

# Privacy Code

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**Table of Contents**

- 1.0 Introduction ..... 1**
- 2.0 Summary of Principles ..... 1**
- 3.0 Scope and Application..... 1**
- 4.0 Definitions.....2**
- 5.0 PTC Privacy Code .....3**
- 5.1 Accountability .....3**
- 5.2 Identifying Purposes for Collection of Personal Information .....3**
- 5.3 Obtaining Consent for Collection, use or Disclosure of Personal Information .....4**
- 5.4 Limiting Collection of Personal Information .....5**
- 5.5 Limiting Use, Disclosure, and Retention of Personal Information.....5**
- 5.6 Accuracy of Personal Information.....6**
- 5.7 Security Safeguards .....6**
- 5.8 Openness Concerning Policies and Procedures .....6**
- 5.9 Individual’s Access to Personal Information .....7**
- 5.10 Challenging Compliance .....8**
- 6.0 Additional Information .....8**
- 7.0 History of Changes .....8**

## 1.0 Introduction

The PTC Privacy Code is a statement of principles and guidelines regarding the minimum requirements for the collection, use and disclosure of personal information. The objective of The PTC Privacy Code is to promote responsible and transparent personal information management practices in a manner consistent with the provisions of the *Personal Information Protection and Electronic Documents Act*(PIPEDA)(Canada).

PTC will continue to review The PTC Privacy Code to make sure that it is relevant and remains current with changing industry standards, technologies and laws. This document can also be found on the PTC website.

## 2.0 Summary of Principles

The following are the principles on which this code is based:

- PTC is responsible for personal information under its control and shall designate one or more persons who are accountable for PTC's compliance with the following principles.
- PTC shall identify the purposes for which personal information is collected at or before the time the information is collected.
- The knowledge and consent of an individual are required for the collection, use, or disclosure of personal information, except where inappropriate.
- PTC shall limit the collection of personal information to that which is necessary for the purposes identified by PTC. PTC shall collect personal information by fair and lawful means.
- PTC shall 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.
- Personal information shall be as accurate, complete, and up to date as is necessary for the purposes for which it is to be used.
- PTC shall protect personal information by security safeguards appropriate to the sensitivity of the information.
- PTC shall make readily available to individuals specific information about its policies and procedures relating to the management of personal information.
- PTC shall inform an individual of the existence, use, and disclosure of his or her personal information upon request and shall give the individual access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
- An individual shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for PTC's compliance with The PTC Privacy Code.

## 3.0 Scope and Application

The ten principles that form the basis of The PTC Privacy Code are interrelated and PTC shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary. As permitted by PIPEDA (Canada), the commentary in The PTC Privacy Code has been drafted to reflect personal information issues specific to PTC.

The scope and application of The PTC Privacy Code are as follows:

- The PTC Privacy Code applies to personal information collected, used, or disclosed by PTC in the course of its commercial activities.
- The PTC Privacy Code applies to the management of personal information in any form, whether oral, electronic or written.
- The PTC Privacy Code does not impose any limits on the collection, use or disclosure of the following information by PTC:
  - an employee's name, title or business address or telephone number;
  - other information about the individual that is publicly available and is specified by regulation pursuant to PIPEDA (Canada).
- The PTC Privacy Code will not typically apply to information regarding PTC's corporate members. However, such information may be protected by other PTC policies and practices and through contractual arrangements.
- The application of The PTC Privacy Code is subject to the requirements and provisions of PIPEDA (Canada), the regulations enacted thereunder, and any other applicable legislation or regulation.

## 4.0 Definitions

*collection:* The act of gathering, acquiring, recording, or obtaining personal information from any source, including third parties, by any means.

*consent:* Voluntary agreement for the collection, use or disclosure of personal information for defined purposes. Consent can be either expressed or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of PTC. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.

*member:* An individual who purchases or otherwise acquires or uses any of PTC's products or services or otherwise provides personal information to PTC in the course of PTC's commercial activities.

*disclosure:* Making personal information available to a third party.

*employee:* An employee of or independent contractor to PTC.

*individual:* A natural person who is a client, employee or volunteer under the terms of the PTC Privacy Code.

*personal information:* Information about an identifiable individual, but does not include the name, title, business address or telephone number of an employee of an organization.

*PTC:* Proficiency Testing Canada Inc.

*third party:* An individual or organization outside of PTC.

*use*: The treatment, handling, and management of personal information by and within PTC or by a third party with the knowledge and approval of PTC.

*volunteer*: A person who performs or offers to perform a service voluntarily. (e.g., a Board member, a committee member).

