

## TORONTO SENIORS HOUSING CORPORATION (TSHC) Privacy Policy

<b>Policy Owner: CGHC Committee</b>	<b>Date Approved:</b> 18 May, 2022
<b>Type: Legal Policy</b>	<b>Approved By:</b> Board of Directors
<b>Last Reviewed:</b>	<b>Effective Date:</b> 1 June, 2022

### Policy Statement

Toronto Seniors Housing Corporation is committed to protecting Personal Information consistent with the principles outlined in the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA") and the *Housing Services Act* ("HSA").

Toronto Seniors Housing Corporation is required to protect Personal Information from theft or loss and protect Personal Information in its possession from unauthorized collection, access, use or disclosure. Toronto Seniors Housing Corporation will obtain consent before or when it collects, uses or discloses Personal Information, except where collection, use, or disclosure is authorized or required by law.

In some cases, Toronto Seniors Housing Corporation may be required to follow the *Personal Information Protection and Electronic Documents Act* ("PIPEDA"), and it will adhere to PIPEDA's "fair information principles" when managing Personal Information. The fair information principles includes the following:

- **Accountability:** Toronto Seniors Housing Corporation is accountable for the protection of Personal Information within its custody or control.
- **Identifying Purposes:** When required, Toronto Seniors Housing

Corporation will identify purposes for which it collects Personal Information at or before the time the information is collected.

- **Consent:** When required, Toronto Seniors Housing Corporation will obtain consent before, or when, it collects, uses or discloses Personal Information, except where collection, use or disclosure is authorized or required by law.
- **Accuracy:** Toronto Seniors Housing Corporation shall ensure that the Personal Information is accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.
- **Safeguards:** Toronto Seniors Housing Corporation shall protect Personal Information by security safeguards appropriate to the sensitivity of the information.
- **Openness:** Toronto Seniors Housing Corporation shall make readily available to individuals specific information about its policies and practices relating to the management of Personal Information.
- **Individual Access:** Upon request, an individual shall be informed of the existence, use and disclosure of their Personal Information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
- **Challenging Compliance:** Any individual may challenge Toronto Seniors Housing Corporation's compliance with the above principles in respect to their Personal Information.

## **Scope**

The purpose of this Policy is to assert Toronto Seniors Housing Corporation's obligation with respect to the protection of Personal Information collected, used, disclosed and disposed by Toronto Seniors Housing Corporation.

All employees and board members of Toronto Seniors Housing Corporation are responsible for the protection and management of Personal Information. Toronto Seniors Housing Corporation will enter into agreements to ensure that contract management

companies and vendors also respect this Privacy Policy.

## **Values**

Toronto Seniors Housing Corporation supports a climate and culture that protects and respects the privacy of an individual's Personal Information.

## **Definitions**

**Collection:** The collection of Personal Information from or about the individual to whom the information relates including unintended or unprompted receipt.

**Delegated Head:** Under MFIPPA, the Toronto Seniors Housing Corporation Board of Directors is deemed to be the head of the institution responsible for overseeing the administration of its obligations and for decisions made under MFIPPA. MFIPPA permits the delegation of the Head's powers and duties to an officer of the institution.

**Disclosure:** The release of Personal Information by any method to anybody.

**Disposal:** The action taken with regards to Personal Information, including destruction, transfer to another entity or permanent preservation.

**Personal Information:** Has the same meaning as defined in MFIPPA and includes recorded information about an identifiable individual which is collected, used, or disclosed by Toronto Seniors Housing Corporation. For the application of this Policy, Personal Information may include but is not limited to:

- a. the personal address, telephone number or email address of an individual;
- b. any identifying number assigned to an individual which can lead to their identification (e.g., Social Insurance Number);
- c. information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;

- d. financial information about an individual for the purposes of establishing Rent-Geared-to-Income assistance;
- e. information about rent payment history;
- f. credit and rental history reports; and
- g. employee information, including resumes, salary and benefits, tenant or client complaints about the individual and personnel issues.

With regards to applicants and tenants, personal information may include income, credit history, subsidy, arrears, personal circumstances, health, conflicts between tenants, requests for transfers for personal reasons and any requests from tenants that are personal in nature. With regards to staff, personal information may include hiring, termination, disciplinary record, salary negotiations, tenant complaints and problems between staff members.

**Privacy Breach:** The improper or unauthorized creation, collection, use, disclosure, retention or disposal of Personal Information in Toronto Seniors Housing Corporation's custody and control resulting in disclosure of, or access to, personal information by unauthorized parties.

**Purpose:** The purpose for which the information was obtained or compiled.

**Record:** Any record of information however recorded, whether in handwritten notes, printed form, on film, by electronic means or otherwise. Records include:

- correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine-readable record, any other documentary material regardless of physical form or characteristics and any copy thereof; and
- subject to the regulations made under MFIPPA, any record that is capable of being produced from a machine-readable record under the control of Toronto Seniors Housing Corporation by means of computer hardware and software or any other

information storage equipment and technical expertise normally used by Toronto Seniors Housing Corporation.

