

BRITISH COLUMBIA HOTEL ASSOCIATION

UNITE HERE LOCAL 40

PENSION PLAN

and

HEALTH CARE PLAN

PERSONAL INFORMATION AND PRIVACY GUIDELINES

(effective January 1, 2004)

The following Guidelines govern the collection, management and use of personal information by the Plans.

DEFINITIONS:

“Administrator” means the administrator engaged from time to time by the Trustees of a Plan to manage the day-to-day affairs of the Plan.

“Member” means for the purposes of these Guidelines a person who is or has been a Member of a Plan, or a dependant spouse or other family member of theirs entitled to a benefit under the Plan, or in respect of whom Personal Information is required to be collected and recorded for the purposes of the Plan, and a Member may be represented by an authorised agent.

“Personal Information” means any information about an identifiable individual which is recorded in any form by a Plan.

“Plan” or “Plans” means the British Columbia Hotel Association UNITE HERE Local 40 Pension Plan and/or the British Columbia Hotel Association UNITE HERE Local 40 Health Care Plan.

“Privacy Officer” means the individual or individuals appointed from time to time by the Administrator as primarily responsible for the oversight and administration of these Guidelines, and the compliance by the Plan with applicable privacy laws.

1. ACCOUNTABILITY:

1.1 The Plans, through the Administrator and the Privacy Officer appointed from time to time, shall be responsible for compliance with these Guidelines. The Administrator may delegate responsibility for collection, management and use of Personal Information, or for any aspect of compliance with these Guidelines or applicable privacy laws, to a responsible employee or agent who shall be designated as the Privacy Officer. The Privacy Officer may sub-delegate their responsibilities as they see fit.

1.2 The name and business contact information of the Privacy Officer and their responsible delegates from time to time shall be made available to Members or other interested persons upon request. The Privacy Officer and their responsible delegates shall be reasonably available for contact concerning privacy matters during normal business hours.

1.3 Where Personal Information is provided to a third party it shall only be provided for a legitimate and necessary purpose for the due administration and management of the Plans, or as required by law or otherwise permitted by privacy legislation. The Plans shall ensure that any third party receiving Personal Information from the Plans provides an appropriate level of protection of the Personal Information while such information is in the control of the third party.

1.4 These Guidelines are intended to comply with the requirements of the *Personal Information Protection Act (BC)* and any applicable regulations under such Act, and shall be read insofar as possible as complying with such legislation. To the extent any standards or time limits are prescribed by the legislation such standards or time limits shall be deemed adopted as the applicable standard or time limit in these Guidelines.

1.5 A standard of reasonableness in all the applicable circumstances shall be applied in respect of the interpretation of these Guidelines and any question which may arise in connection with Personal Information and the Plans.

1.6 A copy of these Guidelines shall be provided to any interested person upon request.

2. OBJECT of the GUIDELINES:

2.1 The Guidelines are intended:

- (a) To establish procedures to protect Personal Information;
- (b) To establish procedures to receive and respond to complaints or inquiries; and
- (c) To provide guidance in the collection, management and use of Personal Information.

3. COLLECTION and USE of PERSONAL INFORMATION:

3.1 All Personal Information in the possession of the Plans as at January 1, 2004 shall be deemed to have been collected in compliance with these Guidelines.

3.2 Personal Information concerning Members and their dependants shall only be collected to the extent required for the proper administration of the Plans.

3.3 Consent shall be required for the collection and use of Personal Information. Consent may be express, implied or deemed or otherwise provided for by legislation. Implied consent may be the provision of Personal Information in enrolment forms, claim or benefit forms. Where express consent is requested from a Member, the Member shall be advised of the existence of these Guidelines and provided with contact information in the event they have an inquiry concerning their Personal Information.

3.4 Personal Information shall only be used or disclosed to third parties as may be required for the necessary and proper administration of the Plans or as required by law. Personal Information shall not be sold, disclosed or shared for other purposes. The Plans shall have due regard for the privacy of persons in respect of whom Personal Information is held.

3.5 These Guidelines are intended as guidelines only. Disclosure of Personal Information in breach of these Guidelines whether accidental or otherwise shall not give rise to any financial or other liability other than would be provided by law in any event without regard to these Guidelines.

3.6 In the event a new or previously unidentified purpose for the use of Personal Information shall arise, it shall be determined if consent to use of the Personal Information for such purpose has been given or may be deemed or implied. If consent has not been previously given and may not be deemed or implied, consent shall be procured before use for such new or previously unidentified purpose.

3.7 The Privacy Officer shall be able to explain the use for which Personal Information has been collected, upon request.

