
**Refrigeration Workers Local 787/O.R.A.C. Training Fund
Joint Training and Apprenticeship Committee (JTAC)**



PRIVACY POLICY

Effective January 1, 2005

JTAC's Board of Trustees may revise this Privacy Policy without notice, if they change JTAC's personal information management practices, are required by law to make certain revisions, or for any other reason.



A. Privacy Statement

The Trustees are committed to protecting the privacy of the JTAC members and students and the confidentiality of their personal information and personal health information, in a manner that complies with the relevant privacy legislation.

The terms of this Privacy Policy accord with the federal Personal Information Protection and Electronic Documents Act (“PIPEDA”). PIPEDA only applies to the JTAC to the extent that it collects, uses, or discloses personal information and personal health information in the course of commercial activities.

B. Application of the Plan’s Privacy Policy

This Privacy Policy applies to the collection, use, disclosure, retention, and disposal of personal information and personal health information by:

- ◆ JTAC’s Board of Trustees;
- ◆ Third parties to whom JTAC transfers personal information for processing, including the governments of Ontario and Canada;
- ◆ Persons, both individuals and organizations, who perform services on behalf of the JTAC, in respect of the JTAC’s purposes and not for their own purposes, including the JTAC’s consultants, accountants, and lawyers; and
- ◆ UA Local 787 (the Union) and O.R.A.C. and its member contractors when they are receiving information consistent with the purposes of the JTAC.

This Privacy Policy applies to personal information and personal health information about the JTAC’s prospective, current, and former members and students, whether living or deceased.

This Privacy Policy does not apply:

- ◆ To personal information or personal health information about JTAC employees, unless the employees are members of JTAC or students and the information is being used by JTAC for administration purposes;
- ◆ To any collections, uses, or disclosures of personal information and personal health information that do not relate to the administration of JTAC and are not otherwise permitted or required by the relevant Trust Agreements;
- ◆ To the Union in respect of the Union’s activities that do not relate to the administration of the JTAC; or
- ◆ To O.R.A.C. and contributing employers’ activities that do not relate to the administration of the JTAC.

C. The Plan's Privacy Practices

1. Accountability

- 1.1 The Trustees have designated two Chief Privacy Officers: The JTAC Training Director and a member of the Board of Trustees. The Training Director, Shane McCarthy can be reached by telephone at 905.790.9662 extension 22 or by e-mail at shane.mccarthy@jtac787.org. The Trustee Chief Privacy Officer is Tony Finelli. He can be reached by telephone at 905.790.1019 or by e-mail at tony@ualocal787.org. Both Chief Privacy Officers can be reached by mail at 419 Deerhurst Drive, Brampton, ON L6T 5K3.
- 1.2 JTAC protects personal information in its custody and under its control.
- 1.3 The Trustees' approach is to obtain contractual commitments from third parties to whom the JTAC have transferred personal information, that protect that information in accordance with the relevant privacy legislation and JTAC's Privacy Policy.

2. Identifying Purposes

- 2.1 JTAC collects personal information for the purpose of administering training and other programs in accordance with the Trust Agreement, legislative requirements, government administrative requirements and the Trustees' fiduciary and other legal obligations.

3. Consent

- 3.1 JTAC obtains consent from members and trainees for the collection, use, and disclosure of personal information and personal health information. When JTAC collects, uses, or discloses personal information or personal health information for a purpose other than the identified purposes, JTAC documents the new purpose and obtains the individual's consent.
- 3.2 When express consent is required, JTAC generally uses preprinted forms both to obtain consent and to collect information. JTAC may also use these forms to advise members and students of the use that will be made of the information; to which types of organizations the information may be transferred or disclosed, if any; and of their right to withdraw their consent, together with the consequences of the withdrawal.
- 3.3 JTAC obtains consent directly from the individual about whom the information relates. JTAC may also obtain consent from an individual who is an authorized representative or substitute decision-maker, such as a legal guardian or a person having power of attorney. JTAC does not accept consent from the Union, O.R.A.C. or employers on behalf of a member, student or any other individual.
- 3.4 JTAC does not obtain consent in circumstances including, but not limited to, the following:
 - ◆ When it is inappropriate to do so;
 - ◆ Where legal, medical, or security reasons may make it impossible or impractical to obtain consent; or

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- ◆ Where the collection, use, or disclosure is permitted without consent under PIPEDA. For example, in accordance with sub-section 7(3) of *PIPEDA**, JTAC does not obtain consent when personal information is provided to JTAC's administrators that enables the preparation of forms and reports, such as those required by the *Trades Qualification and Apprenticeship Act*, *The Apprenticeship Certification Act*, *The Environmental Protection Act*, *The Employment Insurance Act*, and the *Federal and Provincial Environmental Protections Acts*.

