



**POLICY ON THE RULES OF GOVERNANCE**  
**WITH REGARD TO PERSONAL INFORMATION**

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## **1. PREAMBLE**

As part of its activities and its mission, the Town of Montreal West (hereinafter referred as the “Town”) processes Personal Information, notably that of visitors of its website, citizens and its employees. As such, it recognizes the importance of respecting privacy and protecting the Personal Information it holds.

In order to meet its obligations in this regard, the Town has adopted this *Policy on the Rules of Governance with Regard of Personal Information* (hereinafter referred as the “Policy”). This Policy sets out the framework principles applicable to the Personal Information held by the Town throughout their life cycle and to the rights of the Persons concerned.

The protection of Personal Information held by the Town is the responsibility of all persons handling such information. They must understand and respect the principles of protection of Personal Information inherent in the performance of their duties or arising from their relationship with the Town.

## **2. OBJECT**

This Policy :

- a) lays down the principles guiding the Town’s governance with respect to Personal Information throughout its Life Cycle and the exercise of the right of the Person concerned;
- b) sets out the process for handling complaints relating to the protection of Personal Information;
- c) defines the Town’s roles and responsibilities with respect to the protection of Personal Information;
- d) describes the training and awareness activities that the Town offers to its employees.

## **3. NORMATIVE FRAMEWORK**

This Policy is part of a larger context governed notably by the *Act respecting Access to documents held by public bodies and the Protection of personal information* (C.Q.L.R. c. A-2.1). In accordance with this Act, this Policy is available on the Town’s website.

## **4. DEFINITIONS**

For the purposes of this Policy, the following terms mean :

“**Act**”: the *Act respecting Access to documents held by public bodies and the Protection of personal information*, C.Q.L.R. c. A-2.1.

“**CAI**”: the Quebec *Commission d’accès à l’information*.

“**Committee**”: the Town’s Committee on Access to Information and the Protection of Personal Information.

**“Confidentiality Incident”**: any consultation, use or communication of Personal Information that is not authorized by the Act, or any loss or other breach of the protection of such information.

**“Life Cycle”**: all the steps involved in processing Personal Information, i.e. its collection, use, communication, retention and destruction.

**“Personal Information”**: any information relating to a natural person which allows that person to be identified directly – either by recourse to that information alone – or indirectly – either by combination with other information.

**“Person Concerned”**: a natural person to whom Personal Information relates.

**“Person in charge of access to documents”** or **“PCAD”**: the person who performs this function and who must respond to requests for access to documents in accordance with the Act. This function is assigned to the Town Clerk.

**“Person in charge of the protection of Personal Information”** or **“PCPPI”**: the person who performs this function and ensures compliance with and implementation of the Act. This function is assigned to the Town Clerk.

**“Privacy Impact Assessment”** or **“PIA”**: a preventive approach aimed at better protecting Personal Information and respecting the privacy of individuals. It consists in considering all factors that could have a positive or negative impact on the privacy of a Person Concerned.

**“Sensitive Personal Information”**: any Personal Information which, because of its nature, including its medical, biometric or otherwise intimate nature, or because of the manner in which it is used or disclosed, gives rise to a high reasonable expectation of privacy.

## **5. SCOPE OF APPLICATION**

This Policy applies to Personal Information held by the Town and to any person who handles Personal Information held by the Town.

## **6. TREATMENT OF PERSONAL INFORMATION**

Personal Information is protected throughout its life cycle in accordance with the following principles, unless an exception is provided for by law.

### **6.1 Collection**

**6.1.1.** The Town only collects Personal Information that is necessary to carry out its mission and activities. Before collecting Personal Information, the Town determines the purposes for which it is to be processed. The Town only collects Personal Information that is strictly necessary for the purposes indicated.

**6.1.2.** Personal Information is collected from the Person concerned.

**6.1.3.** At the time of collection, and thereafter upon request, the Town shall inform the Person concerned of, among other things, the purposes and procedures for processing their Personal Information and of their rights with respect to such information, for example, by means of a Confidentiality Policy or a 'just-in-time' notice.

**6.1.4.** Where the Act requires consent to be obtained, it must be manifest, free, informed and given for specific purposes. Consent is requested for each of these purposes, in simple and clear terms. Consent is valid only for the time necessary to achieve the purposes for which it was requested.

