

Personal Information Protection and Electronic Documents Act (PIPEDA)

Policy and Procedures

Introduction

The Insurance Brokers Association of Alberta is committed to respect the privacy rights of individuals by ensuring that their personal information is collected, used, and disclosed in such a manner that a reasonable person would consider appropriate in the circumstances.

This policy is based on the principles and rules set out in the federal Personal Information Protection and Electronic Documents Act (PIPEDA) that came into force on January 1, 2001.

Following the Definitions, 10 separate policy statements with procedural rules compose our policy:

- Policy 1: Accountability
- Policy 2: Identifying Purposes
- Policy 3: Consent
- Policy 4: Limiting Collection
- Policy 5: Limiting Use, Disclosure, and Retention
- Policy 6: Accuracy
- Policy 7: Safeguards
- Policy 8: Openness
- Policy 9: Individual Access
- Policy 10: Challenging Compliance.

Definitions

IBAA—Insurance Brokers Association of Alberta.

Member—insurance brokerage office, owners, and employees; affiliate member companies, owners, and employees; associate members.

Personal Information—material about an identifiable individual, not including an employee's name, title, business address, or business telephone number.

Privacy Officer—the individual or individuals appointed by IBAA to be accountable for compliance with the policies and procedures.



Policy 1: Accountability

IBAA appoints one or more individuals, known as our Privacy Officer(s), with sufficient authority and accountability within IBAA to ensure our compliance with the following 9 policies and procedures.

Procedures

1. Our Privacy Officers may be contacted as follows:

George Hodgson
Insurance Brokers Association of Alberta
3010 Calgary Trail NW
Edmonton, AB T6J 6V4
780.702.3719 (phone)
780.424.7418 (fax)
ghodgson@ibaa.ca (email)

Rikki McBride
Insurance Brokers Association of Alberta
3010 Calgary Trail NW
Edmonton, AB T6J 6V4
780.702.3715 (phone)
780.424.7418 (fax)
rmcbride@ibaa.ca (email)



Policy 2: Identifying Purposes

IBAA will identify the purposes for which we collect personal information at or before the time the information is collected.

Procedures

2.1 We may choose to identify such purposes *orally* or in *writing*. Written notification will be used whenever practical to do so and includes description on www.ibaa.ca.

IBAA commonly collects private information for the following purposes:

- enabling IBAA to acquire or renew a member;
- assessing membership fees;
- course and event registration;
- product purchases;
- assessing the member's need for other products;
- ensuring that member information is accurate and up to date;
- protecting the member against inaccuracy;
- promoting various group benefits and products;
- promoting IBAA brokers with consumers;
- soliciting for education courses;
- recording and keeping information on course completion, designations, prerequisites, and success statistics;
- promoting our professional liability insurance and group health-benefits programs;
- promoting our convention and annual meeting;
- sharing information with members, suppliers, Alberta Insurance Council, and Sage Advisor Resources.

2.2 We may choose to explain orally to members the purposes for which personal information is being collected and then document the conversation in the member's file. Alternatively, an application form may be used.

2.3 We will identify any *new* purposes that arise for use of personal information—and obtain prior consent for this new use—even if we have already identified certain *initial* purposes. However, such notification will occur only when the intended new purpose truly constitutes a “new” use (i.e., when the purpose now being proposed is sufficiently *different* from the purpose initially identified).

Note 1: The “Consent for the Collection, Use, and Disclosure of Personal Information” identifies the same common purposes for collection as set out in paragraph 2.1 above. If members or non-members have received this consent form, we will *not provide any further disclosure* in relation to such purposes.

Note 2: There may be a situation in which we are not required to explain purposes, including those situations outlined in paragraph 3.8 “Exceptions” under *Policy 3: Consent*.



Policy 3: Consent

We will obtain the appropriate consent from individuals for the collection, use, or disclosure of their personal information, except where the law provides an exemption.

Procedures

- 3.1 We may obtain express consent for the collection, use, or disclosure of personal information, or we may determine that consent has been implied by the circumstances.
- 3.2 *Express* consent is a specific authorization given by the individual to IBAA, either *orally* or in *writing*. *Implied* consent is one in which IBAA has not received a specific authorization but the circumstances allow us to collect, use, or disclose personal information.
- 3.3 *Express written* includes the following methods:
- signing a consent form (such as the “Consent for the Collection, Use, and Disclosure of Personal Information”);
 - providing a letter, application form, or other document authorizing certain activities;
 - providing authorization electronically (through a computer).
- 3.4 *Express oral* consent can be given in person or over the telephone. If we obtain an *express oral* consent, we will normally make note of that consent in the member’s file.
- 3.5 We will often seek express consent at the onset of a new membership relationship. However, we may determine that an individual’s application for membership in our organization implies consent for us to collect, use, and disclose personal information in a reasonable manner.
- 3.6 Subject to legal exceptions, consent may be withdrawn at any time. We generally require such withdrawal to be in writing. Serious consequences, such as IBAA’s inability to form or renew a membership or a group-benefit product, may result from failing to provide or withdrawing consent.
- 3.7 Depending on whether a *new purpose* is identified for a member’s personal information, we may choose to seek a new consent. We do not consider regular updating of information in a member’s file to be a new purpose and, therefore, will not seek new consent for this purpose.
- 3.8 *Exceptions:* We are *not* required to obtain an individual’s consent or explain purposes for the collection, use, or disclosure of personal information in circumstances including but not limited to the following conditions:
- **Collection:** We may collect personal information without consent where such collection is in the individual’s interest and timely consent is unavailable, or to investigate a breach of an agreement (such as *e-fraud*) or other contravention of law.
 - **Use:** We may use personal information without consent for similar reasons as those listed beside “collection” above, and in an emergency situation in which an individual’s life, health, or security is threatened.
 - **Disclosure:** We may disclose personal information without consent for law enforcement and national security purposes, for debt collection, to a lawyer representing our organization, and in an emergency situation in which an individual’s life, health, or security is threatened.



