

Guide to Developing a Community of Faith

Personal Information Privacy Policy

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## Background

Federal legislation requires that all organizations that collect, use, disclose, and retain personal information for commercial purposes must have a policy for the protection of that information. Since Ontario has not yet implemented its own privacy legislation, communities of faith (CoFs) in Ontario are subject to the Federal legislation. The Act is called [Personal Information Protection and Electronic Documents Act (PIPEDA)](https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/pipeda_brief/).

For most of their activities, PIPEDA is not applicable to communities of faith. However, operations that are of a commercial nature are applicable. These may include: used clothing stores, day camp registrations, events for which a registration or ticketing fee is charged. It is uncertain as to whether donation activities could be deemed to be “commercial”.

Though Ontario has not yet implemented its own privacy legislation the Ontario government has clearly indicated its intention to create “made-in-Ontario” privacy legislation that will be applicable to all types of organizations, regardless of whether they are involved in commercial activities. As a result, the Ontario legislation will have application to both charities and not for profit organizations.

In 2002, the Ontario government released a draft version of the proposed Ontario privacy legislation, called the Privacy of Personal Information Act, 2002 (PPIA). There have been many revisions to the initial draft of PPIA. It is important to note that all drafts did not contain appropriate “implied consent” provisions, but instead required that actual consent be obtained in all situations, regardless of pre-existing relationships. PPIA also did not contain adequate “opt-out” language but instead focused on “opt-in” provisions which were not realistic in today’s information driven society.

In May 2018, the Privacy Commissioner issued new guidance documents: one on [inappropriate data practices](https://www.priv.gc.ca/en/privacy-topics/collecting-personal-information/consent/gd_53_201805/) (effective on July 1, 2018) and one on obtaining [meaningful consent](https://www.priv.gc.ca/en/privacy-topics/collecting-personal-information/consent/gl_omc_201805/) (effective on January 1, 2019). On November 1, 2018, the new data breach reporting and recordkeeping regime under PIPEDA came into effect.

**The Regional Council, therefore, recommends in an effort towards ‘best practice’ and in preparation for PPIA legislation, a written policy be put in place to protect information of a personal nature related to the activities of a community of faith.**

## What is “personal information”

While PIPEDA is not specific about what is “personal information”, it does indicate that any information about an identifiable individual could be deemed to be personal information. It specifically excludes the name, title, business address and telephone number of employees as well as certain other publicly available information such as names, addresses, and telephone numbers published in telephone directories. For more information see [Summary of privacy laws in Canada](https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/02_05_d_15/).

## How to Write a Policy

There are basically four steps to work through to develop your own privacy policy:

1. Appoint a Privacy Officer
2. Understand what activities are “commercial”
3. Conduct a privacy audit
4. Write the policy

This guide is designed to walk you through each of these steps asking appropriate questions, and providing background information. In the end, though, each community of faith must be responsible for writing a policy, which can be implemented and managed at the local community of faith level.

## Appoint a Privacy Officer

The privacy officer will be responsible for ensuring the community of faith’s compliance with the policy. This individual should have a good grasp of the various programs in the community of faith and be fully aware of the requirements of PIPEDA. We suggest that this be someone who will retain the function for a number of years, rather than making it a position that will rotate annually.

## Understand What Activities Are “Commercial”

For most communities of faith donation activities will be the only activity that could be considered “commercial”. Communities of faith that operate other programs for which there are fees charged will need to consider these programs as well. While names, addresses and telephone numbers that are published in telephone directories are not defined as “personal information”, communities of faith are cautioned that membership directories should be published for internal use only. It would be wise to put a notice to this effect on any printed directory. Individuals have the right to request that their name and contact information not be published in such a directory.

