

FRAMEWORK POLICY ON GOVERNANCE

(PROTECTION OF PERSONAL INFORMATION)

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1. FOREWORD

In the course of its activities and mission, the City of Beaconsfield (the “**Municipality**”) processes Personal Information, including that of visitors to its website, citizens, and its employees. In this regard, it recognizes the importance of respecting privacy and protecting the Personal Information it holds.

To fulfill its obligations in this regard, the Municipality has adopted this Policy. This Policy outlines the overarching principles applicable to the protection of Personal Information that the Municipality holds throughout their Lifecycle and the rights of the Individuals concerned.

The protection of Personal Information held by the Municipality is the responsibility of anyone processing such information. They must understand and adhere to the principles of Personal Information protection inherent in the performance of their duties or arising from their relationship with the Municipality.

2. OBJECTIVE

This Policy:

- sets out the principles governing the Municipality's governance of Personal Information throughout its lifecycle and the exercise of the rights of the Individuals concerned;
- provides for the process of handling complaints related to the protection of Personal Information;
- defines the roles and responsibilities regarding the protection of Personal Information within the Municipality;
- describes the training and awareness activities that the Municipality offers to its staff.

3. LEGAL FRAMEWORK

This Policy is part of a context governed in particular by the *Act respecting access to documents held by public bodies and the protection of personal information* (RSQ, c. A-2.1). In accordance with this Act, this Policy is accessible via the Municipality's website at beaconsfield.ca.

4. DEFINITIONS

For the purposes of this Policy, the following terms shall have the meanings given below:

"**CAI**" means the Commission d'accès à l'information du Québec (Access to Information Commission of Quebec).

"**Committee**" refers to the Committee on Access to Information and the Protection of Personal Information of the Municipality.

"**Lifecycle**" refers to all stages involved in the processing of Personal Information, including collection, use, disclosure, retention, and destruction.

"**Privacy Impact Assessment**" or "**PIA**" refers to the preventive process aimed at better protecting Personal Information and respecting the privacy of individuals. It involves considering all factors that would have positive and negative consequences on the privacy of the Individuals concerned.

"**Confidentiality Incident**" refers to any unauthorized consultation, use, or disclosure of Personal Information under the law, or any loss or other breach of the protection of such information.

"Act" refers to the *Act respecting access to documents held by public bodies and the protection of personal information*, RSQ, c. A-2.1.

"**Concerned Individual**" refers to a physical person to whom Personal Information relates.

"**Personal Information**" refers to any information concerning a physical person that allows for their direct identification – either by the use of that information alone – or indirectly – by combining it with other information.

"**Person in charge of the protection of personal information**" or "**PPP**" refers to the person, within the Municipality, who holds this position and ensures compliance with and implementation of the Act.

5. SCOPE

This Policy applies to Personal Information held by the Municipality and to anyone who processes Personal Information held by the Municipality.

6. PROCESSING OF PERSONAL INFORMATION

The protection of Personal Information is ensured throughout its Lifecycle in accordance with the following principles, except as provided for by the Act.

6.1. Collection

- 6.1.1. The Municipality only collects Personal Information that is necessary for the accomplishment of its mission and activities. Before collecting Personal Information, the Municipality determines the purposes of their processing. The Municipality only collects Personal Information that is strictly necessary for the stated purposes.
- 6.1.2. The collection of Personal Information is carried out from the Concerned Individual.
- 6.1.3. At the time of collection, and subsequently upon request, the Municipality informs Concerned Individuals, notably about the purposes and methods of processing their Personal Information and their rights concerning this information, for example, through a Confidentiality Policy or a "just-in-time" notice.
- 6.1.4. When the Act requires consent, it must be explicit, voluntary, informed, and given for specific purposes. It is sought for each of these purposes, in clear and simple terms. This consent is only valid for the duration necessary to achieve the purposes for which it was requested.

6.2. Use

- 6.2.1. The Municipality only uses Personal Information for the purposes for which this information was collected. However, the Municipality may change these purposes if the Concerned Individual consents in advance.
- 6.2.2. It may also use them for secondary purposes without the consent of the Concerned Individual, in either of the following cases:
 - when the use is for purposes compatible with those for which the information was collected;
 - when the use is clearly to the benefit of the Concerned Individual;
 - when the use is necessary for the application of a law in Quebec, whether or not such use is expressly provided for by the law;
 - when the use is necessary for study, research, or statistical production purposes, and the information is depersonalized.
- 6.2.3. When the Municipality uses Personal Information for secondary purposes in any of the first three cases outlined in section 6.2.2 above, it must record such use in the register provided for this purpose, as described in section 7.1.3

