



# GOVERNANCE POLICY ON THE PROTECTION OF PERSONAL INFORMATION

# Table of Contents

1. PREAMBLE.....	3
2. PURPOSE.....	3
3. LEGAL FRAMEWORK.....	3
4. DEFINITIONS .....	4
5. SCOPE.....	4
6. PROCESSING OF PERSONAL INFORMATION .....	5
6.1. Collection.....	5
6.2. Use.....	5
6.3. Release .....	6
6.4. Retention.....	7
6.5. Destruction and anonymization.....	7
7. REGISTERS.....	7
8. PRIVACY IMPACT ASSESSMENT .....	9
9. RESEARCH ACTIVITIES AND ACCESS TO PERSONAL INFORMATION .....	10
10. RIGHTS OF PERSONS CONCERNED .....	10
11. PROCESS FOR HANDLING COMPLAINTS .....	11
12. SECURITY OF PERSONAL INFORMATION .....	11
13. CONFIDENTIALITY INCIDENTS.....	12
14. ROLES AND RESPONSIBILITIES.....	12
15. AWARENESS ACTIVITIES .....	15
16. SANCTIONS.....	15
17. UPDATES.....	15
18. COMING INTO EFFECT .....	15

## 1. PREAMBLE

In carrying out its activities and mission, the City of Côte Saint-Luc (the "City") processes personal Information, particularly information regarding visitors to its website, citizens and employees. In this respect, it recognizes the importance of respecting privacy and protecting personal Information that it holds.

To fulfill its obligations in this regard, the City has adopted this Policy. The Policy sets out the framework principles applicable to the protection of personal Information held by the City throughout its Life Cycle, and to the rights of the persons concerned.

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

## 2. PURPOSE

This Policy:

- sets out the principles governing the City's governance of personal Information throughout its Life Cycle and the exercise of the rights of the persons concerned;
- provides a process for handling complaints related to the protection of personal Information;
- defines the roles and responsibilities regarding the protection of personal Information within the City;
- describes the training and awareness activities that the City offers to its employees.

## 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* (CQLR, c. A-2-1.). In accordance with this Act, this policy is available on the City's website.

## 4. DEFINITIONS

For the purposes of this policy, the following terms are defined as:

**“CAI”**: Commission d'accès à l'information du Québec.

**“Committee”**: the City's Access to Information and Protection of Personal Information Committee.

**“Life Cycle”**: all steps involved in the processing of personal Information, including collection, use, release, retention and destruction of said information.

**“Privacy Impact Assessment” or “PIA”**: the preventive approach aiming to better protect personal information and respect the privacy of individuals. This assessment consists of considering all factors that would have positive and negative consequences on the respect of the private life of the persons concerned.

**“Confidentiality Incident”**: any authorized consultation, use or release of personal information, or any loss or other breach of the protection of this information.

**“Act”**: the *Act respecting Access to documents held by public bodies and the Protection of personal information*, CQLR, c. A-2.1.

**“Concerned Person”**: a natural person to whom personal information relates.

**“Personal Information”**: any information concerning a natural person that allows them to be identified directly, either by using this information by itself or indirectly, or by combining it with other information.

**“Person in charge of Access to Documents” or “PAD”**: The person who, within the City, carries out this duty and must respond to requests for access to documents in accordance with the Act.

**“Sensitive Personal Information”**: Any personal information that - by its nature, in particular its medical, biometric or otherwise intimate nature, or due to how it is used or released – comes with a very high reasonable expectation of privacy.

**“Person in charge of the Protection of Personal Information” or “PPPI”**: The person who, within the City, carries out this function and ensures compliance and enforcement of the Act regarding the protection of personal information.

## 5. SCOPE

This Policy applies to the personal information held by the City and to any person processing personal information held by the City.

## 6. PROCESSING OF PERSONAL INFORMATION

The protection of personal information is ensured throughout its Life Cycle in accordance with the following principles except as provided for by the Act.

### 6.1. Collection

- 6.1.1 The City only collects personal information needed to carry out its mission and activities. Before collecting personal information, the City defines the purposes of processing said information. The City only collects personal information that is strictly necessary for the purposes indicated.
- 6.1.2 Personal information is collected only from the person concerned or from his or her authorized agent or assistant.
- 6.1.3 At the time of collection, and subsequently upon request, the City informs the persons concerned, in particular, of the purposes and methods of processing their personal information and about their rights regarding this information, for example by means of a privacy policy or a notice to this effect.
- 6.1.4 When the Act requires obtaining consent, it must be evident, free, explicitly stated and given for specific purposes. For each of these purposes, it must be put in simple and clear terms. This consent is only valid for the time needed to achieve the purposes for which it was requested.

