



# CORPORATION OF THE TOWN OF COBOURG

**Division:** Corporate Services

**Effective Date:** September 29, 2014

**Department:** Legislative Services

**Approval Level:** Council

**Policy Title:** Privacy Policy  
- Administration

**Section #** 3-1  
**Policy #** LEG-ADM12

## Purpose

The *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) came into effect on January 1, 1991 and required that all municipalities protect the privacy of every individual's personal information that exists in government records. The MFIPPA established a privacy protection system, which the government must follow to protect an individual's right to privacy. This system includes rules regarding the collection, use, disclosure and disposal of personal information in the custody and control of the Corporation of the Town of Cobourg.

## Policy

The Corporation of the Town of Cobourg is committed to protecting the privacy of personal information which is within the custody of the Town in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

The Town of Cobourg has taken appropriate measures to protect and ensure that privacy of any personal information is protected and the Town will not, under any circumstances, use any information provided to the Town of Cobourg for any purpose that are inconsistent with the purpose for which the information was provided, as well as inconsistent with the provisions set out in the MFIPPA.

### **1. PERSONAL INFORMATION**

To protect individual privacy, the *Municipal Freedom of Information and Protections of Privacy Act* places restrictions on the collection, use, disclosure, retention and disposal of personal information. The sharing of personal information both within and outside of the Town of Cobourg is limited by the Act. These privacy protection standards are always in effect, and all Town of Cobourg Staff are individually responsible for meeting all privacy requirements about an identifiable individual as set out in s.2 of the MFIPPA:

- a) Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, telephone number, fingerprints or blood type of the individual;
- e) the personal opinions or views of the individual except if they relate to another individual;



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- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the individual; and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

## 2. PROTECTING PERSONAL INFORMATION

The protection of the privacy of individuals and any personal information which has been collected and used by the Town of Cobourg is covered under privacy legislation in Ontario and of primary importance to the Town of Cobourg. To ensure that every precaution is taken to protect the privacy of personal information, the following processes shall be adhered to:

- Access to personal information shall be restricted to 'only' those Municipal Employees requiring access in order to carry out their municipal duties;
- no personal information shall be disclosed to members of the public, Council or other Staff, without the consent of the individual to whom the information relates (except where permitted by Provincial Legislation or within this Policy);
- personal information shall not be discussed in public areas where it may be overheard by others who are not otherwise authorized to have such information;
- personal information should not be left exposed or visible on desks, computer screens. Staff should minimize computer screens and put records containing (third party) personal information away when not in use;
- cabinets or storage locations containing personal or confidential information should be locked or secured at the end of each day and when not in use.
- If transmitting such information by email or fax, e-mail addresses and fax numbers must be verified to ensure that they are accurate prior to the sending of information. Confidentiality and privacy statements shall be included on all e-mail and fax transmissions and subject to the *Personal Information Protection and Electronic Documents Act, S.C.2000 C5*



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## 3. ACCESS TO ONE'S OWN PERSONAL INFORMATION

MFIPPA provides that individuals have the right to access and correct their own personal information if they believe the information contained is an error or omission. Once access has been granted to their personal information, an individual has the right to:

- request a correction of their personal information;
- require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made;
- require that notification be sent to any person or body to whom the personal information has been disclosed (within the year before) advising them of the correction or statement of disagreement.

Access to one's own personal information shall be at the discretion of the Department Director, or Manager (or delegate) and in consultation with the Municipal Clerk. Certain exemptions affecting access may be applied pursuant to Section 38 of the MFIPPA.

## 4. DISCLOSURE OF PERSONAL INFORMATION

Pursuant to Section 32 of the MFIPPA, there are limited circumstances where disclosure of personal information is permitted:

- if the person to whom the information relates has identified that information in particular and consented to its disclosure;
- for the purpose for which it was obtained or compiled or for a consistent purpose;
- if the disclosure is made to an officer, employee, consultant or agent of the institution who needs the record in the performance of their duties and if the disclosure is necessary and proper in the discharge of the institution's functions;
- for the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act or a treaty;
- if disclosure is by a law enforcement institution,
- to a law enforcement agency in a foreign country under an arrangement, a written agreement or treaty or legislative authority, or
- to another law enforcement agency in Canada;



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- if disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result;
- in compelling circumstances affecting the health or safety of an individual if upon disclosure notification is mailed to the last known address of the individual to whom the information relates;
- in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased;
- to the Minister;
- to the Information and Privacy Commissioner;
- to the Government of Canada or the Government of Ontario in order to facilitate the auditing of shared cost programs. R.S.O. 1990, c. M.56, s. 32; 2006, c. 19, Sched. N, s. 3 (5); 2006, c. 34, Sched. C, s. 15

## 5. TOWN OF COBOURG COLLECTED INFORMATION

All forms, or comment sheets, that are used to collect personal information for specific purposes; including any personal information collected from a Town of Cobourg website; must comply with this policy and all MFIPPA regulations and requirements.

All Town of Cobourg forms, comment sheets and/or other documents that collect Personal Information from individual(s) **must include** the following statements:

### Town of Cobourg Forms Requesting Personal Information:

“Personal Information on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M56*, as amended. Inquires about the collection of personal information should be directed to the Municipal Clerk.”

### Town of Cobourg Public Meeting Comment Sheets:

“Information will be collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M56*, as amended. With the exception of personal information, all comments will become part of the public record.”



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## Definitions:

“MFIPPA” shall mean the Municipal Freedom of Information and Protection of Privacy Act.

## Scope

This policy shall apply to Members of Council, Committees, and all municipal employees of the Town of Cobourg.

## Administration

The Chief Administrative Officer shall implement and administer the terms of this policy and shall establish related operating procedures as required.

## Cross Reference

Policy # Freedom of Information Request LEG ADM13 and Routine Disclosure Policy LEG-ADM14

Procedure # Freedom of Information Request LEG ADM13.1 and Routine Disclosure Policy LEG-ADM14.1

Resolution # 494-14	Revision Description:	Signature/Municipal Clerk: <i>Louaine Brace</i>	Council Approval Date: September 29, 2014
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