Policy 4: Limiting Collection

The personal information we collect will be limited to that which is necessary for the purposes we have identified.

Procedures

- 4.1 We collect personal information only for specific, legitimate purposes. We will not collect personal information indiscriminately.
- 4.2 We will collect information only by fair and lawful means and not by misleading or deceiving individuals about the purpose for which information is being collected.
- 4.3 IBAA may need to obtain personal information about members *from* third parties, for example, those parties identified in the separate form entitled “Consent for the Collection, Use, and Disclosure of Personal Information.”

Note: There may be situations in which we collect personal information for legitimate purposes not identified to the individual, including those situations outlined in paragraph 3.8 “Exceptions” under *Policy 3: Consent*.

Policy 5: Limiting Use, Disclosure, and Retention

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. We will retain personal information only as long as necessary for the fulfillment of those purposes.

Procedures

- 5.1 We will use or disclose personal information only for legitimate, identified purposes.
- 5.2 We will retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected. We will abide by industry standards applicable in the Province of Alberta regarding minimum and maximum retention periods.
- 5.3 Educational records will be permanently maintained unless the individual becomes inactive for a reasonable period of time as defined by industry standards.
- 5.3 Personal information that is no longer required to fulfill identified purposes will be destroyed, erased, or made anonymous. See *Policy 7: Safeguards*, paragraph 7.7.

Note: There may be situations in which we use, disclose, or retain personal information for legitimate purposes not identified to the individual, including those situations outlined in paragraph 3.8 “exceptions” under *Policy 3: Consent*.



Policy 6: Accuracy

The personal information we collect will be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.

Procedures

- 6.1 Our organization will, on an ongoing basis, ensure the accuracy and completeness of personal information under our care and control.
- 6.2 Individuals who provide their personal information to us must do so in an accurate and complete manner.
- 6.3 We consider a *regular updating of member and non-member personal information* to be necessary to ensure the accuracy of our files.
- 6.4 Our goal is to minimize the possibility that inappropriate information may be used to make a decision about any individual whose personal information we process.
- 6.5 Our process for ensuring accuracy and completeness will involve the following steps:
 - initial collection from the member or the non-member;
 - verification of accuracy and completeness by the member or the non-member;
 - regular reviews.
- 6.6 As more particularly described in *Policy 9: Individual Access*, we will provide recourse to individuals who appear to have legitimate corrections to make to their information on file. Once significant errors or omissions have been identified, we will correct or amend the information as appropriate. Where necessary, we will send such corrected or amended information to third parties who have had access to the information in question (such as the Alberta Insurance Council, Sage Advisor Resources Corp., and our services providers that require IBAA membership).

Policy 7: Safeguards

We will safeguard the security of personal information under our control in a manner that is appropriate to the sensitivity of the information.

Procedures

- 7.1 We will protect the security of all personal information, regardless of the format in which it is held or the degree of sensitivity, against loss or theft and against unauthorized access, disclosure, copying, use, or modification.
- 7.2 More sensitive information will be safeguarded by a higher level of protection.
- 7.3 In determining what safeguards are appropriate, we will consider the following factors:
- the sensitivity of the information;
 - the amount of information held;
 - the parties to whom information will be disclosed;
 - the format in which the information is held;
 - the way in which the information is physically stored.
- 7.4 We will use reasonable means to ensure that client personal information is given a comparable level of protection while being processed by a third party. If not practical to obtain written assurances, we may choose to make a written notation in our own file(s).
- 7.5 When transferring client information to a third party, we will remove or mask any information that is not strictly needed by the third party.
- 7.6 Our methods of protection include the following safeguards:
- physical measures, such as locked filing cabinets and restricted access;
 - organizational measures, such as security clearances and limited access on a “need-to-know” basis;
 - technological measures, such as the use of passwords, encryption, and secure website transactions.
- 7.7 Through the following procedures, we will ensure that our policies and procedures on safeguarding personal information are clearly communicated and accessible to our employees:
- training staff on the subject of personal information protection, including the limitations on collection of personal information;
 - having regular staff meetings in which we review our procedures and revise where appropriate.
- 7.8 We will take precautions in the disposal or destruction of personal information to prevent unauthorized parties from gaining access to the information after it has been disposed. These measures include the following precautions:
- shredding documents before recycling them;
 - deleting electronically stored information.