### 6.2 Use

- 6.2.1 The City only uses personal information for the purposes for which this information was collected. However, the City may modify these purposes if the person concerned consents in advance.
- 6.2.2 The City may also use them for secondary purposes without the consent of the person concerned in one of the following cases:
  - 6.2.2.1 When the use is for purposes compatible with those for which the information was collected;
  - 6.2.2.2 When the use is clearly for the benefit of the person concerned;
  - 6.2.2.3 When the use is necessary for the application of a Québec Act, whether or not this use is expressly provided for under the law;
  - 6.2.2.4 When the use is necessary for study, research or statistical production purposes, and the information is depersonalized.

- 6.2.3 When the City uses personal information for secondary purposes in one of the first three cases listed in Section 6.2.2 above, it must record such use in the register provided for this purpose, as described in Section 7.1.1.
- 6.2.4 When expressly provided by the Act or when processing of personal information is deemed to pose a greater risk for the persons concerned, the City shall conduct a PIA pursuant to Section 8 hereof in order to minimize the identified risks.
- 6.2.5 The City shall establish and maintain an updated inventory of the personal information files that it collects, uses and releases. This inventory contains at least:
  - 6.2.5.1 The categories of information it contains, the purposes for which the information is kept, and the method used to manage each file;
  - 6.2.5.2 The origin of the information included in each file;
  - 6.2.5.3 The categories of persons concerned by the information included in each file;
  - 6.2.5.4 The categories of persons who have access to each file in the performance of their duties;
  - 6.2.5.5 The security measures taken to ensure the protection of personal information.

### 6.3 Release

- 6.3.1 Subject to the exceptions provided for under the Act, the City cannot release personal information without the consent of the person concerned. Consent must be given explicitly when sensitive personal information is involved.
- 6.3.2 When personal information is released to an agent or service provider as part of a mandate or service contract or for the execution of a mandate, the City must enter into an agreement with the service provider or the agent that includes the standard contractual provisions of the City.
- 6.3.3 When personal information is released to third parties outside Québec, the City conducts a PIA in accordance with section 8 of this policy. Communication to third parties is recorded in the register provided for this purpose.

## 6.4 Retention

- 6.4.1 The City takes reasonable measures to ensure that the personal information it holds is up to date, accurate, and complete to serve the purposes for which it is collected or used.
- 6.4.2 The City retains personal information for as long as necessary to carry out its activities, subject to the deadlines provided for in its retention schedule.

## 6.5 Destruction and anonymization

- 6.5.1 When the purposes for which the personal information was collected are achieved, this information is destroyed or anonymized, subject to the *Archives Act* (CQLR, ch. A-21-1), and following the deadlines provided for in the retention schedule and the City records management rules.

## 7. REGISTERS

7.1. In accordance with the Act, the City maintains the following registers:

7.1.1. Register of releases of personal information without the consent of a person concerned in the following cases:

- When the City releases the identity of a person concerned to an individual or a private organization in order to collect information already collected by the latter;
- When the City releases personal information necessary for the application of an Act in Québec, whether or not the law explicitly provides for the release of the information;
- When the City releases personal information necessary for the carrying out of a collective agreement, order, directive or by-law establishing conditions of employment;
- When the City releases personal information to an agent or service provider under the terms of a mandate or a service contract;
- When the City releases personal information for study, research or statistics purposes;
- After conducting a PIA, when the City releases personal information in the cases referred to in Section 68 of the Act.

7.1.2. In the cases referred to in Subsection 7.1.1, the register includes:

- The nature or type of information released;
- The person or organization receiving the information released;

- The purpose for which this information is collected and the indication, where applicable, that it concerns release of personal information outside Québec;
- The reason justifying the release.

7.1.3. Register of collection agreements signed for the purposes of performing duties or implementing a program of a public body with which the City works for the providing of services or the achievement of a common mission. This register includes:

- The name of the organization for which the information is collected;
- Identification of the program or the assignment for which the information is required;
- The nature or type of service provided or mission;
- The nature or type of information collected;
- The purpose for which this information is collected;
- The category of persons, within the organization, collecting the information, and within the receiving organization, having access to the information.

7.1.4. Register of uses of personal information within the City for other purposes and without the consent of the person concerned when this use is compatible with the purposes for which the information was collected and is clearly for the benefit of the person concerned or that it is necessary for the application of an act in Québec. This register includes:

- The mention of the subparagraph of the second paragraph of Section 65.1 of the Act allowing the use, i.e., the applicable legal basis;
- In the case referred to in subparagraph 3 of the second paragraph of Section 65.1 of the Act, the legislative provision which makes the use of the information necessary;
- The category of persons who have access to the information for the purposes of the indicated use.

