of his or her identity.

25.5) If the Association is able to remove or block-out information that is protected by solicitor-client privilege, confidential commercial information, or that could cause harm to the Member or others, the Association will provide the Member or individual with access to the remaining personal information.

26) Right to request correction of personal information (24 PIPA)

26.1) A Member or a member of the public may request the Association to correct an error or omission in the personal information that is

- (a) about the Member or that individual, and
- (b) under the control of the Association.

26.2) If the Association is satisfied on reasonable grounds that a Member's or an individual's correction request should be implemented, the Association will then

- (a) correct the personal information as soon as reasonably possible, and
- (b) send the corrected personal information to each organization to which the personal information was disclosed by the Association during the year before the date the correction was made.

26.3) If no correction is made, the Association will annotate the personal information under its control with the correction that was requested by the Member or individual but not made by the Association.

26.4) When the Association is notified by another organization or individual of a correction to personal information that that organization or individual is acting on, the Association will correct the personal information under its control.

27) Requests for access or correction (25, 26 & 28 PIPA)

27.1) A Member or a member of the public may request the Association to provide access to that Member's or individual's information under section 23 of the Act (see policy 25, above) or to request a correction to that Member's or individual's information under section 24 of the Act (see policy 26, above).

27.2) A Member or individual may make a request for access or correction by submitting a request in writing that provides sufficient detail to enable the Association, with a reasonable effort, to identify the Member or individual and the personal information or correction being sought.

27.3) When a Member or individual makes a request under this Part, they are defined thereafter as a Requesting Person.

27.4) If the Association cannot reasonably identify either the Member or the individual, from the information being requested or the correction being sought, the Association will so advise the Requesting Person (see also policies 30 and 31, below).

28) Duty to assist (28 PIPA)

28.1) The Association will make a reasonable effort

- (a) to assist a Requesting Person,
- (b) to respond to the Requesting Person's request as accurately and completely as reasonably possible, and

- (c) unless one of the exceptions listed in subsections 23(3) or (4) of the Act applies (see policies 25.2 to 25.4, above), to provide the Requesting Person with
- (i) the requested personal information, or
 - (ii) if the requested personal information cannot be reasonably provided, with a reasonable opportunity to examine the personal information.

29) Access by minors, their parents or guardians

29.1) Subject to policies 25.2 to 25.4 (re: denial of access request), the Association will allow a person under 18 years of age access to his or her personal information where, in the opinion of the Privacy Officer, the minor individual is capable of understanding that information.

29.2) Except where authorized by the individual, the Association will not provide access to the personal information of an individual who is under 18 years of age to the guardian or parent of that minor where that information was provided without the consent of a parent or guardian in accordance with section 15 of the *Infants Act*.

30) Time limit for response (29 PIPA)

30.1) The Association will respond to a Requesting Person's request not later than

- (a) 30 days after receiving the request, or
- (b) the end of an extended time period if the time period is extended under section 31 of the Act (see policy 32, below).

30.2) If

- (a) the Association asks the Privacy Commissioner under section 37 of the Act for authorization to disregard a Requesting Person's request for access or correction, or
- (b) a Requesting Person asks the Commissioner under section 46 of the Act to review a fee estimate, the 30 day time limit for responding to the Requesting Person's request will not include the days between the date the request is made to the Commissioner through to the date the Commission makes a decision.

31) Content of the Association's response (30 PIPA)

31.1) If the Association refuses access to all or part of the personal information requested by a Requesting Person, the Association will tell the Requesting Person in the response

- (a) the reasons for the refusal and the provision of the Act on which the refusal is based (see, for example, policies 25.2 to 25.4, above),
- (b) that the Requesting Person may ask for a review of the Association's decision by the Privacy Commissioner under section 47 of the Act within 30 days of being notified of the refusal.

32) Extending the time limit for response (31 PIPA)

32.1) The Association may extend the time for responding to a Requesting Person's request for up to an additional 30 days if

- (a) the Requesting Person does not give enough detail to enable the Association to identify the personal information being requested,
- (b) a large amount of personal information is requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the Association's practice, or
- (c) more time is needed to consult with another health professional, organization or public body before the Association is able to decide whether or not to give the Requesting Person access to a requested document.

32.2) Subsection 31(1) of the Act also allows the Association to apply to the Privacy Commissioner to request an extension period that is longer than the 30 day automatic extension.