Policy 8: Openness

We will make readily available to individuals specific information about our policies and procedures relating to the management of personal information that is under our control.

Procedures

- 8.1 Individuals will be able to inquire about our policies and procedures without unreasonable effort.
- 8.2 We will tell our receptionist and other staff members who our Privacy Officer is so that members of the public can easily be informed.
- 8.3 We will make information about our policies and procedures available in a variety of ways, as these example suggest:
 - publishing this document on www.ibaa.ca;
 - mailing out information;
 - publishing other privacy-related materials on www.ibaa.ca.
- 8.4 We will make publicly available the following information:
 - the name or title and the address of our Privacy Officer(s);
 - the means of gaining access to personal information held by the organization;
 - a description of the type of personal information held by the organization and a general account of its use;
 - written information that explains our policy and procedures;
 - a general list of the kinds of personal information made available by us to other organizations (e.g., Sage Advisor Resources Corp., a subsidiary fully owned by IBAA) or individuals.



Policy 9: Individual and Administrative Access

Upon request, individuals and administrators will be informed of the existence, use, and disclosure of relevant personal information that is under our control, and may be given access to the information in order to challenge the accuracy and completeness of that information.

Procedures

- 9.1 Upon written request, an individual will be informed as to whether or not we hold personal information about him or her. If we do hold such personal information, upon written request, we will usually provide access to the information, as well as a general account of its use.
- 9.2 Upon written request, brokerage administrators may be given access to their employees' IBAA website logons and continuing education credits.
- 9.3 The manner in which access will be given may vary, depending on the format in which the information is held (i.e., hard copy or electronic).
- 9.4 Upon written request, we will provide a list of third parties to whom we may have disclosed an individual's personal information. If we are unsure exactly which third parties may have received the information, we will provide a list of third parties *likely* to have received the information.
- 9.5 Individuals will be required to *provide us sufficient information* to permit us to disclose the existence and use of personal information.
- 9.6 The procedure for making a request is as follows:
1. Requests for continuing education information can be sent by email to ibaa@ibaa.ca or made in writing using the separate form entitled "Personal Information Request/Complaint Form."
 2. Requests for membership information or E&O records should be directed to Janis Losie by phone (780.414.9045 / 800.318.0197 x 123) or mail (jlosie@ibaa.ca, IBAA, 3010 Calgary Trail NW, Edmonton, AB T6J 6V4).
 3. Requests for billing information should be directed to Robyn Benson by phone (780.414.9057 / 800.318.0197 x 157) or mail (rbenson@ibaa.ca), IBAA, 3010 Calgary Trail NW, Edmonton, AB T6J 6V4).
 4. We will respond to a request *within* 30 days after receipt of the request, unless we first advise you that we need a longer period to respond.
 5. Reasons: If we refuse a request, we will inform the individual in writing of the refusal, explaining the reasons and any recourse the individual may have, including the possibility that he or she may file a complaint with the Privacy Commissioner of Canada.
 6. Deemed refusal: Notwithstanding sub-paragraphs (4) and (5), if we do not respond within the above time limit, we will be deemed to have refused the request.
- 9.7 IBAA might be prevented from providing access in the following exceptions:
- Personal information about another person might be revealed;
 - Commercially confidential information might be revealed;
 - Someone's life or security might be threatened;
 - The information was collected without consent for the purposes related to an investigation of a breach of an agreement or contravention of the law;
 - The information was generated during the course of a formal dispute resolution process.



Policy 10: Challenging Compliance

An individual may address a challenge concerning compliance with the above policies and procedures to our Privacy Officer.

Procedures

- 10.1 Upon request, individuals who wish to inquire or file a complaint about the manner in which we handled their personal information—or about our personal information policies and procedures—will be informed of our applicable complaint procedures.
- 10.2 To file a complaint, an individual must fill out a “Privacy Information Request/Complaint Form,” which requires basic information and a description of the nature of the complaint, and send it to an IBAA Privacy Officer.
- 10.3 Upon receipt of the complaint form, IBAA’s response will follow the following practices:
 - We will acknowledge the complaint right away;
 - We will assign someone to investigate;
 - We will give the investigator unfettered access to files and personnel, etc.;
 - We will clarify facts directly with the complainant, where appropriate;
 - We will advise the complainant in writing of the outcome of our investigation, including any steps taken to rectify the problem, if applicable.
- 10.4 IBAA will document all complaints made by clients, as well as our actions in response to complaints, by noting these details in the individual’s file and also in a master privacy file.

For More Information

Questions on the matters addressed in this policy should be directed to an IBAA Privacy Officer. Contact information may be found in *Policy 1: Accountability*.

