

THE JEWISH FOUNDATION OF MANITOBA PRIVACY CODE

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INTRODUCTION

At The Jewish Foundation of Manitoba (“The Jewish Foundation”) respecting privacy is an important part of our commitment to our donors and employees. That is why we have developed The Jewish Foundation of Manitoba Privacy Code. The Jewish Foundation of Manitoba Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the protection of personal information provided by The Jewish Foundation to its donors and employees. The objective of The Jewish Foundation of Manitoba Privacy Code is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of the *Personal Information Protection and Electronic Documents Act* (Canada).

The Jewish Foundation will continue to review The Jewish Foundation of Manitoba Privacy Code to make sure that it is relevant and remains current with changing industry standards, technologies and laws.

Summary of Principles

Principle 1 - Accountability

The Jewish Foundation is responsible for personal information under its control and shall designate one or more persons who are accountable for The Jewish Foundation’s compliance with the principles set out.

Principle 2 - Identifying Purposes for Collection of Personal Information

The Jewish Foundation shall identify the purposes for which personal information is collected at or before the time the information is collected.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of a donor or employee are required for the collection, use, or disclosure of personal information, except where inappropriate.

Principle 4 - Limiting Collection of Personal Information

The Jewish Foundation shall limit the collection of personal information to that which is necessary for identified purposes. The Jewish Foundation shall collect personal information by fair and lawful means.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

The Jewish Foundation shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law.

Principle 6 - Accuracy of Personal Information

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

Principle 7 - Security Safeguards

The Jewish Foundation shall protect personal information by security safeguards appropriate to the sensitivity of the information.

Principle 8 - Openness Concerning Policies and Procedures

The Jewish Foundation shall make readily available to donors and employees specific information about its policies and procedures relating to the management of personal information.

Principle 9 - Donor and Employee Access to Personal Information

The Jewish Foundation shall inform a donor or employee of the existence, use, and disclosure of his or her personal information upon request and shall provide the individual access to that information. A donor or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Principle 10 - Challenging Compliance

A donor or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for The Jewish Foundation's compliance with The Jewish Foundation of Manitoba Privacy Code.

Scope and Application

The ten principles that form the basis of The Jewish Foundation of Manitoba Privacy Code are interrelated and The Jewish Foundation shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary. As permitted by the *Personal Information Protection and Electronic Documents Act* (Canada), the commentary in The Jewish Foundation of Manitoba Privacy Code has been drafted to reflect personal information issues specific to The Jewish Foundation.

The scope and application of The Jewish Foundation of Manitoba Privacy Code are as follows:

- It applies to personal information collected, used, or disclosed by The Jewish Foundation in the course of commercial activities.
- It applies to the management of personal information in any form whether oral, electronic or written.
- It does not impose any limits on the collection, use or disclosure of the following information by The Jewish Foundation:
 - (a) An employee's name, title or business address or telephone number;
 - (b) Other information about an individual that is publicly available and is specified by regulation pursuant to the *Personal Information Protection and Electronic Documents Act* (Canada).
- It will not typically apply to information regarding The Jewish Foundation's corporate donors. However, such information may be protected by other Jewish Foundation policies and procedures or through contractual arrangements.
- Its application is subject to the requirements and provisions of the *Personal Information Protection and Electronic Documents Act* (Canada), the regulations enacted thereunder, and any other applicable legislation or regulation.

Definitions

collection: The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

consent: Voluntary agreement for the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of The Jewish Foundation. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

donor: An individual who donates to or through The Jewish Foundation.

disclosure: Making personal information available to a third party.

employee: An employee of or independent contractor to The Jewish Foundation.

personal information: Information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization.

The Jewish Foundation: The Jewish Foundation of Manitoba.

third party: An individual or organization outside of The Jewish Foundation.

use: The treatment, handling, and management of personal information by and within The Jewish Foundation or by a third party with the knowledge and approval of The Jewish Foundation.

The Jewish Foundation of Manitoba Privacy Code in Detail

Principle 1 - Accountability

The Jewish Foundation is responsible for personal information under its control and shall designate one or more persons who are accountable for The Jewish Foundation's compliance with the following principles.

- 1.1 Responsibility for compliance with the provisions of The Jewish Foundation of Manitoba Privacy Code rests with The Jewish Foundation Privacy Officer who can be reached at (204) 477-7520 or via info@jewishfoundation.org. Other individuals within The Jewish Foundation may be delegated to act on behalf of The Jewish Foundation Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information.
- 1.2 The Jewish Foundation shall make known, upon request, the title of the person or persons designated to oversee The Jewish Foundation's compliance with The Jewish Foundation of Manitoba Privacy Code.

