



## Peel CAS Privacy Policy

Peel Children's Aid Society (Peel CAS) is committed to protecting the privacy of the personal information collected and maintained on clients, families, public and stakeholders. To highlight this commitment, Peel CAS has developed this Privacy Policy based on the ten privacy principles in the Canadian Standards Association's *Model Code for the Protection of Personal Information* (CAN/CSA-Q830-03(R2014))

The Ten Privacy Principles followed by Peel CAS:

### 1. Accountability

Peel CAS is responsible for personal information under its control and has designated an individual who is accountable for compliance with these principles.

1.1 Responsibility for ensuring compliance with the provisions inherent in this Privacy Policy rests with the Privacy Officer of Peel CAS, being the Chief Counsel. The Privacy Officer may delegate responsibilities to one or more Peel CAS employees to act on his or her behalf, and to oversee the day-to-day management of personal information handling practices and procedures.

1.2 Peel CAS uses contractual or other means to ensure that third parties with whom personal information is shared provide a comparable level of protection while information is being processed by them.

1.3 To give effect to the principles of privacy, in addition to developing this Privacy Policy, Peel CAS has:

- a. Developed and implemented internal procedures to protect personal information
- b. Established procedures to receive and respond to privacy inquiries or complaints
- c. Established a training program and regular staff communications regarding Peel CAS' privacy policies and practices

### 2. Identifying Purpose

Peel CAS identifies the purposes for which personal information is collected at or before the time the information is collected.

2.1 Peel CAS collects personal information under the general authority of the *Child, Youth and Family Services Act, 2017* (CYFSA).

2.2 Peel CAS collects personal information in order to fulfill its mandate, and in particular, for the following purposes:

- a. Investigating allegations or evidence that children may be in need of protection
- b. Protecting children where necessary

- c. Providing guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children
- d. Providing care for children assigned or committed to its care under this act
- e. Supervising children assigned to its supervision under this Act
- f. Placing children for adoption under Part VIII (Adoption and Adoption Licensing)
- g. Administering CYFSA and the regulations
- h. Determining compliance with CYFSA and the regulations
- i. Planning, managing or delivering services, allocating resources to services, evaluating or monitoring services
- j. Conducting risk management and error management activities in respect of the services
- k. Conducting activities to improve or maintain the quality of the services
- l. Conducting research and analysis that relate to children and their families, including longitudinal studies, by or on behalf of the Ministry that relate to:
  - i. A service
  - ii. The transition of children and their families between and out of services, including the resulting outcomes, or
  - iii. Programs that support the learning, development, health and well-being of children and their families, including programs provided or funded in whole or in part by the Ministry of any other ministry of the Government of Ontario
- m. Performing any other duties given to it by this Act or the regulations or any other Act

2.3 Upon request, Peel CAS staff will explain the purposes for which the personal information is collected, or refer the individual to a designated representative of Peel CAS who can explain the purposes.

2.4 Peel CAS does not use or disclose personal information that has been collected for any new purpose that has not been identified in section 2.2 without first identifying and documenting the new purpose and obtaining consent.

### 3. Consent

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

3.1 Peel CAS ensures that the consent of the individual is obtained for the collection, use and / or disclosure of personal information, subject to specific exception.

3.2 A capable individual of any age may give, withhold or withdraw consent:

- a. For children under 16: the parent, Peel CAS or other authorized person may be the child's substitute decision-maker (subject to exceptions)
- b. A capable child's decision prevails over a conflicting decision of the substitute decision-maker

3.3 In determining the appropriate form of consent, Peel CAS takes into account the sensitivity of the personal information and the reasonable expectations of the individual.

3.4 Peel CAS makes every effort to highlight this Privacy Policy at the time of collecting personal information, in order for individuals to review the purposes for the collection.

3.5 Indirect collection of personal information with consent – Peel CAS collects personal information indirectly for the purpose of providing a service if the individual to whom the information relates consents to the collection being made indirectly.

3.6 Indirect collection of personal information without consent – Peel CAS collects personal information indirectly for the purpose of providing a service and without the consent of the individual to whom the information relates if:

- a. The information to be collected is reasonably necessary to provide a service or to assess, reduce or eliminate a risk of serious harm to a person or group of persons and it is not reasonably possible to collect personal information directly from the individual,
  - i. That can reasonable be relied on as accurate and complete, or
  - ii. In a timely manner
- b. The information is to be collected from another Society or a child welfare authority where the information is reasonably necessary to assess, reduce or eliminate a risk of harm to a child
- c. The information is to be collected by a society and the information is reasonably necessary for a prescribed purposed related to a society's functions under 2.2
- d. The indirect collection of information is authorized by the Information and Privacy Commissioner of Ontario; or
- e. Subject to the requirements and restrictions, if any, that are prescribed, the indirect collection of information is permitted or required by law or by a treaty, agreement or arrangement made under an Act or an Act of Canada

3.7 Direct collection without consent – Peel CAS collects personal information directly from the individual to whom the information relates, even if the individual is not capable, if:

- a. The collection is reasonably necessary for the provision of a service and it is not reasonably possible to obtain consent in a timely manner
- b. The collection is reasonably necessary to assess, reduce or eliminate a risk of serious harm to a person or group of persons; or
- c. The information is reasonably necessary to assess, reduce or eliminate a risk of harm to a child

#### 4. Limiting Collection

Peel CAS limits the collection of personal information to that which is necessary for purposes identified by Peel CAS. Personal information is collected by fair and lawful means.