7.1.5. Register of releases of information regarding a confidentiality incident to a person or organization likely to reduce the risk of serious harm associated with a confidentiality incident.

7.1.6. Register of confidentiality incidents. This register includes:

- A description of personal information affected by the incident or, if this information is not known, the reason justifying the inability of providing 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 persons concerned by the incident, or, if not known, an approximation of this number;
- A description of the factors that lead the organization to conclude that there is or is not a risk that serious harm will be caused to the persons concerned, such as the sensitivity of the personal information concerned, the possible malicious uses of this information, the anticipated consequences of its use and the likelihood that it will be used for harmful purposes;
- If the incident poses a risk that serious harm will be caused, the dates of transmission of the notices to the CAI and to the persons concerned, pursuant to the second paragraph of section 63.8 of the *Act respecting Access to documents held by public bodies and the Protection of personal information*, as well as a statement indicating whether public notices have been given by the organization and why, if applicable;
- A brief description of the measures taken by the organization, following the occurrence of the incident, in order to reduce the risk of harm being caused.

## 8. PRIVACY IMPACT ASSESSMENT

8.1 The City conducts a PIA, particularly in the context of the following processing methods for 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 needed to carry out the responsibilities or the implementation of a program of a public body with which it collaborates for the providing of services or for the achievement of a common mission;
- Before releasing personal information without the consent of the persons concerned to a person or an organization that wants to use this information for study, research or statistics production purposes;
- When the City intends to release personal information, without consent of the persons concerned, in accordance with section 68 of the Act;
- When the City intends to release personal information outside Québec or entrust a person or an organization outside Québec with the collection, use, release or retention of such information on its behalf.

8.2. When conducting a PIA, the City takes into account the sensitivity of the personal information to be processed, the purposes of its uses, its quantity, its distribution and the medium on which it is stored, as well as the proportionality of the measures proposed to protect the personal information.

8.3. In addition, when personal information is released outside Québec, the City ensures that it benefits from adequate protection, especially with respect to generally recognized principles of protection of personal information.

8.4. Completing a PIA serves to demonstrate that the City 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. This type of request must be submitted to the person in charge of the protection of personal information for the City.

9.2. When the PIA concludes that personal information may be released for this purpose, the City must enter into an agreement with the researchers that stipulates the City's standard contractual provisions and any additional measures identified in the PIA.

## 10. RIGHTS OF PERSONS CONCERNED

10.1 Subject to the applicable laws, any person concerned whose personal information is held by the City has the following rights:

- The right to access personal information held by the City and obtain a copy, whether in electronic or non-electronic format;
  - Unless this raises serious practical difficulties, computerized personal information collected from a person concerned, and not created or inferred from personal information concerning them, is released to them in a structured and commonly used technological format, at their request. This information is also released, upon request, to any person or body authorized by law to collect such information;

- The right to have any incomplete or inaccurate personal information held by the City corrected;
  - The right to be informed, when applicable, that personal information is used to make a decision based on automated processing;
- 10.2 Although the right to access can be exercised at any time, access to documents containing this information is subject to certain exceptions as identified in the Act.
- 10.3 Documents containing personal information may be consulted on site or otherwise accessed, with or without payment of fees. If applicable, the City shall inform the person concerned of the obligation to pay fees before processing their request.
- 10.4 Requests for access to personal information by the persons concerned may be addressed verbally or in writing. Verbal requests will be handled informally and may not receive a written response.
- 10.5 Requests for access to sensitive personal information must be addressed in writing and will in turn receive a written response.
- 10.6 Requests for access to personal information must be sufficiently specific to allow the PPPI to locate said personal information. The right to access only applies to existing personal information.

## 11. PROCESS FOR HANDLING COMPLAINTS

- 11.1 Any complaint relating to the City's personal information protection practices or its compliance with the requirements of the Act concerning personal information must be sent to the PPPI, who must respond within thirty (30) days.

## 12. SECURITY OF PERSONAL INFORMATION

- 12.1 The City implements reasonable security measures to ensure the confidentiality, integrity and availability of personal information collected, used, released, kept or destroyed. These measures take into account, in particular, the degree of sensitivity of the personal information, the purpose of its collection, its quantity and location, and the manner in which it is stored.

- 12.2 The City 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.

## 13 CONFIDENTIALITY INCIDENTS

- 13.1 Any confidentiality incident is handled in accordance with the City's established procedure. The City then takes reasonable measures to reduce the risk of harm being caused and to prevent further similar incidents.
- 13.2 Any confidentiality incident is reported to the PPPI and recorded in the Confidentiality Incident Register, in accordance with section 7.1.6 of this policy.

If the confidentiality incident poses a risk of serious harm to the persons concerned, the City shall promptly notify them, as well as the CAI.