- 6.2.4. When the Act expressly requires it or when the processing of Personal Information is deemed to pose a higher risk to the Concerned Individuals, the Municipality initiates a Privacy Impact Assessment (PIA) under section 8 of this Policy to mitigate identified risks.
- 6.2.5. The Municipality establishes and maintains an inventory of Personal Information files that it collects, uses, and discloses. This inventory contains at least:
- the categories of information contained in it, the purposes for which the information is retained, and the management mode of each file;
 - the source of the information added to each file;
 - the categories of Concerned Individuals about whom information is added to each file;
 - the categories of individuals who have access to each file in the performance of their duties;
 - security measures taken to ensure the protection of Personal Information.
- 6.2.6. Any person who requests it has the right to access this inventory, except with respect to information whose confirmation of existence may be denied under the provisions of the Act.

6.3. Disclosure

- 6.3.1. Subject to exceptions provided for by the Act, the Municipality cannot disclose Personal Information without the consent of the Concerned Individual. Consent must be given explicitly when sensitive Personal Information is involved.
- 6.3.2. When Personal Information is disclosed to an agent or service provider as part of a mandate or service contract or for the execution of a mandate, the Municipality must enter into an agreement with the service provider or agent that includes the standard contractual provisions of the Municipality.
- 6.3.3. When Personal Information is disclosed to third parties outside Quebec, the Municipality conducts a Privacy Impact Assessment (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 Municipality takes all reasonable measures to ensure that the Personal Information it holds is up-to-date, accurate, and complete for the purposes for which it is collected or used.
- 6.4.2. The Municipality retains Personal Information for as long as necessary to conduct its activities, subject to deadlines set out in its retention schedule.

6.5. Destruction and Anonymization

- 6.5.1. When the purposes for which Personal Information has been collected are achieved, that information is destroyed or anonymized, subject to the Archives Act, RSQ, c. A-21.1, and in accordance with the retention schedule and document management rules of the Municipality.

7. REGISTERS

- 7.1. In accordance with the Act, the Municipality maintains the following registers:
- 7.1.1. Register of communications of Personal Information without the consent of a Concerned Individual in the following cases:

- when the Municipality discloses the identity of a Concerned Individual to a private person or organization in order to collect information already collected by them;
- when the Municipality discloses Personal Information necessary for the application of a law in Quebec, whether or not such disclosure is expressly provided for by the law;
- when the Municipality discloses Personal Information necessary for the application of a collective agreement, decree, order, directive, or regulation that establishes working conditions;
- when the Municipality discloses Personal Information to an agent or service provider as part of a mandate or service contract;
- when the Municipality discloses Personal Information for study, research, or statistical purposes;
- after conducting a Privacy Impact Assessment (PIA), when the Municipality discloses Personal Information in cases covered by Article 68 of the Act.

7.1.2. In the cases mentioned in section 7.1.1, the register includes:

- the nature or type of information disclosed;
- the person or organization receiving this disclosure;
- the purpose for which this information is disclosed and an indication, if applicable, that it involves the disclosure of Personal Information outside of Quebec;
- the reason justifying this disclosure.

7.1.3. Register of collection agreements concluded for the purpose of performing the functions or implementing a program of a public body collaborating with the Municipality in the provision of services or the execution of a joint mission. Such a register includes:

- The name of the organization for which information is collected;
- Identification of the program or allocation for which the information is necessary;
- The nature or type of service delivery or mission;
- The nature or type of information collected;
- The purpose for which this information is collected;
- The category of persons within the collecting organization and the receiving organization who have access to the information.

7.1.4. Register of uses of Personal Information within the Municipality for other purposes and without the consent of the Concerned Individual when such use is compatible with the purposes for which they were collected, clearly to the advantage of the Concerned Individual, or necessary for the application of a law in Quebec. Such a register includes:

- the reference to the subparagraph of the second paragraph of Article 65.1 of the Act allowing the use, i.e. the applicable legal basis;
- in the case referred to in paragraph 3 of the subparagraph of Article 65.1 of the Act, the legislative provision that makes the use of the information necessary;
- the category of persons who have access to the information for the indicated use.

7.1.5. Register of communications of information concerning a Confidentiality Incident to a person or organization capable of reducing the risk of serious harm associated with a Confidentiality Incident;

7.1.6. Register of confidentiality incidents. Such a register includes:

- a description of the Personal Information involved in the incident or, if this information is not known, the reason justifying the inability to provide such a description;
- a brief description of the circumstances of the incident;
- the date or period when the incident occurred or, if not known, an approximation of that period;

- the date or period during which the organization became aware of the incident;
- the number of Concerned Individuals affected by the incident or, if not known, an approximation of that number;
- a description of the factors that lead the organization to conclude whether there is a risk of serious harm to the Concerned Individuals or not, such as the sensitivity of the Personal Information involved, possible malicious uses of this information, anticipated consequences of its use, and the likelihood that it will be used for harmful purposes;
- if the incident poses a risk of serious harm, the dates of notifications to the CAI and the Concerned Individuals, in accordance with the second paragraph of Article 63.8 of the Act or the second paragraph of Article 3.5 of the *Act respecting the protection of personal information in the private sector*, as well as an indication of whether public notices were given by the organization and the reason for such notices, if applicable;
- a brief description of the measures taken by the organization, following the occurrence of the incident, to reduce the risks of harm.