32.3) If the Association extends the 30 day response time, subsection 31(2) of the Act requires the Association to then tell the Requesting Person

(a) the reason for the extension,

(b) the time when a response from the Association can be expected, and

(c) the right of the Requesting Person to complain about the extension and request that an order be made by the Commissioner under paragraph 52(3)(b) of the Act.

33) Fees (32(2) PIPA)

33.1) The Association will not charge a fee to a Member who makes a request for access to that Member's personal information.

33.2) The Association will charge a fee to a member of the public who makes a request for access to that individual's personal information.

33.3) The Association will not charge a fee to a member of the public who makes a request for information concerning the status of a Member's membership with the Association.

33.4) As the Act does not permit the Association to charge a Member or an individual a fee for responding to a correction request (as opposed to an access request), the Association will not charge a fee to a Member or an individual to correct personal information.

33.5) Appendix B sets out the schedule of fees that the Association will charge for specified services in providing access to or a copy of the requested personal information.

33.6) The Association may add to or subtract from services to this schedule, or adopt or amend these fees without notice to its Members or the public, so long as the amended fees are reasonable.

33.7) The Association will bring the applicable fees to the attention of a Member or individual who is requesting access to or a copy of personal information.

34) Estimate and pre-payment of access fees (32(3) PIPA)

34.1) If the Association decides to charge an individual an access fee, the Association

(a) will give the Requesting Person a written estimate of the fee before providing access, and

(b) may require the Requesting Person to pay a deposit for all or part of the fee.

34.2) For example, if the Association has to pay to have the Member's or individual's information returned from a file storage facility or to print a hard copy of an individual's information stored in an electronic form, the Association will advise the Requesting Person of those costs before proceeding.

34.3) If the Requesting Person does not want to pay the Association's reasonable costs or to pay a deposit, the Association may refuse to proceed further but will so advise the Requesting Person in accordance with policy 31.

PART SEVEN - CARE OF PERSONAL INFORMATION

35) Accuracy of personal information (33 PIPA)

35.1) The Association must make a reasonable effort to ensure that personal information about a Member or individual that is collected by or on behalf of the Association is accurate and complete, if the personal information

(a) is likely to be used by the Association to make a decision that affects the Member or individual to whom the personal information relates, or

(b) is likely to be disclosed by the Association to another organization or individual.

36) Protection of personal information (34 PIPA)

36.1) The Association will protect personal information in the Association's custody or under its control by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.

36.2) To meet this requirement, the Association will do one or more of the following:

- (a) the area or room where a Member's or an individual's personal information is stored will be locked or physically secured in some fashion so as to prevent unauthorized access;
- (b) only authorized persons will be permitted access to an area or room where a Member's or individual's personal information is stored or where the fax machine is located;
- (c) the Association will maintain control over the storage, availability and use of all computer storage media (disks, tapes etc.), including back-up systems;
- (d) all access keys, cards, passwords etc., to computer systems or networks will be physically secure or subject to well-defined and strictly enforced security procedures;
- (e) only authorized personnel will have access to documentation about installations and computer systems;
- (f) terminals and personal computers used for entering or manipulating personal information will be positioned so that they cannot be seen by unauthorized personnel;
- (g) software programs will automatically blank the screen if the computer remains unused for a set period;
- (h) any computer interface with the internet or another computer will not increase the risk of unauthorized access to Member or individual personal information stored on that computer;
- (i) precautions will be taken to protect paper records and computer equipment and data from fire, deterioration and other hazards.

36.3) When the Association uses an off-site storage facility or has hired a company or individual to process, store or dispose of a Member's or an individual's personal information, the Association will ensure that the contract for this service requires that the facility, company or individual will

- (a) comply with the PIPA and ensure the confidentiality of the personal information during the process, storage or disposal, and
- (b) immediately advise the Association of any event that could compromise or has compromised the confidentiality or security of the personal information.

37) Remediating a breach of security

37.1) The Association will take appropriate measures to remedy any unauthorized access, use, disclosure or disposal of personal information as soon as possible after the breach is discovered, including but not limited to

- (a) taking steps to recover the personal information or to ensure its disposal if it cannot be recovered,
- (b) taking steps to ensure that any remaining personal information is secured,
- (c) notifying
 - (i) anyone affected by the unauthorized access, including Members and other health care providers, and
 - (ii) law enforcement officials, where criminal action may have contributed to the unauthorized action, and
- (d) modifying existing security arrangements to prevent a reoccurrence of the unauthorized access.