## **6.2. Use**

**6.2.1.** The Town uses Personal Information only for the purposes for which they were collected. However, the Town may change these purposes with the prior consent of the Person concerned.

**6.2.2.** The Town may also use Personal Information for secondary purposes, without the consent of the Person concerned, in any of the following cases:

- a) When the use is for purposes compatible with those for which the information was collected;
- b) When the use is clearly for the benefit of the Person concerned;
- c) When the use is necessary for the application of a law in Quebec, whether or not such use is expressly provided for in the Act;
- d) When the use is expressly permitted by a law in Quebec;
- e) When the use is necessary for study, research or statistical purposes and the information is depersonalized.

**6.2.3.** When the Town uses Personal Information for secondary purposes in one of the first four cases listed in section 6.2.2 of this Policy, it must record such use in the register provided for that purpose, in accordance with section 7.1.

**6.2.4.** When the Act expressly provides for it or when the processing of Personal Information is deemed to pose a greater risk to the Person concerned, the Town undertakes a PIA pursuant to section 8 of this Policy in order to mitigate the risks identified.

**6.2.5.** The Town establishes and keeps up to date an inventory of the Personal Information files that it collects, uses and communicates. This inventory contains, at least, the following elements :

- a) The categories of information it contains, the purposes for which the information is kept and how each file is managed;
- b) The source of the information in each file;

- c) The categories of Persons concerned by the information contained in each file;
  - d) The categories of persons who have access to each file in the performance of their duties;
  - e) The security measures taken to protect the Personal Information.
- 6.2.6.** Any person who so requests has a right of access to the inventory, except with regard to information that the existence of which may be refused by virtue of the provisions of the Act.

### **6.3. Communication**

- 6.3.1.** Subject to the exceptions set out in the Act, the Town may not disclose Personal Information without the consent of the Person concerned. Consent must be given expressly when sensitive Personal Information is involved.
- 6.3.2.** Where Personal Information is disclosed to an agent or service provider as part of a mandate or service contract, the Town shall enter into an agreement with the agent or service provider that sets out the obligation to protect such information and to treat it in accordance with the Act.
- 6.3.3.** Where Personal Information is disclosed to third parties outside Quebec, the Town conducts a PIA in accordance with section 8 of this Policy. Disclosure to third parties is recorded in the register provided for this purpose.

### **6.4. Retention**

- 6.4.1.** The Town takes all reasonable measures to ensure that the Personal Information it holds is up to date, accurate and complete in order to serve the purposes for which it is collected or used.
- 6.4.2.** The Town retains Personal Information for as long as necessary to carry out its activities, subject to the time limits set out in its retention schedule.

### **6.5. Destruction and anonymization**

- 6.5.1.** Once the purposes for which the Personal Information was collected have been achieved, the information is destroyed or made anonymous, subject to the Archives Act, C.Q.L.R., c. A-21.1, and in accordance with the deadlines set out in the Town's retention schedule and document management rules.

## **7. REGISTERS**

**7.1** In accordance with the Act, the Town maintains the following registers :

- 7.1.1.** Register of release of Personal Information without the consent of the Person concerned, in the following cases :

- a) When the Town communicates the identity of the Person concerned to a person or private organization in order to collect information already collected by the latter;
- b) When the Town communicates Personal Information necessary for the application of a law in Quebec, whether or not such communication is expressly provided for by law;
- c) When the Town communicates Personal Information required for the application of a collective agreement, decree, order, directive or regulation establishing working conditions;
- d) When the Town communicates Personal Information to an agent or service provider as part of a mandate or service contract;
- e) When the Town communicates Personal Information for study, research or statistical purposes;
- f) After conducting a PIA, when the city discloses Personal Information in the cases covered by section 68 of the Act.

**7.1.2.** In any of the cases referred to in subsection 7.1.1, the register shall include:

- a) The nature or type of the information released;
- b) The person or body to which the information is released;
- c) The purpose for which the information is released and, if applicable, a statement to the effect that it is a release of Personal Information outside of Quebec;
- d) The reason justifying the release.

