

Manitoba Crafts Museum and Library PRIVACY POLICY

Revised: Spring 2022

Adopted: September 7, 2022

Responsibility: Board of Directors

To be reviewed: 1st quarter 2025



1.0 Intent

MCML wants to make sure organizational compliance with the legal obligations imposed by the federal government's *Personal Information Protection and Electronic Documents Act* ("**PIPEDA**") regarding the collection, use and disclosure of personal information in commercial activities. MCML also strives to live up to its organizational values.

The purpose of this policy is to promote responsible personal information management practices MCML also wants stakeholders to know what principles and guidelines have been adopted for the collection, use, disclosure and retention of personal information. In this regard, MCML has adopted as the foundation of this Privacy Policy the 10 Principles that are set out in the National Standard of Canada entitled "*Model Code for the Protection of Personal Information*" and that form part of PIPEDA by being attached as Schedule 1 to PIPEDA.

Against this background, the following principles guide MCML in the collection, use, disclosure and retention of personal information. Since MCML regularly reviews all of its policies and procedures, and since privacy law can be expected to evolve in Canada as the Office of the Privacy Commissioner and the courts provide guidance as to the application of PIPEDA to specific fact situations, as PIPEDA may itself be amended and as provincial privacy laws are enacted, this policy may be updated from time to time.

2.0 SCOPE AND APPLICATION

The scope and application of this Privacy Policy is as follows:

- 2.1 The 10 Principles that form the basis of this Privacy Policy are interrelated, and MCML will strive to adhere to them as a whole.
- 2.2 This Privacy Policy applies to personal information about MCML donors, donors' family members, ancestors and/or acquaintances, other individuals whose personal information is provided to MCML by third parties, our sponsors, volunteers, visitors, researchers who request access to the records/archives/collections, and other individuals in the general community with whom MCML interact (collectively, "**MCML members, visitors and other constituents**" that MCML collect, use or disclose in the course of MCML activities.
- 2.3 This Privacy Policy applies to the management of personal information in any form, whether written, oral or electronic.
- 2.4 This Privacy Policy does not impose any limits on our collection, use or disclosure of any of the following information:
 - a) an individual's name, address and telephone number that appears in a telephone directory that is available to the public, where the individual can refuse to have their personal information appear in such a directory;
- 2.5 MCML may disclose an individual's personal information to:
 - (a) a third party that is involved in carrying out organizational activities or in supplying that individual with MCML products and/or services;
 - (b) a third party that MCML has engaged to perform functions on our behalf or provide services to MCML, such as accounting, fundraising or direct mail processing;
 - (c) a person who, in our reasonable judgment, is seeking the information as an agent of that individual. For example, MCML may provide information about an individual's donations or sponsorships to that

individual's legal, accounting or financial advisors if MCML are satisfied that an advisor is requesting the information on behalf of that individual;

- (d) a third party who requests such disclosure in respect of a research project that MCML has reviewed and considered to be acceptable;
- (e) a public authority or agent of a public authority if, in our reasonable judgment, it appears that there is imminent danger to life or property which could be avoided or minimized by the disclosure of the information;
- (f) a third party that is affiliated with or otherwise related to or part of our organizational group;
- (g) a third party where that individual has consented to such disclosure;
- (h) a third party with whom MCML is negotiating for the purpose of them taking over some or all of MCML product and/or service offerings and/or other organizational activities; and
- (i) a third party where such disclosure is required or permitted by law.

2.6 Only MCML employees, contractors, directors and volunteers with a business need to know, or whose duties or services reasonably so require, are granted access to personal information about MCML members, visitors and other constituents.

2.7 MCML will 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 an individual, MCML will retain, for a period of time that is reasonably sufficient to allow for access by that individual, either the actual information or the rationale for making the decision.

2.8 MCML will 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 will be destroyed, erased or made anonymous.

- 2.9 All donors and sponsors will be recognized for their donations, sponsorships or other gifts in accordance with the MCML Donor/Sponsor Recognition Policy unless a particular donor/sponsor wishes to remain anonymous.

3.0 GOVERNING PRINCIPLES

Principle 1 – Accountability

MCML is responsible for personal information in our possession or under MCML control.

3.1.1 MCML will implement policies and procedures to give effect to this Privacy Policy, including:

- (a) implementing procedures to protect personal information and to oversee MCML compliance with this Privacy Policy;
- (b) developing information materials to explain MCML policies and procedures;
- (c) training MCML employees, contractors and volunteers about MCML policies and procedures; and
- (d) establishing procedures to receive and respond to inquiries or complaints.

Principle 2 - Identifying Purposes for Collection of Personal Information

MCML will identify the purposes for which personal information is collected at or before the time the information is collected.

3.2.1 MCML collect personal information only for the following purposes:

- (a) to identify MCML members, visitors and other constituents;
- (b) to establish and maintain responsible relationships with MCML members, visitors and other constituents;
- (c) to understand, develop and/or enhance the needs, desires, concerns or opinions of MCML members, visitors and other constituents;

- (d) to carry out organizational activities (and provide products and/or services in the course of doing so), all with a view to advancing the goals of our Mission Statement;
- (e) to manage and develop MCML business and operations; and
- (f) to meet legal and regulatory requirements.

