

Guide to Developing a Local Church Privacy Policy

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, CBOQ churches in Ontario are subject to the Federal legislation. The Act is called *Personal Information Protection and Electronic Documents Act* (PIPEDA). Churches in Quebec are subject to provincial legislation.

For most of their activities, churches are not covered by the act. However, operations that are of a commercial nature are covered. For example: used clothing stores, day camp registrations, events for which a registration fee is charged. It is uncertain as to whether donation activities could be deemed to be “commercial”. CBOQ therefore recommends that as an effort towards ‘best practice’, a written policy be put in place to protect information of a personal nature related to the donation activities of a local church.

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.

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 church must be responsible for writing a policy, which can be implemented and managed at the local church level.

Appoint a Privacy Officer

The privacy officer will be responsible for ensuring the church’s compliance with the policy. This individual should have a good grasp of the various programs in the church 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 member churches donation activities will be the only activity that could be considered “commercial”. Churches 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”, churches 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 Canadian Standards Association has developed a model of ten key points, which seems to be the basis of most privacy policies. They are:

- Accountability – ensuring that a privacy officer has been appointed.
- Identifying purposes – ensuring that the organization can identify the purpose for which each piece of personal information is collected.
- Consent – ensuring that the individual has consented to the collection, use, retention and disclosure of personal information.
- Limiting collection – ensuring that the organization does not collect unnecessary personal information.
- 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.
- Accuracy – ensuring that the personal information is accurate and complete. Providing a means for individuals to update their personal information.
- Safeguards – ensuring that appropriate measures are in place to protect personal information from risks such as loss, misuse, unauthorized access, disclosure or alteration.
- Openness – ensuring that policies and procedures relating to management of personal information will be shared on request.
- Access – ensuring that individuals will have right of access to their personal information kept by the organization.
- Enquiries & complaints – ensuring that a procedure is in place to handle enquiries or complaints concerning compliance.

CBOQ has opted to write a very general privacy policy that covers these ten key points. Behind the policy however, one needs to ensure that adequate procedures and processes are in place to maintain the spirit of the policy.

Following is a sample policy, which could be adapted for use in a local church.

DISCLAIMER: This guide is provided for information purposes only and is not intended as advice to the local church. Information is current only as of the date that the guide was prepared. Readers are advised to seek professional advice for their particular situation.

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ABC BAPTIST CHURCH POLICY TO PROTECT PERSONAL INFORMATION

Purpose:

This policy is to safeguard personal information entrusted to ABC Baptist Church and to comply with the requirements of the *Personal Information Protection and Electronic Documents Act* (PIPEDA) and any other applicable legislation.

Privacy Principles:

ABC Baptist Church is committed to maintaining the accuracy, confidentiality and security of all personal information in its possession. The Church, its Board members, officers, employees and volunteers are required to comply with this policy. As part of this commitment ABC Baptist Church has adopted the following ten principles, based on the values set by the Canadian Standards Association's *Model Code for the Protection of Personal Information* and Canada's *Personal Information Protection and Electronic Documents Act*.

1. Accountability

ABC Baptist Church has appointed a Privacy Officer who is responsible for the organization's compliance with this policy. Each Board, Committee, employee and volunteer is responsible for maintaining and protecting the personal information under its control and is accountable, for such information, to the Privacy Officer.

2. Identifying purposes

ABC Baptist Church collects and uses personal information about individuals solely for the following purposes:

- a. To enable communication;
- b. To provide income tax receipts; and,
- c. To meet statutory and regulatory requirements.

[Note: You will need to add to this list based on information collected during your privacy audit]

Business contact information and certain publicly available information, such as names, addresses and telephone numbers as published in telephone directories, are not considered personal information.

The only circumstance under which personal information may be disclosed to third parties is for the fulfillment of any purposes identified above, or as required by law. Where personal information is disclosed to third parties for the fulfillment of any purposes identified above, the church will make all reasonable efforts to ensure that the third party has appropriate security procedures in place for the protection of the personal information being transferred.

3. Consent

Unless we hear otherwise, provision of personal information on official church forms, constitutes consent for the Church to collect, use and disclose personal information for the purposes stated in this policy.

An individual may refuse or withdraw consent at any time, subject to legal and contractual restrictions and reasonable notice. The choice to provide us with personal information is always the individual's. Decisions to withhold particular information may impact one's ability to meet specific requirements for the provision of certain services.

An individual may refuse or withdraw consent by contacting the Privacy Officer at *[insert phone number]*. The Privacy Officer will explain the options and any consequences of refusing or withdrawing consent, and will record the individual's choice.

4. Limiting collection

The personal information the Church collects shall be limited only to that which is necessary for the purposes identified.

5. Limiting use, disclosure and retention

The personal information the Church collects will only be used or disclosed for the purposes for which it was collected, unless an individual has consented or when it is required or permitted by law. Personal information will be retained only as long as is necessary for the fulfillment of the purposes for which it was collected, or as required by law.

6. Accuracy

ABC Baptist Church will make all reasonable efforts to ensure that personal information is as accurate, complete, and current as required for the purposes for which it was collected. If an individual finds any inaccuracies in our information, they should inform us and we will make the appropriate corrections promptly. In some cases, the Church relies on the individual to ensure that certain

information, such as mailing address, email address and telephone number, is current, complete and accurate.

7. Safeguards

ABC Baptist Church uses appropriate security safeguards to protect personal information from risks such as loss, misuse, unauthorized access, disclosure, or alteration. Safeguards include physical, administrative, and electronic security measures.

All employees and volunteers of the Church are required to abide by the privacy standards we have established. They are also required to work within the principles of ethical behaviour, and must follow applicable laws and regulations. In the course of daily operations, access to personal information is restricted to those employees and volunteers whose job responsibilities require them to access it.

8. Openness

ABC Baptist Church will provide information to individuals about our policies and procedures relating to the overall management of personal information that is under our control or with regard to specific personal information about which an individual may have a concern. Contacting the Privacy Officer at [insert phone number] can access this information.

9. Access

An individual has the right to access their personal information under the control of the Church. Upon request in writing to the Privacy Officer at the address listed below, the individual will be informed of the existence, use, and disclosure of their personal information and will be given access to the information. In certain exceptional situations, the Church may not be able to provide access to certain personal information that it holds about an individual. For example, the Church may not provide access to personal information if doing so would reveal personal information about a third party. If access cannot be provided, ABC Baptist Church will notify the individual, in writing, of the reasons for refusal.

10. Handling enquiries and complaints

Any questions or enquiries concerning compliance with our privacy policies and procedures may be addressed to the Privacy Officer by telephone at [insert phone number], by email at [insert email address] or by regular mail at [insert mailing address].

11. Revisions to this policy

The development of the ABC Baptist Church's policies and procedures for the protection of personal information is an ongoing process. Due to changes in technology and legal requirements, the Church may revise this policy from time to time. For a copy of the current version please contact: [insert contact information or refer to the website].