



# BRITISH COLUMBIA LAW INSTITUTE

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## Personal Information Protection Policy

The British Columbia Law Institute recognizes the importance of privacy and the sensitivity of personal information. We are committed to keeping personal information accurate, secure, and confidential. This policy outlines how we will manage personal information and safeguard the privacy of our stakeholders.

At the British Columbia Law Institute, we are committed to fulfilling our mission to be a leader in law reform by carrying out the best in scholarly law reform research and writing and the best in outreach relating to law reform. As fulfilling our mission and providing related services sometimes involves the collection, use, and disclosure of some personal information about our stakeholders, protecting their personal information is one of our highest priorities.

We will inform our stakeholders of why and how we collect, use, and disclose their personal information, obtain their consent where required, and only handle their personal information in a manner that a reasonable person would consider appropriate in the circumstances.

### SCOPE OF THIS POLICY

This Personal Information Protection Policy, in compliance with the *Personal Information Protection Act* (PIPA), outlines the principles and practices we will follow in protecting personal information. Our privacy commitment includes ensuring the accuracy, confidentiality, and security of our stakeholders' personal information and allowing our stakeholders to request access to, and correction of, their personal information.

This Personal Information Protection Policy applies to the British Columbia Law Institute and to its internal division, the Canadian Centre for Elder Law.

This Personal Information Protection Policy also applies to any service providers collecting, using, or disclosing personal information on behalf of us.

### DEFINITIONS

**Collection**—means the act of gathering, acquiring, recording, or obtaining personal information from any source including third parties.

**Consent**—means informed voluntary agreement for the collection, use, and disclosure of personal information for defined purposes, and, for greater certainty:

- (a) consent can be express, deemed, or implied;
- (b) express consent can be given orally or in writing, and can be in hard copy form or digital
- (c) deemed consent may exist if the purpose for the collection, use, or disclosure of the information would be considered obvious to a reasonable person and the individual provides the personal information to us for that purpose;
- (d) implied consent may exist if it can reasonably be inferred from an individual's action or inaction;
- (e) consent can be given through an authorized representative, such as a legal guardian or a person with a power of attorney.

**Contact information**—means information that would enable an individual to be contacted at a place of business and includes name, position name or title, business telephone number, business address, business email, or business fax number. Contact information is not covered by this policy or PIPA.

**Disclosure**—means the act of making personal information available to a third party.

**Personal information**—means information about an identifiable individual, including information relating to personal characteristics, health, activities, or views. Personal information does not include contact information and does not include aggregated information that cannot be associated with a specific individual.

**Privacy Officer**—means the individual designated to be responsible for ensuring that we comply with this policy and PIPA.

**Stakeholder**—means specific individuals who are our employees, members, or volunteers, or who otherwise provide us with their personal information.

**Third party**—means an individual or organization other than us.

**Use**—means the treatment, handling, or management of personal information by and within us.

**We, us, or our**—means the British Columbia Law Institute and the Canadian Centre for Elder Law.

## **POLICY 1—COLLECTING PERSONAL INFORMATION**

1.1 Unless the purposes for collecting personal information are obvious and the stakeholder voluntarily provides his or her personal information for those purposes,

we will communicate the purposes for which personal information is being collected, either orally or in writing, before or at the time of collection.

1.2 We will only collect stakeholder information that is necessary to fulfill the following purposes:

- to verify identity;
- to establish and maintain relations with stakeholders;
- to understand needs and preferences of stakeholders, including the preferences of visitors to our website;
- to enable us to fulfill our purposes, including public outreach and consultation;
- to manage and develop our organization, including personnel and employment matters;
- to deliver requested products and services;
- to contact stakeholders for fundraising;
- to meet legal and regulatory requirements;
- to meet such additional purposes that are identified to an individual.

1.3 Our website uses Google Analytics to help us understand how visitors use the website. This information allows us to improve our web services. Google Analytics uses cookies to collect standard information (including your IP address) about visitors' behaviour in an anonymous form and stores this information on Google's servers. Cookies are small text files sent to your computer when your browser visits a website. We will not (and will not allow any third party to) use Google Analytics to collect personally identifiable information of visitors to our website. Google will use the anonymous information collected for the purpose of tracking use of the website, compiling reports and providing other services relating to website activity and Internet usage. For further information, you can refer to the Terms of Service of Google Analytics <[https://www.google.com/analytics/home/tos/TOS\\_en-US.html](https://www.google.com/analytics/home/tos/TOS_en-US.html)>. By using our website, you consent to the processing of data about you by Google in the manner and for the purposes set out above. However, you may also choose to decline cookies by selecting the appropriate settings on your browser.

## **POLICY 2—CONSENT**

2.1 We will obtain stakeholder consent to collect, use, or disclose personal information (except where, as noted below, we are authorized to do so without consent).

2.2 In obtaining consent, we will explain to stakeholders in plain language the purposes for which personal information will be collected, used, or disclosed.