38) Retaining personal information (35 PIPA)

38.1) If the Association uses a Member's or an individual's personal information to make a decision that directly affects that Member or individual, the Association will retain that information for at least seven years after using it so that the Member or individual has a reasonable opportunity to obtain access to it.

38.2) While the Act sets a minimum one year and policy (1) establishes seven years as the minimum retention period, the Association may retain personal information for seven years from the date of the last recorded entry, or seven years from the date a minor turns 18 years of age.

39) Destruction of paper documents (35(2) PIPA)

39.1) Unless a retention period has been specified below, the Association will destroy paper documents containing a Member's or individual's personal information, or remove the means by which the personal information can be associated with that Member or individual, as soon as it is reasonable to assume that

(a) the purpose for which that personal information was collected is no longer being served by retention of the personal information, and

(b) retention is no longer necessary for legal or business purposes.

39.2) Notwithstanding policy (1), the Association may retain in an electronic data base for an indefinite period of time for statistical or research purposes any information from any file that may have been destroyed.

40) Incomplete applications *(Information currently collected by CASLPA)

40.1) For the purposes of this policy, an "incomplete application" is one where all the required documentation, forms or fees have not been provided by an applicant.

40.2) The Association will retain documents containing an applicant's personal information for no longer than seven years from the date that the Association receives a document, form or fee that indicates the applicant intends to apply for membership in the Association.

40.3) The Association will destroy the paper documents in an incomplete application, or remove the means by which the personal information in that file can be associated with that applicant, on the passage of the deadline specified in policy (2).

40.4) The Association will advise applicants for membership that, if an application is not complete within the deadline specified in policy (2), the entire incomplete application file may be destroyed without further notice to the applicant.

40.5) A person whose application file was destroyed pursuant to policy (3) or (4) but who later contacts the Association after the incomplete application file was destroyed must re-apply for membership as if he or she had not initiated an application before.

40.6) This policy applies retroactively to all applications received prior to the date that this policy was approved by the Provincial Council.

41) Accepted applications, but not registered as members *(Information currently collected by CASLPA)

41.1) The Association will retain paper documents containing an Applicant's personal information for no longer than seven years from the date that the Applicant was advised that his or her application had been accepted.

41.2) The Association will destroy paper documents containing an Applicant's personal information, or remove the means by which the personal information can be associated with that Applicant, on the passage of the deadline specified in policy (1).

41.3) The Association will advise Applicants that, once their application is accepted, the entire application file may be destroyed within the deadline specified in policy (1) without further notice to the Applicant.

41.4) This policy applies retroactively to all applications accepted prior to the date that this policy was approved by the Provincial Council.

42) Denied applications *(Information currently collected by CASLPA)

42.1) The Association will retain paper documents containing an applicant's personal information for no longer than seven years from the date they were advised that the application had been denied.

42.2) Notwithstanding policy (1), the Association may retain paper documents in an application file for longer than five years from the date an applicant was advised that the application had been denied if the Registration Committee sets a longer retention period for that information.

42.3) The Association will destroy paper documents containing an applicant's personal information, or remove the means by which the personal information can be associated with that applicant, on the passage of the deadline specified in policy (1) or (2), whichever is longer.

42.4) The Association will advise applicants whose applications for membership which have been denied that, if they do not initiate an appeal of the Registration Committees decision within the deadline specified in the Bylaws, that the entire application file may be destroyed on the passage of the deadline specified in policy (1) or (2), whichever is longer, without further notice to the applicant.

42.5) A person whose application file was destroyed pursuant to policy (3) and contacts the Association after the file was destroyed must re-apply for membership.

42.6) This policy applies retroactively to all applications received or denied prior to the date that this policy was approved by the Provincial Council.

43) Renewal forms

43.1) The Association will retain membership renewal forms for no longer than seven years from the date the membership fees and forms are effective.

43.2) The Association will destroy membership renewal forms on the passage of the deadline specified in policy (1).

43.3) This policy applies retroactively to all membership renewal forms received prior to the date that this policy was approved by the Provincial Council.