4.1 Peel CAS collects and records only such personal information as is required to fulfill the purposes identified in Section 2.2 of this Privacy Policy.

- 4.2 Where permitted or required by law, Peel CAS may collect the personal information of an individual indirectly through a third party.
- 4.3 Peel CAS requires any third party that collects personal information on behalf of Peel CAS to do so in accordance with this Privacy Policy.
- 4.4 When Peel CAS is provided with more personal information than is required, or when personal information is provided but not required at all, Peel CAS takes reasonable steps to inform the provider of the personal information that such information should not be provided to Peel CAS. Peel CAS also takes reasonable steps to securely destroy such personal information that is not needed.

## 5. Limiting Use, Disclosure and Retention

Peel CAS does not use or disclose personal information for purposes other than those for which it is collected, except with the consent of the individual or as required by law. Peel CAS retains personal information only as long as necessary for the fulfillment of those purposes, or as required by law.

- 5.1 Only Peel CAS representatives with a business-related need to know are granted access to personal information about individuals.
- 5.2 Peel CAS may, without the consent of the individual, disclose personal information about an individual that has been collected for the purpose of providing a service,
  - a. To a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or to allow the Society to determine whether to undertake such an investigation
  - b. To a proposed litigation guardian or legal representative of the individual for the purpose of having the person appointed as such
  - c. To a litigation guardian or legal representative who is authorized under the Rules of Civil Procedure, or by a court order, to commence, defend or continue a proceeding on behalf of the individual or to represent the individual in a proceeding
  - d. For the purpose of contacting a relative, member of the extended family, friend or potential substitute decision-maker of the individual, if the individual is injured, incapacitated or otherwise not capable
  - e. For the purpose of contacting a relative, member of the extended family or friend of the individual if the individual is deceased
  - f. Subject to CYFSA 2017, s294, for the purpose of complying with:
    - i. A summons, order or similar requirement issued in a proceeding by a person having jurisdiction to compel the production of information, or
    - ii. A procedural rule that relates to the production of information in a proceeding
  - g. If Peel CAS believes on reasonable grounds that the disclosure is necessary to assess, reduce or eliminate a risk of serious harm to a person or group of persons, or

- h. If permitted or required by law or by a treaty, agreement or arrangement made under an Act or an Act of Canada, subject to the requirements and restrictions, if any, that are prescribed.

5.3 Peel CAS may disclose to another society or to a child welfare authority outside Ontario personal information that has been collected for the purpose of providing a service if the information is reasonably necessary to assess, reduce or eliminate a risk of harm to a child or for a prescribed purpose related to a society's function under the CYFSA, s.35(1).

5.4 An individual has a right of access to a record of personal information about the individual that is in Peel CAS' custody or control and that relates to the provision of a service to the individual unless,

- a. The record or the information in the record is subject to a legal privilege that restricts its disclosure to the individual
- b. Another act, an Act of Canada or a court order prohibits its disclosure to the individual (for example, adoption records, records in the child abuse register and Youth Criminal Justice Act)
- c. The information in the record was collected or created primarily in anticipation of or for use in a proceeding, and the proceeding, together with all appeals or processes resulting from it, has not been concluded; or
- d. Granting the access could reasonably be expected to:
  - i. Result in a risk of serious harm to the individual or another individual
  - ii. Lead to the identification of an individual who was required by law to provide information in the record to Peel CAS, or
  - iii. Lead to the identification of an individual who provided information in the record to the service provider explicitly or implicitly in confidence if the service provider considers it appropriate in the circumstances that the identity of the individual be kept confidential.

5.5 In all contexts where Peel CAS discloses personal information, Peel CAS shall ensure that the disclosure is limited only to the information that is required to be shared.

5.6 Peel CAS retains personal information only as long as it is deemed necessary, to fulfill the identified purposes for which the information was collected, or longer if required due to an on-going investigation or legal proceeding. Retention timelines are documented in Peel CAS Retention Schedules.

5.7 Personal information no longer necessary or relevant for the identified purposes, or no longer required to be retained by law, shall be securely destroyed, erased or made anonymous.

## 6. Accuracy

Peel CAS makes reasonable efforts to ensure that personal information is as accurate, complete and up-to-date as is necessary to fulfill the purposes for which the information is to be used.