**7.1.3.** Register of collection agreements entered into for the purpose of carrying out the functions or implementing a program of a public body with which the Town collaborates to provide services or carry out a common mission. This register must include :

- a) The name of the body for which the information is collected;
- b) The identification of the program, right or power for which the information is necessary;
- c) The nature or type of service to be provided or mission;
- d) The nature or type of information collected;
- e) The purpose for which the information is collected; and
- f) The category of person within the body collecting the information and within the receiving body that has access to the information.

**7.1.4.** Register of uses of Personal Information within the Town for other purposes and without the consent of the Person concerned when such use is compatible with the purposes for which it was collected, is clearly to the advantage of the Person concerned, When the use is expressly permitted by a law in Quebec or is necessary for the application of a law in Quebec. This register must include :

- a) a mention of the subparagraph of the second paragraph of section 65.1 of the Act that allows the use, i.e. the legal basis;
- b) in the case referred to in subparagraph 3 of the second paragraph of section 65.1 of the Act, the legal provision that makes the information necessary; and
- c) The reference to the article of a law authorizing the use of this information, i.e. the legal basis;
- d) the category of person that has access to the information for the purpose stated.

**7.1.5.** Register of disclosures of information concerning a Confidentiality Incident to a person or organisation likely to reduce to risk of serious harm associated with a Confidentiality Incident. This register must include :

- a) the date or period of the communication;
- b) a brief description of the circumstances in which the information was communicated;
- c) a description of the information communicated;
- d) identification of the person or organisation receiving the information and its contact detail;
- e) the objectives of the procedure.

**7.1.6.** Register of confidentiality incidents. This register must include :

- a) a description of the personal information covered by the incident or, if that information is not known, the reasons why it is impossible to provide such a description;
- b) a brief description of the circumstances of the incident;
- c) the date or time period when the incident occurred or, if that is not known, the approximate time period;
- d) the date or time period when the body became aware of the incident;
- e) the number of Persons concerned by the incident or, if that is not known, the approximate number;

- f) a description of the elements that led the body to conclude whether or not there is a risk of serious injury to the Persons concerned, such as the sensitivity of the Personal Information concerned, any possible ill-intentioned uses of such information, the anticipated consequences of its use and the likelihood that such information will be used for injurious purposes;
- g) if the incident presents a risk of serious injury, the transmission dates of the notices to the CAI and the Persons concerned, pursuant to the second paragraph of section 63.8 of the Act or the second paragraph of section 3.5 of the *Act respecting the protection of personal information in the private sector*, C.Q.R.L., c. P-39.1, as well as an indication of whether the body issued public notices and, if applicable, its reasons for doing so
- h) a brief description of the measures the body has taken after the incident occurred in order to reduce the risks of injury.

## **8. PRIVACY IMPACT ASSESSMENT (PIA)**

- 8.1. The Town conducts a PIA, in particular, in the context of the following processing of Personal Information :
  - a) Before undertaking a project for the acquisition, development or redesign of an information system or the electronic delivery of services that involves Personal Information;
  - b) Before collecting Personal Information that is necessary for the exercise of the powers or the implementation of a program of a public body with which it collaborates to provide services or carry out a common mission;
  - c) Before communicating Personal Information without the consent of the Individuals concerned to a person or organization that wishes to use this information for study, research or statistical purposes;
  - d) When it intends to communicate Personal Information, without the consent of the Persons concerned, in accordance with section 68 of the Act;
  - e) When it intends to communicate Personal Information outside Quebec or entrust a person or organization outside Quebec with the task of collecting, using, communicating or retaining such information on its behalf.
- 8.2. In conducting a PIA, the City shall take into account the sensitivity of the Personal Information to be processed, the purposes for which it is to be used, the amount, distribution and medium of the Personal Information, and the proportionality of the proposed measures for protecting the Personal Information.
- 8.3. In addition, when Personal Information is communicated outside Quebec, the Town ensures that it is adequately protected, in particular with respect to generally recognized principles for the protection of Personal Information.

- 8.4. The completion of a PIA serves to demonstrate that the City has complied with all its obligations with respect to the protection of Personal Information and that all measures have been taken to effectively protect such information.