44) Status change information

44.1) The Association will retain membership status change information, including terminations and reinstatements, for an indefinite period of time.

44.2) Notwithstanding policy (1), the Association may destroy membership status change information with the approval of the Provincial Council.

44.3) This policy applies retroactively to all membership status change information received prior to the date that this policy was approved by the Provincial Council.

45) Resignation of a member

45.1) The Association will retain paper documents containing a Member's personal information for seven years after the date that the Member informs the Association that he or she has resigned.

45.2) The Association will destroy a former Member's paper documents, or remove the means by which the personal information can be associated with that Member, on the passage of the deadline specified in policy (1).

45.3) The Association will advise resigning members about BCASPLA's file destruction policy.

45.4) A former Member whose membership file was destroyed pursuant to policy (2) and contacts the Association after the file was destroyed must re-apply for membership.

45.5) This policy applies retroactively to all membership resignations that took place prior to the date that this policy was approved by the Provincial Council.

46) Retirement of a member

46.1) The Association will retain paper documents containing a Member's personal information for seven years after the date that the Member informs the Association that he or she has retired.

46.2) The Association will destroy a retired Member's paper documents, or remove the means by which the personal information can be associated with that Member, on the passage of the deadline specified in policy (1).

46.3) The Association will advise applicants for membership that, if an application is not complete within the deadline specified in policy (2), the entire incomplete application file may be destroyed without further notice to the applicant.

46.4) A retired Member whose paper membership file was destroyed pursuant to policy (2) and contacts the Association after the file was destroyed must re-apply for membership as if he or she had not been a Member before.

46.5) This policy applies retroactively to all membership retirements that took place prior to the date that this policy was approved by the Board.

47) Death of a member

47.1) The Association will retain documents containing a Member's personal information for 30 days after the date that the Association learns of that Member's death.

47.2) The Association will destroy a deceased Member's paper documents, or remove the means by which the personal information can be associated with that Member, on the passage of the deadline specified in policy (1).

47.3) This policy applies retroactively to all deaths of members that took place prior to the date that this policy was approved by the Provincial Council.

48) Termination of membership for non-payment of fees

48.1) The Association will retain paper documents containing a Member's personal information for seven years after the date that the Association informs the Member that his or her membership has been terminated for non-payment of fees.

48.2) The Association will destroy a former Member's paper documents, or remove the means by which the personal information can be associated with that Member, on the passage of the deadline specified in policy (1).

48.3) The Association will advise members whose membership has been terminated for non-payment of fees about BCASLPA's file destruction policy.

48.4) A former Member whose membership file was destroyed pursuant to policy (2) and contacts the Association after the file was destroyed must re-apply for membership.

48.5) This policy applies retroactively to all membership resignations that took place prior to the date that this policy was approved by the Provincial Council.

49 Inquiry files

49.1) The Association will retain paper documents containing personal information about a Member, a client or some other party for seven years after the date that the Inquiry Committee closes an investigation, the complaint was resolved under the Bylaws or the matter was referred by Citation to the Discipline Committee.

49.2) The Association will destroy inquiry paper documents, or remove the means by which the personal information can be associated with any person named therein, on the passage of the deadline specified in policy (1).

49.3) This policy applies retroactively to all complaint investigations that took place prior to the date that this policy was approved by the Provincial Council.

50) Discipline files

50.1) Except for the decision of the Discipline Committee rendered under the Bylaws, the Association will retain paper documents containing personal information about a Member, a client or some other party for the longer of

(a) seven years after the date that the Committee renders its decision or the matter was resolved, or

(b) five years after a Member is no longer a Member whichever occurs later.

50.2) The Association will destroy disciplinary paper documents, or remove the means by which the personal information can be associated with any person named therein, on the passage of the deadline specified in policy (1).

50.3) The Association may destroy a decision of the Discipline Committee only with the approval of the Provincial Council.

50.4) This policy applies retroactively to all disciplinary proceedings that took place prior to the date that this policy was approved by the Board.

51) Appeal files

51.1) Except for the decision of an Appeal Panel rendered under the Bylaws, the Association will retain paper documents containing personal information about a Member, a client or some other party for the longer of

(a) seven years after the date that the Panel renders its decision or the matter was resolved, or

(b) five years after a Member is no longer a Member.