- 1.3 The Jewish Foundation is responsible for personal information in its possession or control. The Jewish Foundation shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party.
- 1.4 The Jewish Foundation implements policies and procedures to give effect to The Jewish Foundation of Manitoba Privacy Code, including:
- (a) implementing procedures to protect personal information and to oversee The Jewish Foundation's compliance with The Jewish Foundation of Manitoba Privacy Code;
 - (b) implementing procedures to receive and respond to complaints or inquiries;
 - (c) training employees to understand and follow The Jewish Foundation's policies and procedures;
 - (d) developing information materials to explain The Jewish Foundation's policies and procedures; and
 - (e) reviewing on an annual basis the effectiveness of the policies and procedures to facilitate compliance with The Jewish Foundation of Manitoba Privacy Code and consideration of any revision as deemed appropriate.

Principle 2 - Identifying Purposes for Collection of Personal Information

The Jewish Foundation shall identify the purposes for which personal information is collected at or before the time the information is collected.

- 2.1 The Jewish Foundation generally collects personal information only for the following purposes:
- (a) to identify donors for general purposes and, unless a donation is made on an anonymous basis, to recognize the nature and amount of the contribution by the donor in the annual report of The Jewish Foundation;
 - (b) to send out tribute cards and maintain a record of both donors and recipients of tribute cards;
 - (c) to establish and maintain a list of endowment funds for informational and distribution purposes;
 - (d) to establish and maintain a listing of organizational endowment funds to be disclosed to the beneficiary of the corresponding organizational endowment for its legitimate business purposes;

- (e) to disclose to beneficiary organizations the name of the endowment fund that sources distributions received by that beneficiary organization.
- (f) To establish and maintain a list of scholarship and special grant applicants for the purpose of selecting scholarship and special grant recipients.
- (g) to provide to protect The Jewish Foundation against error and fraud;
- (h) to manage and develop The Jewish Foundation's personnel and employment matters;
and
- (i) to meet legal and regulatory requirements, including the issuance of tax receipts.

Further reference to "identified purposes" mean the purposes identified in this Principle.

- 2.2 Where appropriate, The Jewish Foundation shall specify orally, electronically or in writing the identified purposes to the donor or employee at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within The Jewish Foundation who can explain the purposes.
- 2.3 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is permitted or required by law, the consent of the donor or employee will be acquired before the information will be used or disclosed for the new purpose.
- 2.4 The Jewish Foundation shall document the purposes for which personal information is collected prior to the information being collected.
- 2.5 The Jewish Foundation shall make reasonable efforts to ensure that individuals are aware of the purposes for which personal information is collected, including any disclosures to third parties.

Principle 3 - Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of a donor or employee are required for the collection, use, or disclosure of personal information, except where inappropriate. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.

- 3.1 In obtaining consent, The Jewish Foundation shall use reasonable efforts to ensure that a donor or employee is advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the donor or employee.
- 3.2 Generally, The Jewish Foundation shall seek consent to use and disclose personal information at the same time it collects the information. However, The Jewish Foundation may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- 3.3 The Jewish Foundation may require donors to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use and/or disclosure is required to fulfill the explicitly specified and legitimate identified purposes.
- 3.4 In determining the appropriate form of consent, The Jewish Foundation shall take into account the sensitivity of the personal information and the reasonable expectations of donors and employees.
- 3.5 The purchase or use of products and services by a donor, or the acceptance of employment or benefits by an employee, may constitute implied consent for The Jewish Foundation to collect, use and disclose personal information for the identified purposes.
- 3.6 A donor or employee may withdraw consent at any time, subject to legal or contractual restrictions, provided that reasonable notice of withdrawal of consent is provided to The Jewish Foundation and the withdrawal of consent is in writing and includes an understanding by the individual that withdrawal of consent could mean that The Jewish Foundation cannot provide the individual with a related product or service. Donors and employees may contact The Jewish Foundation for more information regarding the implications of withdrawing consent.
- 3.7 The Jewish Foundation may collect or use personal information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated.

- 3.8 The Jewish Foundation may collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a breach of an agreement or a contravention of a law.
- 3.9 The Jewish Foundation may collect, use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- 3.10 The Jewish Foundation may use or disclose personal information without knowledge or consent to a lawyer representing The Jewish Foundation, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

Principle 4 - Limiting Collection of Personal Information

The Jewish Foundation shall limit the collection of personal information to that which is necessary for identified purposes. The Jewish Foundation shall collect personal information by fair and lawful means.

- 4.1 The Jewish Foundation collects personal information primarily from donors or employees.
- 4.2 The Jewish Foundation may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties who represent that they have the right to disclose the information.

Principle 5 - Limiting Use, Disclosure, and Retention of Personal Information

The Jewish Foundation shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law. The Jewish Foundation shall retain personal information only as long as necessary for the fulfillment of those purposes.

- 5.1 The Jewish Foundation may disclose a donor's personal information to:
 - (a) a third party who in the reasonable judgment of The Jewish Foundation is seeking the information as an agent of the client;
 - (b) a third party engaged by The Jewish Foundation to perform functions or services on its behalf;
 - (c) a public authority or agent of a public authority if, in the reasonable judgment of The Jewish Foundation, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information; or

- (d) a third party or parties, where the donor consents to such disclosure or disclosure is required or permitted by law.