## **9. RESEARCH ACTIVITIES AND ACCESS TO PERSONAL INFORMATION**

- 9.1. Researchers may request access to Personal Information for research purposes. Such a request must be submitted to the Town's PCPPI ;
- 9.2. Where the PIA concludes that Personal Information may be disclosed for this purpose, the Town shall enter into an agreement with the researchers that contains the Town's standard contractual provisions and any additional measures identified in the PIA.

## **10. SURVEYS**

Any person, body or other organization wishing to conduct a survey of Persons concerned using Personal Information held by the Town must first obtain the authorization of the Committee, which will analyze the need for such a survey and its ethical aspects.

## **11. RIGHTS OF THE PERSONS CONCERNED**

- 11.1. Subject to applicable laws, any Person concerned whose Personal Information held by the Town has the following rights, among others:
- a) The right to access and obtain a copy of Personal Information held by the Town, whether in electronic or non-electronic format - unless this would give rise to serious practical difficulties, computerized Personal Information collected from a Person concerned, and not created or inferred from Personal Information concerning him or her, shall be communicated to him or her in a structured and commonly used technological format, at his or her request. This information is also communicated, at the request of the Person concerned, to any person or body authorised by law to collect such information;
  - b) The right to rectify any incomplete or inaccurate Personal Information held by the Town;
  - c) The right to be informed, where applicable, that Personal Information is being used to make a decision based on a automated processing.
- 11.2. Although the right of access may be exercised at any time, access to documents containing such information is subject to certain exceptions identified in the Act.
- 11.3. Documents containing Personal Information may be consulted on site or accessed in another manner, with or without payment of a fee. Where applicable, the Town will inform the Person concerned of the obligation to pay a fee before processing the request.
- 11.4. Requests for access to Personal Information by Persons concerned may be made verbally or in writing. Verbal requests will be treated informally and may not be answered in writing.

- 11.5. Requests for access to Sensitive Personal Information must be made in writing and will receive a written response.
- 11.6. Requests for access to Personal Information must be sufficiently specific to enable the PCPPI to locate the information. The right of access applies only to existing Personal Information.

## **12. HANDLING OF COMPLAINTS**

Any complaint regarding the Town's personal information protection practices or its compliance with the requirements of the Act concerning Personal Information must be forwarded to the PCPPI, which must respond within 20 days.

## **13. SECURITY OF PERSONAL INFORMATION**

- 13.1. The Town implements reasonable security measures to ensure the confidentiality, integrity and availability of Personal Information that is collected, used, communicated, stored or destroyed. These measures take into account the sensitivity of the Personal Information, the purpose for which it is collected, its quantity, location and medium.
- 13.2. The Town manages the access rights of its employees so that only those who are subject to a confidentiality undertaking and who need access to it in the course of their duties have access to Personal Information.

## **14. CONFIDENTIALITY INCIDENTS**

- 14.1. Any Confidentiality Incident will be dealt with in accordance with the Town's Confidentiality Incident Management Procedure. The Town will then take reasonable steps to reduce the risk of harm being caused and to prevent further incidents of a similar nature.
- 14.2. Any Confidentiality Incident shall be reported to the PCPPI and shall be recorded in the Confidentiality Incident Register, in accordance with Article 7.1.6 of this Policy.
- 14.3. If the Confidentiality Incident presents a risk of serious harm to the Persons concerned, the Town shall promptly notify them and the CAI.

## **15. ROLES AND RESPONSABILITIES**

- 15.1. The protection of Personal Information held by the Town rests on the commitment of all those who handle such information and, in particular, the PCPPI, the Committee and any person who handles Personal Information.
- 15.2. The PCPPI :
  - a) Ensures the protection of Personal Information throughout its life cycle, from collection to destruction;