51.2) The Association will destroy appeal paper documents, or remove the means by which the personal information can be associated with any person named therein, on the passage of the deadline specified in policy (1).

51.3) The Association may destroy a decision of an Appeal Panel only with the approval of the Provincial Council.

51.4) This policy applies retroactively to all appeals that took place prior to the date that this policy was approved by the Provincial Council.

52) Methods of destruction

52.1) As the Act does not specify the method that the Association must employ to destroy a document containing personal information, the following are methods that the Association will employ:

- (a) destroying a physical record by using a shredder or by complete burning,
- (b) erasing information recorded or stored by electronic methods on tapes, disks or cassettes in a manner that ensures that the information cannot be reconstructed,
- (c) sending or returning the record to the Member the information pertains to, or
- (d) returning the record to the other professional or organization who collected the information.

PART NINE – COMPLAINTS

53) Responding to complaints

53.1) If a Member or an individual has a concern regarding the way the Association collects, uses or discloses that Member's or individual's personal information, the Member or individual may express that complaint in writing to the Information Officer at the mailing address or by phone or fax (as noted in policy 2.1, above).

53.2) On receipt of a complaint, the Privacy Officer will make every reasonable effort to respond to and resolve the Member's or individual's concern as permitted by law and, if requested by the Member or individual, provide a written explanation concerning the Association's actions, and do so within 30 days of receipt of the complaint.

53.2) A written explanation given to a Member or individual under policy (2) will provide that person with details as to their right to file a formal complaint against the Association with the Privacy Commissioner pursuant to 46(2) of the *PIPA*, as well as a mailing address for the Commissioner, if that person is not satisfied with the Association's explanation.

PART TEN - PROTECTION OF EMPLOYEES

54) Protection of employees

54.1) The Association will not dismiss, suspend, demote, discipline, harass or otherwise disadvantage any employee of the Association, or deny that employee a benefit, because

- (a) the employee, acting in good faith and on the basis of reasonable belief, has disclosed to the Privacy Commissioner that the Association or any other person has contravened or is about to contravene the Act,
- (b) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done in order to avoid having any person contravene the Act,
- (c) the employee, acting in good faith and on the basis of reasonable belief, has refused to do or stated an intention of refusing to do anything that is in contravention of the Act, or
- (d) the Association believes that an employee will do anything described in paragraph (a), (b) or (c).

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APPENDIX A – Ten Principles for the Protection of Personal Information

1) Accountability

The Association is responsible for compliance with the *Personal Information Protection Act* and has adopted policies and procedures in support of that legislation, including a complaint process. The Association will comply with these ten principles for the protection of Member and public privacy. In complying with the principles, the Association will consider 'what a reasonable person would consider appropriate in the circumstances'. The Association will be responsible, by contractual or other means, for all personal information under the Association's control, including personal information that is not in its custody. This includes personal information transferred to another organization for review or processing.

2) Identify the purpose

The Association will identify the purpose(s) for which personal information is needed and how it will be used and disclosed before or at the time personal information is collected. The Association will ensure that the collection of personal information is necessary to fulfill the purpose(s) identified and that the purpose(s) is limited to what a reasonable person would consider appropriate in the circumstances. The Association will inform the Member or individual either verbally or in writing, before or at the time of collection why the personal information is needed and how it will be used, and will answer any questions about the collection of personal information. When using a Member's or individual's personal information that has already been collected for a new purpose not previously identified, the Association will inform the Member or individual of the new purpose and obtain consent prior to its use.

3) Obtaining consent

The Association will obtain consent from the Member or individual whose personal information is collected, used or disclosed, and obtain that consent before or at the time of collection, as well as when a new use is identified. When determining what form of consent will be used (e.g., written, verbal, implied), the Association will consider both the sensitivity of the personal information and what a reasonable person would expect and consider appropriate in the circumstances. When obtaining express consent, the Association will inform the Member or individual of the purposes for the collection, use or disclosure of personal information in a manner that is clear and can be reasonably understood. The Association will not obtain consent by deceptive means or by providing false or misleading information about how the personal information will be used or disclosed. The Association will not make consent a condition for supplying a product or a service unless the collection, use or disclosure of the personal information is necessary to provide the product or service.

Should a Member or individual wish to withdraw consent, the Association will explain the likely consequences of withdrawing consent. The Association will never prohibit a Member or individual from withdrawing consent to the collection, use or disclosure of personal information unless it would frustrate the performance of a legal obligation.