5.2 The Jewish Foundation may disclose personal information about its employees:

- (a) for normal personnel and benefits administration;
- (b) in the context of providing references regarding current or former employees in response to requests from prospective employers;
- (c) to a third party who in the reasonable judgment of The Jewish Foundation is seeking the information as an agent of the employee;
- (d) a public authority or agent of a public authority if, in the reasonable judgment of The Jewish Foundation, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information; or
- (e) where the employee consents to such disclosure or disclosure is required or permitted by law.

5.3 Only The Jewish Foundation's employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information about donors and employees.

5.4 The Jewish Foundation shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a donor or employee, The Jewish Foundation shall retain, for a period of time that is reasonably sufficient to allow for access by the donor or employee, either the actual information or the rationale for making the decision.

5.5 The Jewish Foundation shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

Principle 6 - Accuracy of Personal Information

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

6.1 Personal information used by The Jewish Foundation shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a donor or employee.

- 6.2 The Jewish Foundation shall update personal information about donors and employees as necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 - Security Safeguards

The Jewish Foundation shall protect personal information by security safeguards appropriate to the sensitivity of the information.

- 7.1 The Jewish Foundation shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures, regardless of the format in which it is held.
- 7.2 The Jewish Foundation shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All of The Jewish Foundation's employees with access to personal information shall be contractually required to respect the confidentiality of that information.
- 7.4 The nature of the safeguards will vary depending on the sensitivity, amount, distribution and format of the information, and the method of storage. More sensitive information will be safeguarded by a higher level of protection.
- 7.5 The methods of protection will include:
- (a) physical measures, for example, locked filing cabinets and restricted access to offices;
 - (b) organizational measures, for example, controlling entry to data centers and limiting access to information on a "need-to-know" basis;
 - (c) technological measures, for example, the use of passwords and encryption; and
 - (d) investigative measures, in cases where The Jewish Foundation has reasonable grounds to believe that personal information is being inappropriately collected, used or disclosed.

Principle 8 - Openness Concerning Policies and Procedures

The Jewish Foundation shall make readily available to donors and employees specific information about its policies and procedures relating to the management of personal information.

- 8.1 The Jewish Foundation shall make information about its policies and procedures easy to understand, including:
- (a) the title and address of the person or persons accountable for The Jewish Foundation's compliance with The Jewish Foundation of Manitoba Privacy Code and to whom inquiries and/or complaints can be forwarded;
 - (b) the means of gaining access to personal information held by The Jewish Foundation;
 - (c) a description of the type of personal information held by The Jewish Foundation, including a general account of its use; and
 - (d) a description of what personal information is made available to related organizations (e.g. subsidiaries).
- 8.2 The Jewish Foundation shall make available information to help donors and employees exercise control of the collection, use and/or disclosure of their personal information and, where applicable, privacy-enhancing services available from The Jewish Foundation.

Principle 9 - Donor and Employee Access to Personal Information

Upon request, The Jewish Foundation shall inform a donor or employee of the existence, use, and disclosure of his or her personal information and shall provide the individual access to that information. A donor or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Upon request, The Jewish Foundation shall afford donors and employees a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time, and at minimal or no cost to the individual.
- 9.2 In certain situations, The Jewish Foundation may not be able to provide access to all the personal information that it holds about a donor or employee. For example, The Jewish Foundation may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, The Jewish Foundation may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor - donor privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of the laws of Canada or a province.

- 9.3 Upon request, The Jewish Foundation shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, The Jewish Foundation shall provide a list of third parties to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, a donor or employee may be required to provide sufficient identification information to permit The Jewish Foundation to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- 9.5 The Jewish Foundation shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, The Jewish Foundation shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- 9.6 Clients and employees can obtain information or seek access to their individual files by contacting The Jewish Foundation Privacy Officer.

Principle 10 - Challenging Compliance

A donor or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for The Jewish Foundation's compliance with The Jewish Foundation of Manitoba Privacy Code.

- 10.1 The Jewish Foundation shall maintain procedures for addressing and responding to all inquiries or complaints from its donors and employees regarding The Jewish Foundation's handling of personal information.
- 10.2 The Jewish Foundation shall inform its donors and employees about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with The Jewish Foundation of Manitoba Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 The Jewish Foundation shall investigate all complaints concerning compliance with The Jewish Foundation of Manitoba Privacy Code. If a complaint is found to be justified, The Jewish Foundation shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A donor or employee shall be informed of the outcome of the investigation regarding his or her complaint.

Additional Information

For more information regarding The Jewish Foundation of Manitoba Privacy Code, please contact The Jewish Foundation Privacy Officer at (204)477-7520 or via info@jewishfoundation.org. Access requests, inquiries or complaints should be addressed in writing to:

The Jewish Foundation of Manitoba
C400-123 Doncaster Street
Winnipeg, Manitoba
R3M 3R5
Attention: Privacy Officer

Please visit the Privacy Commissioner of Canada's web site at www.privcom.gc.ca.