8. PRIVACY IMPACT ASSESSMENT

- 8.1.** The Municipality conducts a Privacy Impact Assessment (PIA), particularly in the context of the following processing of Personal Information:
- before undertaking a project involving the acquisition, development, or redesign of an information system or electronic service delivery involving Personal Information;
 - before collecting Personal Information necessary for the exercise of the powers or the implementation of a program of a public body with which it collaborates in the provision of services or the execution of a joint mission;
 - before disclosing Personal Information without the consent of the Concerned Individuals:
 - to a person or organization wishing to use this information for study, research, or statistical production purposes;
 - when it intends to disclose Personal Information without the consent of Concerned Individuals in accordance with Article 68 of the Act;
 - when it intends to disclose Personal Information outside Quebec or entrust a person or organization outside Quebec with the collection, use, disclosure, or retention of such information on its behalf.
- 8.2.** When conducting a Privacy Impact Assessment (PIA), the Municipality takes into account the sensitivity of the Personal Information to be processed, the purposes of its use, its quantity, distribution, and medium, as well as the proportionality of the proposed measures to protect Personal Information.
- 8.3.** Furthermore, when Personal Information is disclosed outside Quebec, the Municipality ensures that such information receives adequate protection, especially in light of generally recognized principles of Personal Information protection.
- 8.4.** The completion of a Privacy Impact Assessment (PIA) serves to demonstrate that the Municipality has complied with all obligations regarding the protection of Personal Information and that all measures have been taken to effectively protect this 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 Municipality's PPP.

- 9.2. When the Privacy Impact Assessment (PIA) concludes that Personal Information may be disclosed for this purpose, the Municipality must enter into an agreement with the researchers that contains the Municipality's standard contractual provisions and any additional measures identified in the PIA.

10. SURVEYS

Any individual, organization, or other entity wishing to conduct a survey of Concerned Individuals using Personal Information held by the Municipality must do so in accordance with the Municipality's Survey Policy.

11. RIGHTS OF CONCERNED INDIVIDUALS

- 11.1. Subject to applicable laws, any Concerned Individual whose Personal Information is held by the Municipality has the following rights:
- the right to access the Personal Information held by the Municipality and obtain a copy, whether in electronic or non-electronic format;
 - unless this poses serious practical difficulties, computerized Personal Information collected from a Concerned Individual, not created or inferred from Personal Information about them, shall be provided to them in a structured and commonly used technological format, upon request. This information shall also be provided, upon request, to any person or organization authorized by law to collect such information.
 - the right to have any incomplete or inaccurate Personal Information held by the Municipality corrected;
 - the right to be informed, where applicable, that Personal Information is used to make a decision based solely on automated processing.
- 11.2. Although the right of access may be exercised at any time, access to documents containing this information is subject to certain exceptions identified in the Act.
- 11.3. Documents containing Personal Information may be accessed on-site or through other means, with or without the payment of fees. Where applicable, the Municipality informs the Concerned Individual of the obligation to pay fees before processing their request.
- 11.4. Requests for access to Personal Information by Concerned Individuals may be made verbally or in writing. Verbal requests will be handled informally and may not receive a written response.
- 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 PPP to locate the requested Personal Information. The right of access applies only to existing Personal Information.

12. HANDLING OF COMPLAINTS

Any complaint related to the Municipality's privacy protection practices or its compliance with the requirements of the Act must be submitted to the PPP, who must respond within 30 days.

13. SECURITY OF PERSONAL INFORMATION

- 13.1. The Municipality implements reasonable security measures to ensure the confidentiality, integrity, and availability of Personal Information collected, used, disclosed, retained, or destroyed. These measures take into account the sensitivity of the Personal Information, the purpose of its collection, its quantity, location, and medium.

- 13.2.** The Municipality manages access rights for its personnel to ensure that only those under confidentiality agreements and with a legitimate need within the scope of their duties have access to Personal Information.