4) Limit collection

The Association will collect personal information for purposes that a reasonable person would consider appropriate in the circumstances, and will limit the amount and type of personal information collected to what is necessary to fulfill the identified purposes. Before or at the time of collection, the Association will comply with Principles 2 and 3 by informing the Member or individual of the purposes for collection and obtaining consent. The Association will collect personal information directly from the Member or individual, unless the Act or the Member or individual authorizes the collection of personal information from another source.

5) Limit use, disclosure and retention

The Association will use or disclose personal information only for the purpose(s) for which it was collected, unless the Member or individual consents to the new purpose, or the use or disclosure is otherwise authorized by the Act. The Association will use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances. The Association will keep personal information only as long as necessary to fulfill the purpose(s) for which it was collected. And will keep personal information that is used to make a decision about an individual for at least one year after using it so the individual has a reasonable opportunity to obtain access to it. The Association will destroy, erase or render anonymous personal information as soon as it is no longer serving the purpose for which it was collected and is no longer necessary for a legal or business purpose.

6) Accuracy

The Association will minimize the possibility of using incorrect or incomplete information when making a decision that affects a Member or individual, or when disclosing a Member's or individual's information to another organization by making reasonable efforts to ensure that the personal information the Association collects is accurate and complete.

7) Use appropriate safeguards

The Association will make reasonable security arrangements to protect personal information in its custody or under the Association's control, which will include physical measures, technical tools, and organizational controls where appropriate. The Association will safeguard personal information from unauthorized access, collection, use, disclosure, copying, modification or disposal, and will protect personal information regardless of the format in which it is held (e.g., paper, electronic, audio, video).

8) Openness

The Privacy Officer is the person who is accountable for these personal information policies and procedures, and is the person who can answer questions about the purposes for collecting personal information. The Association will make the following information available to Members, the public and employees on request

- (a) information that explains the Association's personal information policies and procedures,
- (b) how a Member or individual can gain access to his or her personal information, and
- (c) the process for making a complaint about the Association's personal information practices.

9) Access

On request, the Association will provide Members or individuals with access to their personal information, an explanation of how their personal information is or has been used, and a list of any individual or organization to whom their personal information has been disclosed.

The Association will provide a copy of the information requested or a response that includes reasons for not providing access, subject to the exceptions set out in the Act, within 30 business days unless an extension of time is permitted under the Act. If all or part of the requested information is refused, the Association will provide the applicant with a response that provides the reasons and the provision of the Act on which the refusal is based, and information on how to request a review by the Privacy Officer. On request, the Association will correct personal information that the Association verifies is inaccurate or incomplete. If a correction is made, the Association will send a copy of the corrected personal information to each person or organization to which the incorrect or incomplete information was disclosed in the past year. If no correction is made in response to an individual's request, the Association will annotate the personal information in (i.e., make a note) to indicate that a correction was requested but not made.

10) Complaint resolution

If a Member or individual has a concern for the manner in which the Association collects, uses or discloses that Member's or individual's personal information, the Member or individual should so advise the Association. The Privacy Officer will investigate and respond to a Member's concerns and, if necessary, take appropriate measures to correct information handling policies or procedures. If the Member or individual is not satisfied with the Association's response, the Member or individual may file a complaint against the Association with the Privacy Officer.

APPENDIX B – Schedule of Fees

The following are the fees that the Association may charge a Member or individual for each of the specified services for providing access to or a copy of personal information. The Association may add or subtract services listed in this schedule, or adopt or amend these suggested fees so long as the fees are reasonable. These fees will be brought to the attention of a Member or individual who is requesting access to or a copy of personal information before the request is answered.

Nature of service Fee

- (a) for locating and retrieving a record electronically \$10.00 per 1/4 hour
- (b) for producing a record manually \$10.00 per 1/4 hour
- (c) for preparing a record for disclosure and handling a record \$10.00 per 1/4 hour
- (e) for shipping copies of copied records, etc. the actual costs of shipping by the method chosen by Member
- (f) photocopies and computer printouts \$0.50 per page (8.5" x 11", 8.5" x 14") or \$0.55 per page (11" x 17"),
- (g) for copying records onto compact disk or CD's \$10.00 per disk.