## 5.0 PTC Privacy Code

### 5.1 ACCOUNTABILITY

*PTC is responsible for personal information under its control and shall designate one or more persons who are accountable for PTC's compliance with the following principles.*

- Responsibility for compliance with the provisions of The PTC Privacy Code rests with the PTC Privacy Officer who can be reached at 613-233-5300 or via email at *communications@PTCanada.org*. Other individuals within PTC may be delegated to act on behalf of the PTC Privacy Officer or to take responsibility for the day-to-day collection and/or processing of personal information.
- PTC shall make known, upon request, the identity of the PTC Privacy Officer.
- PTC is responsible for personal information in its possession or control. Whenever personal information is transferred by PTC to a third party for processing, PTC shall use contractual or other means to provide a comparable level of protection while information is being processed or used by a third party.
- PTC shall implement policies and procedures to give effect to The PTC Privacy Code, including:
  - implementing procedures to protect personal information and to oversee PTC's compliance with The PTC Privacy Code;
  - implementing procedures to receive and respond to complaints or inquiries;
  - training and communicating to staff about PTC's policies and procedures; and
  - developing information materials to explain PTC's policies and procedures.

### 5.2 IDENTIFYING PURPOSES FOR COLLECTION OF PERSONAL INFORMATION

*PTC shall identify the purposes for which personal information is collected at or before the time the information is collected.*

- PTC collects personal information only for the following purposes:
  - Typically, the personal information collected about you is used by PTC to confirm your identity, to communicate with you, to respond to your inquiries/comments, to send you important notices about the association, to assess your application and, to fulfill the legal and legitimate business requirements of PTC, to properly administer PTC programs, and generally to provide you with the goods and services you have requested.
  - For current or prospective clients, the personal information you provide is also used by PTC to process financial transactions (e.g., purchases of products such as proficiency testing samples), to process program transactions (including event registration, seminar or workshop enrolment,) and to provide you with required information (including newsletters, notice of annual general meetings, and election of directors).

- For current or prospective employees and volunteers, the personal information you provide is also used to confirm your identity, to assess your suitability and qualifications for the position, to prove eligibility to work in the country, to process payroll and deductions for EI, CPP, Income Tax and any other similar programs as may be required by law, to process and properly administer health insurance and group benefits, and to compile a personal profile of all employees, to support and document all legitimate and appropriate decisions concerning staffing, including job responsibilities, rates of pay, hours of work, entitlement to benefits, and promotions.
- At times, we may conduct surveys – if you choose to participate in such surveys, we will use the information you provide to better understand your profile, your needs, and the needs of users of environmental laboratories. If you do not wish your personal contact information to be used in this manner, you may opt-out of this use of your information where an opt-out is offered or you can call 613-233-5464 or by e-mail at [kmiddlebrook@PTCanada.org](mailto:kmiddlebrook@PTCanada.org) at any time to withdraw your consent to such use and disclosure.

Further reference to identified *purposes mean* the purposes identified in this Principle.

- PTC shall specify orally, electronically or in writing the identified purposes to the individual at or before the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within PTC who can explain the purposes.
- When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual will be acquired before the information will be used or disclosed for the new purpose.

### 5.3 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. In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual.*

- In obtaining consent, PTC shall use reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information will be used or disclosed. The identified purposes shall be stated in a manner that can be reasonably understood by the individual.
- Generally, PTC shall seek consent to use and disclose personal information at the same time it collects the information. However, PTC may seek consent to use and/or disclose personal information after it has been collected, but before it is used and/or disclosed for a new purpose.
- PTC may require clients, subcontractors and volunteers to consent to the collection, use and/or disclosure of personal information as a condition of the supply of a product or service only if such collection, use and/or disclosure is required to fulfill the explicitly specified, and legitimately identified purposes.
- In determining the appropriate form of consent, PTC shall take into account the sensitivity of the personal information and the reasonable expectations of the individual.

- The completion of an application form shall constitute consent for PTC to collect the personal information contained in the form and to use and disclose the personal information for the identified purposes. The purchase or use of products and services by a client, or the acceptance of employment or benefits by an employee, shall constitute implied consent for PTC to collect, use and disclose personal information for the identified purposes.
- An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Individuals may contact PTC for more information regarding the implications of withdrawing consent.
- PTC may collect or use personal information without knowledge or consent 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.
- PTC may collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might compromise the availability or the accuracy of the information or defeat the purpose of collecting, using or disclosing the information, such as in the investigation of a complaint, investigation of the breach of an agreement, including a breach of the terms and conditions of proficiency testing, a breach of a contract with PTC, or a contravention of a law.
- PTC may collect, use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- PTC may use or disclose personal information without knowledge or consent to a lawyer representing PTC, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

## 5.4 LIMITING COLLECTION OF PERSONAL INFORMATION

*PTC shall limit the collection of personal information to that which is necessary for the purposes identified by PTC. PTC shall collect personal information by fair and lawful means.*

- PTC collects personal information primarily from its clients, employees, and volunteers.
- PTC may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties who represent that they have the right to disclose the information.
- PTC shall not collect personal information indiscriminately, but shall limit its collection of personal information to both the amount and type of information that is necessary to fulfill the identified purposes.