4. CONSENT:

4.1 Where Personal Information is collected from employers in respect of their employees for the purposes of the Plans, the Plans may assume the consent necessary to provide such Personal Information to the Plans has been given.

4.2 The Plans shall not require any person to provide consent to the use of Personal Information beyond use which is strictly required for the proper administration of the Plans as a precondition to enrolment or provision of any benefit or information from the Plans.

5. LIMITING COLLECTION:

5.1 The Plans shall only collect such Personal Information as is required for the proper administration of the Plans.

6. RETENTION of PERSONAL INFORMATION:

6.1 The Plans shall maintain Personal Information for so long as is required for the proper purposes of the Plans. This shall include a minimum period which shall permit any act or action of the Plans affecting any material interest of any person to be reviewed or examined in light of the Personal Information which may have been taken into account in making the decision. The Plans may have regard to appeal and limitation periods provided by law in determining minimum retention periods for Personal Information.

6.2 Personal Information which is no longer required to fulfill the purpose for which it was collected shall be destroyed. Destruction or disposal shall be in a manner which protects the privacy of the Personal Information. The Privacy Officer may develop guidelines for the destruction of Personal Information.

7. ACCURACY:

7.1 Personal Information shall be as accurate, up-to-date and complete as circumstances permit. The possibility of inappropriate or incorrect information being used to determine a decision or action of the Plans shall be minimised.

7.2 The Plans shall routinely take steps to verify the accuracy of Personal Information, and to update as may be required.

7.3 Personal Information that is believed to be archival in nature only shall not be required to be updated, but the status of such Personal Information as archival and not up-to-date shall be communicated to any user.

8. SAFEGUARDS:

8.1 The Plans shall safeguard and protect Personal Information against loss, theft, unauthorised access, use, disclosure, replication or modification.

8.2 The Privacy Officer shall be responsible for reviewing the state of security and protection of Personal Information held by or for the Plans. The nature of safeguards may vary according to the relative sensitivity of the Personal Information in the circumstances. More sensitive information shall be afforded a higher level of security.

8.3 There shall be not less than three levels of protection considered:

- (a) Physical protection through locked, secure or restricted premises, and secure filing and storage methods;
- (b) Organizational protection through limited access and “need-to-know” rules; and
- (c) Technology protection through encryption or password protection.

8.4 Access through keys or passwords shall be monitored and changed from time to time as prudent.

8.5 All employees and agents of the Plans having access to Personal Information shall be made aware of these Guidelines and of the importance of maintaining the privacy and confidentiality of Personal Information. Employees and agents shall not voluntarily disclose confidential Personal Information and shall not disclose such information to friends, co-workers, family or the public for other than legitimate reasons.

9. INDIVIDUAL ACCESS:

9.1 The Plans will inform any Member upon the request of the Member of the Personal Information held in respect of the Member. The Plan may refuse to provide medical information except through a qualified medical practitioner. The Plans will inform Members upon request of the use which is being made of their Personal Information and the identity of any third parties to which the Personal Information may have been disclosed.

9.2 The Plans may require a Member requesting Personal Information to provide satisfactory and sufficient information to permit the Plans to properly identify the individual, their interest in the information, and the nature of the information being requested. The information so provided shall only be used for such purpose.

9.3 Requests for information shall be responded to within a reasonable time and at a minimum of cost to the requesting Member, provided the Plans may as a precondition to disclosure require the Member to pay a reasonable fee or charge where costs are necessarily incurred to respond to the request.

9.4 Responses shall be in a generally understandable form or assistance provided to permit the response to be understood when the format of the information is not easily understood.

9.5 If an individual successfully demonstrates the inaccuracy or incompleteness of Personal Information, the Plans shall amend the information as may be required to assure accuracy. However, the ultimate authority over amendment of the records of the Plans shall be the Boards of Trustees, and where the Privacy Officer or Administrator shall be unable to resolve any dispute concerning the accuracy of information it shall be referred to the Board of Trustees for determination. These Guidelines shall afford Members no greater rights concerning decisions of the Board of Trustees than are provided by the applicable Trust Deeds and Plan Texts governing the Plans.

10. COMPLAINTS:

10.1 The Privacy Officer shall be responsible to receive and consider any complaints concerning Personal Information and the Plans.

10.2 The Privacy Officer shall investigate any complaints and shall recommend appropriate measures to resolve any complaints within a reasonable time.

10.3 The Privacy Officer shall communicate to a complaining party the findings and conclusions of the investigation of the complaint, and the action to be taken or recommended as a result.