14. INCIDENTS OF CONFIDENTIALITY

- 14.1.** Any Confidentiality Incident is managed in accordance with the Municipality's Incident Response Plan. The Municipality takes reasonable steps to mitigate risks of harm and prevent further similar incidents. It updates its Personal Information protection program as needed.
- 14.2.** Any Confidentiality Incident is reported to the PPP and recorded in the Confidentiality Incidents register, as outlined in section 7.1.6 of this Policy.
- 14.3.** If a Confidentiality Incident poses a risk of serious harm to Concerned Individuals, the Municipality promptly notifies them and the CAI.

15. ROLES AND RESPONSIBILITIES

- 15.1.** Protecting the Personal Information held by the Municipality is the responsibility of all individuals handling such information, particularly:
- 15.2.** The PPP:
- ensures the protection of Personal Information throughout its lifecycle, from collection to destruction;
 - serves on the Committee;
 - complies with requirements related to access or correction requests, including:
 - providing the requestor with notice of the date of receipt of their request;
 - informing the requestor of the timelines and their right to review;
 - responding to the request within 20 days, or, if processing the request appears impossible without disrupting the Municipality's normal operations, within an additional 10 days, after notifying the requestor in writing;
 - assisting the requestor in identifying the document likely to contain the sought information when their request is imprecise;
 - providing reasons for any refusal to grant access;
 - assisting the requester upon request to understand the decision concerning them.
 - Issuing a written decision and providing a copy to the requestor. The decision must be accompanied by the text of the provision on which the refusal is based, if applicable, and a notice informing them of the right to seek a review, including the timeframe for doing so;
 - ensuring that the information subject to the request is retained for the time required to allow the requestor to exhaust remedies provided by the Act.
 - supervises the keeping of the registers listed in section 7 of this Policy;
 - participates in assessing the risk of serious harm associated with 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;
 - where applicable, verifies confidentiality obligations in connection with the communication of Personal Information under mandates or service contracts entrusted to third parties in accordance with section 6.3.2 of this Policy.

15.3. The Committee:

- ensures the implementation of measures aimed at raising awareness and providing training to Municipality staff members and management on information access and personal information protection obligations and practices.
- develops information dissemination principles.
- approves this Framework Policy on personal information protection governance.
- issues guidelines on the use of marketing computer tools involving data communication or profiling.
- identifies key risks related to personal information protection and informs the management to propose corrective measures.
- approves any deviations from the established general principles of personal information protection.
- issues directives for personal information protection, including its storage by third parties and outside Quebec.
- is consulted, from the outset of a project and for the purposes of the PIA, for all projects involving the acquisition, development, or redesign of information systems or electronic service delivery involving personal information:
 - ensures that the implementation of the PIA is proportionate to the sensitivity of the information involved, the purposes for which it is used, the quantity and distribution of the information, and the hosting platform.
 - where applicable, ensures that the project allows for the communication of computerized personal information collected from individuals in a structured and commonly used technological format.
- escalates recommendations that are not followed to the PPP.
- must be informed of any privacy incident involving personal information and advise the Municipality on the necessary actions to take.
- reviews the Privacy Incident Response Plan in the event of a privacy incident.
- reviews rules for the collection and retention of personal information from surveys, including within the framework of the Municipality's Survey Policy.
- reviews any matters of interest related to personal information protection.
- reviews measures related to video surveillance and ensures compliance with privacy standards in its use.

15.4. Anyone who handles personal information held by the Municipality shall:

- act with care and integrate the principles outlined in this Policy into their activities;
- access only the information necessary for the performance of their duties;
- integrate and retain information only in records intended for the execution of their functions;
- maintain these records in a manner that allows only authorized individuals to access them;
- protect access to the personal information in their possession or to which they have access with a password;
- refrain from disclosing personal information they become aware of in the course of their duties unless duly authorized to do so;
- refrain from retaining, at the end of their employment or contract, personal information obtained or collected in the course of their functions and uphold their confidentiality obligations;
- dispose of any personal information in accordance with the Municipality's destruction procedure;
- participate in awareness and training activities related to personal information protection that are intended for them;
- report any breaches, privacy incidents, or any other situation or irregularity that could compromise the security, integrity, or confidentiality of personal information in accordance with the procedure established by the Municipality.

16. AWARENESS ACTIVITIES

The Municipality provides training and awareness activities to its personnel on the subject of personal information protection. Specifically, it will offer mandatory, tailored training to employees by sector of activity.

17. AWARENESS ACTIVITIES

Any individual who violates this Policy is subject to sanctions in accordance with the applicable regulatory framework.

18. UPDATES

In order to align with the evolving regulatory framework for personal information protection and to enhance the Municipality's personal information protection program, this Policy may be updated as needed. Please visit the Municipality's website for the most recent version.

19. EFFECTIVE DATE

This Policy comes into effect on September 22, 2023.