- 2.3 We will seek consent to use or disclose personal information at the same time we collect the information. In some circumstances, we may identify a new purpose and will seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.
- 2.4 In determining the appropriate form of consent, we will consider the sensitivity of the personal information and the reasonable expectations of stakeholders.
- 2.5 Subject to certain exceptions (*e.g.*, the personal information is necessary to provide a service or product, or the withdrawal of consent would frustrate the performance of a legal obligation), stakeholders may withhold or withdraw their consent for us to use their personal information in certain ways. A stakeholder's decision to withhold or withdraw consent to certain uses of personal information may restrict our ability to provide a particular service or product. If so, we will explain the situation to assist the stakeholder in making the decision.
- 2.6 We may collect, use, or disclose personal information without a stakeholder's knowledge or consent in the following limited circumstances:
- when the collection, use, or disclosure of personal information is permitted or required by law;
  - in an emergency that threatens an individual's life, health, or personal security;
  - when the personal information is available from a public source (*e.g.*, a telephone directory);
  - when we require legal advice from a lawyer;
  - for the purposes of collecting a debt;
  - to protect ourselves from fraud;
  - to investigate an anticipated breach of an agreement or a contravention of law.

### **POLICY 3—USING AND DISCLOSING PERSONAL INFORMATION**

- 3.1 We will only use or disclose stakeholder personal information where necessary to fulfill the purposes identified at the time of collection or for a purpose reasonably related to those purposes such as to conduct stakeholder surveys in order to enhance the provision of our services.
- 3.2 We will not use or disclose stakeholder personal information for any additional purpose unless we obtain consent to do so.
- 3.3 We will not sell stakeholder lists or personal information to other parties unless we have consent to do so.

#### **POLICY 4—RETAINING PERSONAL INFORMATION**

- 4.1 If we use stakeholder personal information to make a decision that directly affects the stakeholder, we will retain that personal information for at least one year so that the stakeholder has a reasonable opportunity to request access to it.
- 4.2 Subject to policy 4.1, we will retain stakeholder personal information only as long as necessary to fulfill the identified purposes or a legal or business purpose.

#### **POLICY 5—ENSURING ACCURACY OF PERSONAL INFORMATION**

- 5.1 We will make reasonable efforts to ensure that stakeholder personal information is accurate and complete where it may be used to make a decision about the stakeholder or disclosed to another organization.
- 5.2 Stakeholders may request correction to their personal information in order to ensure its accuracy and completeness. A request to correct personal information must be made in writing and provide sufficient detail to identify the personal information and the correction being sought. A request to correct personal information should be forwarded to the Privacy Officer.
- 5.3 If the personal information is demonstrated to be inaccurate or incomplete, we will correct the information as required and send the corrected information to any organization to which we disclosed the personal information in the previous year. If the correction is not made, we will note the stakeholder's correction request in the file.

#### **POLICY 6—SECURING PERSONAL INFORMATION**

- 6.1 We are committed to ensuring the security of stakeholder personal information in order to protect it from unauthorized access, collection, use, disclosure, copying, modification, or disposal or similar risks.
- 6.2 We will safeguard stakeholder personal information in our possession or control from loss or theft and from unauthorized access, use, disclosure, copying, or modification through appropriate security measures depending on the sensitivity, format, and storage of the personal information.
- 6.3 We will protect stakeholder personal information disclosed to third parties by requiring those third parties to safeguard all personal information in a manner that is consistent with our practices and as regulated by law.
- 6.4 Any of our employees with access to stakeholder personal information will be required to respect the confidentiality of such information.
- 6.5 We will use appropriate security measures when destroying stakeholder personal information.

6.6 We will continually review and update our security policies and controls as technology changes to ensure ongoing personal information security. As a result, this policy may change and stakeholders should consult the latest available version.

## **POLICY 7—PROVIDING ACCESS TO PERSONAL INFORMATION**

7.1 Stakeholders have a right to access their personal information, subject to the following exceptions:

- it is likely to reveal personal information about a third party;
- disclosing the personal information could reveal confidential commercial information;
- the personal information is protected by solicitor/client privilege;
- the denial of access is required or authorized by law;
- information relates to existing or anticipated legal proceedings against that stakeholder;
- it might prejudice negotiations with that stakeholder;
- it is necessary to protect the our rights and property;
- the request is frivolous or vexatious;
- the information is collected for purposes of an investigation or the information is the result of arbitration or other formal dispute resolution process.

7.2 A request to access personal information must be made in writing and provide sufficient detail to identify the personal information being sought. A request to access personal information should be forwarded to the Privacy Officer.

7.3 Upon request, we will also tell stakeholders how we use their personal information and to whom it has been disclosed if applicable.

7.4 We will make the requested information available within 30 business days, or provide written notice of an extension where additional time is required to fulfill the request.

7.5 A minimal fee may be charged for providing access to personal information. Where a fee may apply, we will inform the stakeholder of the cost and request further direction from the stakeholder on whether or not we should proceed with the request.

7.6 If a request is refused in full or in part, we will notify the stakeholder in writing, providing the reasons for refusal and the recourse available to the stakeholder.

## **POLICY 8—QUESTIONS AND COMPLAINTS: THE ROLE OF THE PRIVACY OFFICER**

- 8.1 The Privacy Officer is responsible for ensuring our compliance with this policy and the *Personal Information Protection Act*.
- 8.2 Stakeholders should direct any complaints, concerns, or questions regarding our compliance in writing to the Privacy Officer. If the Privacy Officer is unable to resolve the concern, the stakeholder may also write to the Information and Privacy Commissioner of British Columbia.

### **PRIVACY OFFICER**

Our privacy officer's name and contact information is:

Kevin Zakreski  
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British Columbia Law Institute  
1822 East Mall  
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