## 5.5 LIMITING USE, DISCLOSURE, AND RETENTION OF PERSONAL INFORMATION

*PTC shall 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. PTC shall retain personal information only as long as necessary for the fulfillment of those purposes.*

- PTC may share personal information of clients with our partners, including but not limited to the Ontario Ministry of Environment, and the American Association for Laboratory Accreditation (A2LA). This shared information may only include your contact information. Our partners use the shared personal information for purposes of accrediting PTC or in support of licensing. Our partners may also use your

personal contact information to provide you with other material (for example, surveys, and public relations materials).

- If you do not wish your personal contact information to be used in this manner, you may opt-out of this use of your information where an opt-out is offered or you can call 613-233-5464 or by e-mail at Swilliamson@cala.ca at any time to withdraw your consent to such use and disclosure.
- Only PTC's employees with a business need-to-know, or whose duties reasonably so require, are granted access to personal information.
- PTC shall 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, PTC shall retain, for a period of time that is reasonably sufficient to allow for access by the individual, either the actual information or the rationale for making the decision.
- PTC shall 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 shall be destroyed, erased or made anonymous.

## 5.6 ACCURACY OF PERSONAL INFORMATION

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

- Personal information used by PTC shall 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.
- PTC shall update personal information as necessary to fulfill the identified purposes or upon notification by the individual.

## 5.7 SECURITY SAFEGUARDS

*PTC shall protect personal information by security safeguards appropriate to the sensitivity of the information.*

- PTC shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures, regardless of the format in which it is held.
- PTC shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- All of PTC's employees with access to personal information shall be required to respect the confidentiality of that information.

## 5.8 OPENNESS CONCERNING POLICIES AND PROCEDURES

*PTC shall make readily available to individuals specific information about its policies and procedures relating to the management of personal information.*

- PTC shall make information about its policies and procedures easy to understand, including:
  - the title and address of the person or persons accountable for PTC's compliance with The PTC Privacy Code and to whom inquiries and/or complaints can be forwarded;
  - the means of gaining access to personal information held by PTC;
  - a description of the type of personal information held by PTC, including a general account of its use; and
  - a description of what personal information is made available to related organizations (e.g., partners).
- PTC shall make available information to help individuals exercise control of the collection, use and/or disclosure of their personal information and, where applicable, privacy-enhancing services available from PTC.

## 5.9 INDIVIDUAL'S ACCESS TO PERSONAL INFORMATION

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

- Upon request, PTC shall afford individuals a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time, and at minimal or no cost to the individual.
- In certain situations, PTC may not be able to provide access to all the personal information that it holds about the individual. For example, PTC may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, PTC may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client or litigation privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of the laws of Canada or a province.
- Upon request, PTC shall provide an account of the use and disclosure of personal information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, PTC shall provide a list of third parties to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit PTC to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- PTC shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, PTC shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- Individuals can obtain information or seek access to their individual files by contacting the PTC Privacy Officer.

## 5.10 CHALLENGING COMPLIANCE

*An individual shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for PTC's compliance with The PTC Privacy Code.*

- PTC shall maintain procedures for addressing and responding to all inquiries or complaints from individuals regarding PTC's handling of personal information.
- PTC shall inform individuals who make inquiries or lodge complaints about the existence of these procedures as well as the availability of complaint procedures.
- The person or persons accountable for compliance with The PTC Privacy Code may seek external advice where appropriate before providing a final response to individual complaints.
- PTC shall investigate all complaints concerning compliance with The PTC Privacy Code. If a complaint is found to be justified, PTC shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. An individual shall be informed of the outcome of the investigation regarding his or her complaint.

## 6.0 Additional Information

For more information regarding The PTC Privacy Code, please contact the PTC Privacy Officer (the Chief Financial Officer) at 613-233-5300 or via email at [Swilliamson@cala.ca](mailto:Swilliamson@cala.ca)

Please visit the Privacy Commissioner of Canada's web site at [www.privcom.gc.ca](http://www.privcom.gc.ca).

## 7.0 History of Changes

Date	Rev. No.	Sections	Changes
01/10/2020	1.0		Initial publication