3.2.2 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose will be identified prior to use. Unless the new purpose is permitted or required by law, consent will be required before the personal information will be used or disclosed for the new purpose.

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

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

- 3.3.1 In obtaining consent, MCML will use reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information is being collected and will be used or disclosed. Purposes will be stated in a manner that can be reasonably understood by that individual.
- 3.3.2 Generally, MCML will seek consent to use and disclose personal information at the same time as MCML collect the information. However, MCML may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.
- 3.3.3 In determining the appropriate form of consent, MCML will take into account the sensitivity of the personal information and the reasonable expectations of the individual to whom the personal information relates.
- 3.3.4 An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Individuals may contact MCML for more information regarding the implications of withdrawing consent.

3.3.5 In certain circumstances, personal information can be collected, used or disclosed without the knowledge and consent of the individual. For example:

- (a) 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;
- (b) if seeking the consent of the individual might defeat the purpose for collecting the information, such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction;
- (c) if there is an emergency where the life, health or security of an individual is threatened; or
- (d) if disclosure is to a lawyer representing MCML, to comply with a subpoena, warrant or other court order, or is otherwise required or authorized by law.

Principle 4 - Limiting Collection of Personal Information

MCML will limit the collection of personal information to that which is necessary for the purposes that MCML has identified. MCML will collect personal information by fair and lawful means.

3.4.1 Generally, MCML will collect personal information from the individual to whom it relates.

3.4.2 MCML may also collect personal information from other sources, including family members, acquaintances 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

MCML will 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 by law. MCML will retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected.

3.5.1 MCML will promptly correct or complete any personal information found to

be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness will be noted in the individual's file. Where appropriate, MCML will transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.

3.5.2 Individuals can obtain information or seek access to their personal information by contacting the MCML office during office hours.

Principle 6 - Accuracy of Personal Information

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

3.6.1 Personal information used by MCML will be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about an individual.

3.6.2 MCML will update personal information about an individual as necessary to fulfill the identified purposes or upon notification by that individual.

Principle 7 - Security Safeguards

MCML will protect personal information through the use of security safeguards appropriate to the sensitivity of the information.

3.7.1 MCML will use appropriate security measures to protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, regardless of the format in which it is held.

3.7.2 MCML will protect personal information disclosed to third parties (including researchers) by contractual or other means stipulating the purposes for which it is to be used and the necessity to provide a comparable level of protection.

Principle 8 - Openness Concerning Policies and Procedures

MCML will make readily available to members, visitors, and other constituents

specific information about MCML policies and procedures relating to MCML management of personal information.

Principle 9 - Access to Personal Information

MCML will inform an individual of the existence, use and disclosure of his or her personal information upon request, and will give the individual access to that information. An individual will be able to challenge the accuracy and completeness of the information and request to have it amended as appropriate.

- 3.9.1 Upon request, MCML will provide a stakeholder or other constituent with a reasonable opportunity to review the personal information in the individual's file. Personal information will be provided in an understandable form within a reasonable time and at minimal or no cost to the individual.
- 3.9.2 In certain situations MCML may not be able to provide access to all of the personal information MCML holds about an individual. In such a case, MCML will provide the reasons for denying access upon request. For example:
- (a) if doing so would likely reveal personal information about another individual or could reasonably be expected to threaten the life or security of another individual;
 - (b) if doing so would reveal any confidential information;
 - (c) if the information is protected by solicitor-client privilege;
 - (d) if the information was generated in the course of a formal dispute resolution process; or
 - (e) if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction.
- 3.9.3 Upon request, MCML will provide an account of the use and disclosure of personal information and, where reasonably possible, will state the source of the information. In providing an account of disclosure, MCML will provide a list of organizations to which MCML may have disclosed personal information about the individual when it is not possible to provide an actual list.

3.9.4 In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit MCML to account for the existence, use and disclosure of personal information and to authorize access to a particular file. Any such information will be used only for this purpose.

b) an employee's name, title, business address or telephone number; or

c) other information about an individual that is publicly available or that is specified by regulation pursuant to PIPEDA.

3.9.5 The application of this Privacy Policy is subject to the requirements and provisions of PIPEDA, the regulations enacted thereunder and any other applicable legislation, regulation, court order or other lawful authority.

Principle 10 - Challenging Compliance

3.10.1 MCML will investigate all complaints concerning compliance with this Privacy Policy. If a complaint is found to be justified, MCML will take appropriate measures to resolve the complaint including, if necessary, amending MCML policies and procedures. An individual will be informed of the outcome of the investigation regarding his or her complaint.

4.0 POLICY REVIEW

The Manitoba Crafts Museum and Library shall review these policies on a regular basis, at least once every three (3) years.

President

Date

ADDITIONAL INFORMATION

For more information please contact:

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