## **Policy Details**

### **Access**

**Every person has a right of access to a record or a part of a record in the custody or under the control of Toronto Seniors Housing Corporation and contract property management companies unless the record or part of the record falls within one of the exemptions under MFIPPA, or the request for access is frivolous or vexatious. Toronto Seniors Housing Corporation will administer all requests for access to records that are in the custody of Toronto Seniors Housing Corporation and contract property management companies. MFIPPA Request Forms are available to request access to a record.**

### **Limiting Collection, Use, Disclosure and Retention**

**The collection, use and disclosure of Personal Information will be limited to that which is reasonable and necessary for the purposes outlined in this Policy and required by law. Personal Information will be retained only as long as necessary for the fulfillment of those purposes.**

### **Collection, Use and Disclosure**

Toronto Seniors Housing Corporation collects, uses and discloses Personal Information of its tenants, employees, directors and vendors to the extent necessary to perform its work.

Toronto Seniors Housing Corporation will ensure that Personal Information is collected, used and disclosed in accordance with legislation and in compliance with this Policy and other Toronto Seniors Housing Corporation policies.

Personal Information may be collected for purposes including but not limited to the following:

- to determine income and assets for rent calculation;
- to protect the health and safety of an individual;

- to approve tenancy and determine appropriate unit type and size; and
- to assist staff in determining what services and supports tenants may require.

## **Consent**

Toronto Seniors Housing Corporation may collect, use and disclose Personal Information where the individual to whom the information relates has consented to the collection, use, and disclosure proposed by Toronto Seniors Housing Corporation.

Personal Information may be collected, used and disclosed without consent only if allowed by legislation. Permitted situations may include, but are not limited to, the following:

- the information is being collected, used or disclosed for a consistent purpose, meaning a purpose the person could have reasonably expected for such use or disclosure;
- disclosure to an institution or the Toronto Police Service or other law enforcement agencies in Canada to assist in a criminal investigation;
- disclosure to an officer, director, employee, consultant or agent of Toronto Seniors Housing Corporation who needs the Personal Information in the performance of their duties and if disclosure is necessary and proper in the discharge of Toronto Seniors Housing Corporation's functions (e.g., Internal Audit to assist in an investigation into any breach of Toronto Seniors Housing Corporation's policies);
- compelling circumstances affecting the health and safety of an individual (provided Toronto Seniors Housing Corporation notifies the person whose information it is); and
- compassionate circumstances.

It is not necessary to have a signed consent to release information to collect a debt, for example to a collection agency, or for the Landlord and Tenant Board or Small Claims action.

## **Retention**

Records containing Personal Information will be kept and disposed of according to the retention periods and disposition methods authorized in Toronto Seniors Housing Corporation's Records Retention Schedule.

## **Privacy Breach**

Should a Privacy Breach occur, Toronto Seniors Housing Corporation will act quickly and transparently to respond and will take appropriate measures to rectify the breach and avoid future incidents. Measures may include:

- stopping and containing the Privacy Breach;
- notifying affected individuals of the Privacy Breach;
- notifying the Information and Privacy Commissioner of Ontario; and
- conducting an internal investigation.

## **Responsibilities**

Toronto Seniors Housing Corporation will:

- Promote a culture, and business practices, that make sure that information is shared and is accessible to the greatest extent possible, while respecting security and privacy requirements of Personal Information and other confidentiality obligations.
- Provide education to employees who are responsible for the protection of Personal Information under this Policy.
- Follow specific procedures established for disclosing Personal Information to a law enforcement agency in Canada.
- Investigate complaints and respond to individuals who file complaints regarding the collection, use and disclosure of Personal Information in accordance with legislated requirements.

## **Obligations of Employees**

Compliance with this Policy is the obligation of every employee at Toronto Seniors Housing Corporation. In performing their duties

and responsibilities for the organization, employees will come into contact with, or otherwise learn about, Personal Information.

Employees are expected to take all reasonable steps to protect Personal Information from unauthorized collection, use or disclosure. This includes safeguarding documents, tenant files, laptops, cell phones and company files that contain Personal Information that has been entrusted to the employee's care, as well as steps to protect Personal Information when using computer systems and sending e-mail.

Employees are prohibited from trying to use or access Personal Information if it is not associated with their work. Employees also are prohibited from disclosing Personal Information if it is not associated with their work. For more information, please see the *Code of Conduct* and *Conflict of Interest Policy*.

### **Compliance and Monitoring**

- The General Counsel and Corporate Secretary is the Delegated Head of Toronto Seniors Housing Corporation and is accountable for Toronto Seniors Housing Corporation's compliance with this Policy.
- Employees who do not follow this Policy or the related sections of the *Code of Conduct* may be subject to discipline, up to and including dismissal for cause.
- Employees must also comply with any section of the *Code of Conduct*, which requires the protection of personal or confidential information.
- Toronto Seniors Housing Corporation will take reasonable steps to restrict access to Personal Information to those individuals who require access to Personal Information in order to perform their duties and where access is necessary for the administration of their business.
- Toronto Seniors Housing Corporation will take appropriate steps to ensure vendors and contractors comply with this Policy.



### **Governing and Applicable Legislation**

- *Municipal Freedom of Information and Protection of Privacy Act, 1990*
- *Personal Information Protection and Electronic Documents Act, 2000*
- *Housing Services Act, 2011*

### **Related Policies and Procedures**

- *Code of Conduct*
- *Acceptable Use of Information Technology Policy*
- *Records Management Policy*
- *Records Retention Schedule*
- *CCTV Policy*

### **Commencement and Review**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Approval</b>
First approval:		New policy	Board of Directors
[Revision # ]			
Last review:			