- b) sits on the Committee;
- c) complies with the requirements relating to requests for access or rectification, subject to the responsibilities devolved to the PCAD, including :
  - i) give the applicant notice of the date of receipt of the application;
  - ii) notify the applicant of the delays and his or her right to review;
  - iii) respond to the request within 20 days, or if processing the request does not appear to be possible without interfering with the normal operation of the Town's business, within a further 10 days, after notifying the applicant in writing;
  - iv) assist the applicant in identifying the document likely to contain the information sought when the applicant's request is imprecise;
  - v) give reasons for any refusal to grant an application for access;
  - vi) at the request of the applicant, assist him or her in understanding the decision concerning him or her;
  - vii) give its decision in writing and send a copy to the applicant. It must be accompanied by the text of the provision on which the refusal is based, where applicable, and by a notice informing the applicant of the right to apply for review and indicating in particular the time limit within which it may be exercised;
  - viii) ensure that the information that is the subject of the request is kept for the time required to allow the applicant to exhaust the remedies provided for in the Act.
- d) supervises the keeping of the registers listed in Article 7 of this Policy;
- e) participates in the assessment of the risk of serious harm related to a Confidentiality Incident, in particular with regard to the sensitivity of the information in question, the anticipated consequences of its use and the likelihood that the information will be used for malicious purposes;
- f) where applicable, verifies the confidentiality obligations relating to the communication of Personal Information in the context of mandates or service contracts entrusted to third parties in accordance with article 6.3.2 of this Policy.

**15.3. The Committee :**

- a) contributes to the promotion of an organizational culture that reinforces the protection of Personal Information;

- b) ensures that measures are put in place to raise awareness and train Town staff and management on obligations and practices relating to access to information and the protection of Personal Information;
- c) draws up the principles for the dissemination of information;
- d) approves this *Policy on the rules of governance with regard to Personal Information*;
- e) issues guidelines on the use of computer marketing tools involving the communication of data or profiling;
- f) identifies the main risks to the protection of Personal Information and notifies management in order for corrective measures be propose;
- g) approves any exceptions to the general principles for the proection of Personal Information that have been established;
- h) issues directives for the protection of Personal Information, in particular for its retention by third parties and outside Quebec;
- i) is consulted, at the outset of a project and for the purposes of the PIA, on all projects involving the acquisition, development and redesign of information systems or the electronic delivery of services involving Personal Information :
  - ensures that the completion of the PIA is proportionate to the sensitivity of the information concerned, the purposes for which it is to be used, the quantity and distribution of the information and the medium on which it is to be hosted;
  - where applicable, ensures that the project makes it possible to communicate to the Data Subject the computerized Personal Information collected from him/her in a structured and commonly used technological format;
- j) escalates recommendations that are not followed to the PCPPI;
- k) must be notified of any Confidentiality Incident involving Personal Information and advises the Town as to the actions to be taken;
- l) review the Confidentiality Incident Management Procedure in the event of a Confidentiality Incident;
- m) reviews the rules for the collection and retention of Personal Information from surveys;
- n) reviews any matter of interest relating to the protection of Personal Information;

- o) reviews measures relating to video surveillance and ensures that privacy is respected in its use;
- p) carries out any mandate entrusted to it by the municipal council or the Director General;
- q) performs any other function assigned to it under the Act.

**15.4.** Any person who handles Personal Information held by the Town :

- a) acts with care and integrates the principles set out in this Policy into his or her activities;
- b) only accesses information that is necessary for the performance of his or her duties; and
- c) integrates and retains information only in files intended for the performance of its duties;
- d) keeps these files in such a way that only authorized persons have access to them;
- e) protects access to Personal Information in its possession or to which it has access by means of a password;
- f) refrains from communicating Personal Information of which it becomes aware in the performance of its duties, unless duly authorized to do so;
- g) refrains from retaining, at the end of his or her employment or contract, any Personal Information obtained or collected in the course of his or her duties and maintains his or her confidentiality obligations;
- h) destroys all Personal Information in accordance with the Town's retention schedule;
- i) participates in awareness-raising and training activities on the protection of Personal Information that are intended for him or her;
- j) reports any breach, confidentiality incident or any other situation or irregularity that could compromise in any way the security, integrity or confidentiality of Personal Information in accordance with the procedure established by the Town.

**16. AWARENESS ACTIVITIES**

The Town offers training and awareness activities to its employees regarding the protection of Personal Information and to all those who may have access to such information.

## **17. SANCTIONS**

Any person who breaches this Policy is liable to sanctions in accordance with the applicable regulatory framework.

## **18. UPDATES**

This Policy may be updated from time to time to keep pace with changes in the applicable regulatory framework for the protection of Personal Information and to improve the Town's Personal Information protection program. Please consult the version on the Town's website for the most recent version.

## **19. COMING INTO FORCE**

This Policy comes into force upon its adoption by the Town Council.