- 6.1 Reasonable efforts are made to ensure that data is accurately entered into the Provincial's Child Protection Information Network system.
- 6.2 An individual is able to request a correction of what, in his or her view, is erroneous or incomplete information. A correction refers not only to striking out incorrect information but also to adding information to make a record complete. Individual must submit correction request to Peel CAS in writing.
- 6.3 In the event of a dispute between the individual and Peel CAS as to the accuracy or completeness of personal information, Peel CAS will notify the individual of the rationale not to amend the information and update the individual's file with details of the disagreement. Peel CAS will provide the individual with information on challenging the decision.
- 6.4 Peel CAS will respond in writing to a correction request as soon as possible, and no later than 30 calendar days after receiving the request. The response will do one or more of the following:
- Granting the correction request in whole or in part
  - Refusing the correction request, in whole or in part, with a written explanation
  - Extending the deadline for fully responding by up to 90 days, with a written explanation
- 6.5 Peel CAS will not correct a record if:
- It consists of a professional opinion or observation that was made in good faith; or
  - Peel CAS did not create it, and we do not have sufficient knowledge, expertise or authority to correct it

## 7. Safeguards

Peel CAS protects personal information with security safeguards appropriate to the sensitivity of the information.

- 7.1 With the use of appropriate physical, organizational and technical security measures, Peel CAS protects personal information against a variety of risks, such as loss, theft, unauthorized access, disclosure, copying, use and modification or unscheduled destruction of such information. Physical measures include locked filing cabinets and file rooms, restricted access to files and areas. Organizational controls include limiting access on a "need-to-know" basis based on role, staff training, confidentiality agreements, policies and procedures. Technical security measure include passwords, encryptions, firewalls, virus protection, audits and password protected screen savers.

- 7.2 Peel CAS uses commercially reasonable efforts to ensure the protection of personal information it discloses to third parties. For example, contracts with third parties stipulate responsibilities to protect personal information to only use if for specific purposes.
- 7.3 Peel CAS staff with access to personal information are required to respect privacy, and are regularly reminded of their obligations to protect the personal information they view or handle.
- 7.4 Safeguards are regularly reviewed to ensure that they remain appropriate, and continue to mitigate new threats and vulnerabilities.

## 8. Openness

Peel CAS makes readily available information about its policies and practices relating to the management of personal information.

8.1 Information on Peel CAS personal information handling practices are available to the public and its clients via Peel CAS' website.

8.2 This information includes:

- a. The name, title and address of the Privacy Officer to whom inquiries or complaints can be forwarded
- b. The procedures for gaining access to personal information held by Peel CAS
- c. Peel CAS notice of information practices

## 9 Individual Access

Upon written request, an individual will be informed of the existence, use and disclosure of his or her personal information and will be given access to that information, subject to limited exceptions. An individual can challenge the accuracy and completeness of the information and have it amended as appropriate.

9.1 An individual may request access to their personal information as maintained by Peel CAS. All requests for access shall be made by completing a Disclosure Request Form.

9.2 Prior to granting access, Peel CAS will verify the identity of the requester by requesting identification documents to ensure the requester is entitled to the information being sought.

9.3 Peel CAS will respond to an access request as soon as possible and no later than 30 calendar days after receiving the written request from an individual. The response will do one or more of the following:

- Grant access to some or all of the requested information

- Refuse or decline access to some or all of the information, with a written explanation
- Extend the deadline for fully responding by up to 90 days, with a written explanation if
  - Responding within 30 days would unreasonably interfere with Peel CAS operations because the request involves numerous pieces of information or requires a lengthy search; or
  - An assessment of the individual's right of access is not feasible within the 30 days

9.4 In the event that Peel CAS denies a disclosure request, Peel CAS will provide a written rationale for the refusal, except where prohibited by law. Peel CAS shall also provide information on how a requester can challenge the denial. Examples of situations where access may be denied include:

- a. Information contains references to another individual(s) that cannot be severed
- b. Disclosure may result in significant risk of harm to the requester or a third party
- c. Disclosure may defeat the purposes for which the information was collected
- d. Information cannot be disclosed for legal, security or commercial proprietary reasons
- e. Information is subject to solicitor-client or other privilege
- f. Information was generated in the course of a dispute or resolution process, or
- g. The request is frivolous, vexatious, made in bad faith or otherwise an abuse of process

## 10 Challenging Compliance

An individual can address a challenge concerning compliance with this Privacy Policy to Peel CAS' Privacy Officer.

10.1 Peel CAS maintains procedures for addressing and responding to all inquiries and complaints regarding Peel CAS' handling of personal information.

10.2 All complaints concerning compliance with this Privacy Policy are taken seriously and investigated in a timely manner. If a complaint is found to be justified, Peel CAS shall take appropriate measures to resolve the complaint and implement corrective actions, as well as amend existing policies and procedures as necessary.

If you have any questions or comments about this Privacy Policy, please contact the Privacy Officer at:

Privacy Officer  
 6860 Century Avenue, West Tower  
 Mississauga, ON L5N 2W5  
 Phone: 905-363-6131 ext. 2525  
 Fax: 905-363-6133  
 Email: [privacy@peelcas.org](mailto:privacy@peelcas.org)