## 14 ROLES AND RESPONSIBILITIES

- 14.1 Protecting the personal information held by the City is based on the commitment of all those processing this information, and more particularly:

- 14.2 The PPPI:

- Ensures the protection of personal information throughout its life cycle, from collection to destruction;
- Serves on the Committee;
- Complies with requirements related to requests for access or rectification, subject to the responsibilities assigned to the PAD, including:
  - Providing the applicant with notice of the date of receipt of their application;
  - Informing the applicant of the deadlines and of their right to review;
  - Responding to the application within 20 days or, if processing the request does not appear possible without negatively impacting the normal course of the City's activities, within an additional ten (10) days, after notifying the applicant in writing;
  - Assisting the applicant in identifying the document likely to contain the sought after information when the request is imprecise;
  - Providing reasons for any refusal to comply with a request for access;
  - Assisting the applicant upon request to understand the decision concerning his or her request;

- Issuing a decision in writing and providing a copy to the applicant. It must be accompanied by the text of the provision on which the refusal is based, if applicable, and a notice informing the applicant of the right to seek a review and indicating in particular the timeframe for doing so;
  - Ensuring that the information requested is kept for the time required to allow the applicant to exhaust the recourses provided in the Act;
- Supervises the keeping of the registers listed in section 7 of this policy;
  - Participes in assessing the risk of serious harm linked to a confidentiality incident, in particular regarding the sensitivity of the information concerned, the anticipated consequences of its use and the likelihood that this information will be used for malicious purposes;
  - Where applicable, verifies confidentiality obligations related to the release of personal information as part of mandates or service contracts entrusted to third parties in accordance with section 6.3.2 of this policy.

#### 14.3 The Committee

- Ensures the implementation of measures aimed at raising awareness and training members of staff and members of City management on obligations and practices regarding access to information and protection of personal information;
- Develops information distribution principles;
- Approves this governance policy on the protection of personal information;
- Issues guidelines on the use of marketing computer tools involving data release or profiling;
- Identifies the main risks regarding the protection of personal information and informs management so that corrective measures can be proposed;
- Approves any deviation from the general principles of protection of personal information that have been established;
- Issues directives for the protection of personal information, in particular for retention by third parties and outside Québec;
- Is consulted, from the onset of a project and for the purposes of the PIA, for all projects involving the acquisition, development and redesign of information systems or electronic delivery of services involving personal information:
  - Ensures that the implementation of the PIA is proportionate to

the sensitivity of the information concerned, the purposes for which it is used, the quantity and distribution of the information and the medium on which it will be hosted;

- When applicable, ensures that the project makes it possible to release to the person concerned the computerized personal information collected from them in a structured and commonly used technological format;

- Escalates any recommendations that are not followed to the PPPI;
- Must be informed of any confidentiality incident involving personal information and must advise the City on the actions to be taken;
- Reviews the response procedure in the event of a confidentiality incident;
- Reviews the rules for the collection and retention of personal information from surveys, in accordance with the terms and conditions and the politics of the “Trait d’union” platform;
- Reviews any issue of interest relating to the protection of personal information;
- Reviews the measures related to video surveillance and ensures compliance with privacy standards in its use.

14.4 Any person who handles personal information held by the City:

- Acts with caution and integrates the principles outlined in this policy into their activities;
- Accesses only the information needed to perform their duties;
- Integrates and retains information only in files intended to carry out their duties;
- Stores these files so that only authorized persons have access to them;
- Protects access to personal information in their possession or to which they have access with a password;
- Refrains from releasing 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 duties, and upholds their confidentiality obligations;
- Destroys all personal information in accordance with the City’s procedures and records management policy;
- Participates in awareness and training activities on the protection of personal information intended for them;
- Reports any breach, confidentiality incident or any other situation or irregularity that could compromise in any way the security, integrity or confidentiality of personal information in accordance with the procedure established by the City.

## 15 AWARENESS ACTIVITIES

- 15.1 The City offers training and awareness activities to its employees regarding the protection of personal information, either through information meetings or web-based training.

## 16 SANCTIONS

- 16.1 Any person who violates this policy is liable to sanctions based on the applicable normative framework.

## 17 UPDATES

- 17.1 In order to follow the evolution of the normative framework applicable to the protection of personal information and to improve the City's personal information protection program, this policy may be updated as necessary. Please visit the City's website for the most recent version.

## 18 EFFECTIVE DATE

- 18.1 This policy takes effect upon its adoption by the City Council.

Prepared by: Me Pascalie Tanguay, Director of Legal Services and City Clerk  
City of Côte Saint-Luc

Approved by: The Côte Saint-Luc City Council

January 15, 2024