## Conduct a privacy audit

The next step is to conduct a privacy audit. Gather and review all the forms used to collect what could be deemed “personal information”. The intent is to understand

* What is collected?
* How is it collected?
* Why is it collected?
* How is it used?
* How is it kept?
* How is it secured?
* Who has access to it? And,
* To whom it is disclosed

## Write the Policy

The [PIPEDA fair information principles](https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/p_principle/) are:

1. **Accountability** – ensuring that a privacy officer has been appointed.
2. **Identifying purposes** – ensuring that the organization can identify the purpose for which each piece of personal information is collected.
3. **Consent** – ensuring that the individual has consented to the collection, use, retention and disclosure of personal information.
4. **Limiting collection** – ensuring that the organization does not collect unnecessary personal information.
5. **Limiting use, disclosure and retention** – ensuring that the organization does use or disclose personal information for a purpose other than that for which it was collected, without first obtaining consent. Ensuring that the organization retains personal information only as long as is necessary for the fulfillment of the purpose for which it was given.
6. **Accuracy** – ensuring that the personal information is accurate and complete. Providing a means for individuals to update their personal information.
7. **Safeguards** – ensuring that appropriate measures are in place to protect personal information from risks such as loss, misuse, unauthorized access, disclosure or alteration (paper, computer, or cloud files).
8. **Openness** – ensuring that policies and procedures relating to management of personal information will be shared on request.
9. **Access** – ensuring that individuals will have right of access to their personal information kept by the organization.
10. **Challenging compliance** – ensuring that a procedure is in place to handle enquiries or complaints concerning compliance.

Please refer to the Privacy Policy Template found on the Regional Council Website under Congregational Support Toolkits. If you have questions contact your Minister for Congregational Support and Mission.

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# Sample letters and forms for requests for information in registers.

## Cover Letter

March 12, 2020

Ms. Joan Smith

123 Anywhere Street

Somewhere BC V1P 6B3

Dear Ms. Smith:

Thank you for your request for information from our records.

Enclosed, as per your request, is a certified transcript of your record of as found in the Register of Trinity United Church from 1965.

Sincerely,

Mr. Jack Ledger

Secretary

Trinity United Church

Encl.

## Record of Baptism

**RECORD OF BAPTISM**

***NAME:***

***FATHER’S NAME:***

***MOTHER’S NAME:***

***DATE OF BIRTH:***

***PLACE OF BIRTH:***

***DATE OF BAPTISM:***

***PLACE OF BAPTISM:***

***OFFICIATING MINISTER:***

***I CERTIFY*** that this is a true copy of the record of baptism for

as found in the Baptismal Register of Trinity United Church,

12 March, 2020

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Mr.) Jack Ledger

Trinity United Church

The United Church of Canada

## Record of Marriage

**RECORD OF MARRIAGE**

***BRIDEGROOM* Name: Residence:**

**Age:**

**Place of Birth:**

**Marital Status: Occupation:**

**Religious Denomination:**

***Names of Parents:******Father:***

***Mother (Maiden Name):***

***BRIDE* Name: Residence:**

**Age:**

**Place of Birth:**

**Marital Status:**  **Occupation:**

**Religious Denomination:**

***Names of Parents:******Father:***

***Mother (Maiden Name):***

***MARRIAGE BY LICENCE OR BANNS:***

***WITNESSES:***

***MINISTER:***

***DATE OF MARRIAGE:***

I CERTIFY that this is a true copy of the record of marriage of and as found in the Marriage Register of Trinity United Church

12 March, 2020

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Mr.) Jack Ledger

Trinity United Church

The United Church of Canada

## Record of Burial

**RECORD OF BURIAL**

***NAME:***

***AGE:***

***CAUSE OF DEATH:***

***RESIDENCE AT TIME OF DEATH:***

***PLACE OF DEATH:***

***DATE OF DEATH:***

***PLACE OF BURIAL:***

***DATE OF BURIAL:***

***OFFICIATING MINISTER:***

***I CERTIFY*** that this is a true copy of the burial record of as found in the Burial Register of Trinity United Church,

12 March, 2020

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Mr.) Jack Ledger

Trinity United Church

The United Church of Canada