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# BC FERRY & MARINE WORKERS' UNION

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## PRIVACY POLICY

### 1. Principles

The BCFMWU (“BCFMWU” or the “Union”) is accountable for compliance with the BC *Personal Information Protection Act*, [SBC 2003], c. 63 (“PIPA”). PIPA sets out rules for the collection, use and disclosure of personal information. BCFMWU is responsible for protecting your personal information in its custody, including personal information that has been transferred to, or received from, a third party.

This Policy outlines how and why we collect personal information, and the way in which personal information is used.

#### What is Personal Information?

“Personal information” is information that is reasonably capable of identifying a particular individual either alone or when used in combination with information from other available sources. Personal information includes employee personal information – e.g. home address and telephone number. It does not include business contact information or work product information – e.g. information prepared or collected by an employee or Union member as part of work responsibilities.

### 2. Purpose of Collection of Personal Information

BCFMWU collects, uses and discloses personal information for one reason – to best serve the interests of its members. Personal information is used to identify our membership, collect dues, provide representation and benefits to members, communicate about the activities of the Union, and manage the employment relationship between the Union and its employees.

BCFMWU only collects, uses or discloses personal information that is necessary to fulfill the purpose of the collection.

The following are examples of the types of personal information collected by BCFMWU, and the purpose of the collection:

- Name, social insurance number (SIN), home address, personal phone number(s), marital status, and other information required to maintain or fulfill Union membership and/or employment; and
- Information reasonably required to investigate, process, and resolve grievances and/or other membership or employment-related disputes.

The information gathered about you may be received from sources such as:

- Your membership application;
- Documents supporting the employment relationship;
- Information you provide through the investigation, processing and/or arbitration of your grievance(s); and
- BC Ferries.

### 3. Consent

#### No Consent Required

BCFMWU requires your consent to collect, use or disclose your personal information, **except in certain circumstances set out in PIPA** (see sections 12, 15 and 18). For instance, consent is **not** required to:

#### Collect Information

- If the personal information is publicly available (for example, in a phone book);
- Where the personal information is required to protect your safety (e.g. medical treatment) where your consent cannot be obtained in a timely way;
- Where the personal information is needed to collect a debt owed to BCFMWU or the payment of a debt owed to BCFMWU;
- Where the personal information is reasonable for the purposes of establishing, managing or terminating an employment relationship between you and BCFMWU;
- Where it is required or authorized by law;
- Where consent will compromise the availability and accuracy of the personal information necessary to investigate a breach of an agreement or contravention of a law (for example, in a fraud investigation, an investigation by the police, or in situations otherwise permitted by the law); or
- Pursuant to an investigation regarding a reasonably held allegation that may affect the employment relationship or member relationship under the BCFMWU Constitution.

Note: Information pertaining to your occupation or department is not considered “personal information” and, therefore, no consent is required.

Note: In the event an investigation requires monitoring or tracking of an Information Technology Device (ITD) (e.g. reasonably held allegations of misconduct or illegality, emergency situations) BCFMWU may use any software monitoring and/or tracking tools reasonably necessary to accomplish its investigation or to ensure the safety and security of its employees, members, or assets.

## **Use Information**

- In the same circumstances as in collection (see above).

## **Disclose Information**

- In the same circumstances as in collection (see above);
- Where disclosure is to a lawyer representing BCFMWU;
- To comply with a subpoena, warrant or other order issued by a court, arbitrator or other body with jurisdiction to compel production; or
- To a law enforcement agency in Canada concerning an offence or investigation.

## **Requirement for Consent**

There may be cases where we require your consent to collect, use or disclose your personal information. For example, where a grievance is filed, you must consent to your representative(s) having access to your personnel file to properly investigate your grievance. Specifically, by signing a grievance form, you are consenting to the reasonable collection, use and disclosure of your personal information by BCFMWU for the purpose of resolving your grievance.

Where the personal information we require is sensitive, such as health information, we will obtain additional written or oral consent from you before collecting, using or disclosing the information.

## **4. Retention of Personal Information and Limits on Use and Disclosure**

BCFMWU will not disclose sensitive information for a new purpose beyond that for which it was collected.

You may withdraw your consent at any time upon reasonable notice, subject to legal or contractual restrictions. However, withdrawing your consent may affect BCFMWU's ability to continue to represent you or provide certain services. Should you wish to withdraw your consent, please contact our Privacy Officer.

BCFMWU will destroy your personal information once it is no longer in use for the purpose it was collected, unless it is necessary for legal or business purposes. BCFMWU will keep personal information used to make a decision that directly affects individuals for at least one year after making the decision.

## **5. Security of Information**

### **Filing Systems**

BCFMWU ensures that all files are stored in locked cabinets or offices that are accessible only to its staff and not to members or local officers. In addition, only staff is allowed access to the internal offices past the reception area. In the event members and/or other visitors require access to these offices, they will be accompanied by a staff member.

## **Electronic Personal Information**

In order to protect your electronic personal information, a login and password is required to access this information. Electronic personal information is also protected through the use of firewalls to prevent third party access.

## **Destruction of Personal Information**

BCFMWU will securely destroy or anonymize personal information once it is no longer necessary to fulfil the identified purposes or any other legal or business purposes.

## **6. Individual Access to Information and Accuracy of Information**

You may request access to your personal information held by BCFMWU, as well as information about the ways your information has been used. All such requests are to be made in writing to the BCFMWU Privacy Officer. Unless BCFMWU is authorized or required by PIPA to refuse access, you will be provided your requested information within 30 business days, or within any granted time extension. In the event a request for personal information is refused, BCFMWU will provide the reasons for the refusal, in writing.

You may request correction of any errors or omissions in your personal information held by BCFMWU.

## **7. Third Party Access**

BCFMWU does not sell personal information to third parties.

However, there are instances where third parties receive certain information. For example, when newsletters are distributed, address labels are provided to third parties for the sole purpose of distribution.

From time to time, BCFMWU may ask a third party to conduct a survey of its members. Participation is optional but information gathered may be of a personal nature. BCFMWU does not share any of this personal information and you are not personally identified in the survey results.

BCFMWU uses a PIPA compliant third party vendor for managing its information technology (IT). Where personal information is provided to third parties, BCFMWU ensures that agreements are in place with the third party to protect and secure the information from unauthorized or unintended use.

## **8. Complaints Procedure**

If you have a complaint related to this Policy or any of our procedures, please contact our Privacy Officer. If your complaint is justified, we will take the steps necessary to resolve the issue, including amending our Policy and practices as necessary. If we are unable to

resolve your concern, you may contact the Office of the Information and Privacy Commissioner for British Columbia ([www.oipc.bc.ca](http://www.oipc.bc.ca)).

## 9. Privacy Officer

For more information, please contact BCFMWU's Privacy Officer.

Privacy Officer: Currently Unfilled  
Address: 1511 Stewart Avenue  
Nanaimo, BC V9S 4E3  
Telephone No: 250.716.3454  
Fax No: 250.716.3455  
Email: N/A

In the event our Privacy Officer is unavailable, please direct your concerns to the BCFMWU Provincial President. Should an investigation or incident regarding your privacy arise, BCFMWU will direct appropriate resources to ensure our compliance with PIPA and the security of your privacy.

*This Policy will be updated from time to time as policies, procedures or technologies change.*