4. Limiting Collection

- 4.1 JTAC limits the collection of personal information to what is necessary for the purpose identified above.
- 4.2 JTAC collects personal information and personal health information about members and students.
- 4.3 JTAC collects personal information either directly from the individual about whom it relates or indirectly from other sources including, but not limited to: employers, the Union, the governments of Ontario and Canada and their agencies.
- 4.4 The personal information that JTAC collects includes, but is not limited to: name, age (date of birth), employment status, education, home address, company name, Social Insurance Number (SIN), credit card number, emergency contact, employment history, previous education and training records of achievement, certificates and licenses and a physician's statement if the student is absent from class.
- 4.5 JTAC collects personal information primarily in writing from a variety of documents including the following: preprinted enrolment, application, identification documents (birth certificate, citizenship certificate, passport, licenses and certificates), physician's statement if the student is absent from class.
- 4.6 JTAC rarely collects personal information orally, by telephone or by other methods where it is difficult to verify the identity of the individual or the accuracy of the information.
- 4.7 JTAC may also collect personal information by way of mail, fax, couriers, and e-mail.

5. Limiting Use, Disclosure and Retention

(a) Use

- 5.1 JTAC uses personal information and personal health information for the identified purposes and in accordance with the provisions of the relevant Trust Agreements, and their fiduciary and other legal obligations.
- 5.2 JTAC does not use personal information or personal health information for purposes unrelated to the administration of JTAC unless permitted or required to do so by law.

5.3 JTAC collects personal information about students for the following purposes:

- To register students in the training programs.
- To schedule classes.
- To ensure that attendance requirements are satisfied.
- To award education and training credits.
- To process and renew trade certifications and trade licenses.
- To refer apprentices.
- To advance apprentices.
- To maintain accurate student records.
- To notify the designated contact person in the event of an emergency.
- To manage the training programs in accordance with its mission and operating objectives.
- To satisfy Provincial and Federal government reporting requirements such as for Employment Insurance eligibility and the Ministry of Training, Colleges and Universities' Contract of Apprenticeship.

(b) Disclosure

- 5.4 In support of the purposes listed above, JTAC may disclose personal information about students to outside individuals and organizations, including the following: The Trustees of the Joint Training and Apprenticeship Committee; the Local Apprenticeship Committee; the United Association of Journeymen and Apprentices of the Plumbing, Pipefitting, Sprinkler Fitting Industry of the United States and Canada (UA), UA Local 787 and Ontario Refrigeration and Air Conditioning Contractors' Association (O.R.A.C.); The Ontario Ministry of Training, Colleges, and Universities; the Technical Standards and Safety Authority; The Ontario Ministry of the Environment; and the Federal Department of the Environment, Human Resources and Skills Development Canada and Employment Insurance. Some of these disclosures are required by legislation, such as, the *Trades Qualification and Apprenticeship Act*, *The Apprenticeship Certification Act* and the *Employment Insurance Act* and other disclosures are required in order for JTAC to fulfill its contractual obligations.
- 5.5 The JTAC does not disclose personal information for purposes unrelated to the administration of JTAC unless permitted or required to do so by law.
- 5.6 Any personal information or personal health information in the custody or under the control of JTAC may be disclosed in order to fulfill the identified purposes.
- 5.7 Types of organizations and individuals to whom the JTAC may disclose information include, but are not limited to the groups identified under section 5.4 above.
- 5.8 JTAC discloses personal information and personal health information orally, electronically (by e-mail), by fax, by mail, over the telephone, and in person.
- 5.9 At the time of collection, JTAC notifies the individual that his or her personal information may be disclosed to certain types of organizations or individuals and obtains the individual's consent to the disclosure, if it is required.

(c) Retention and Destruction

- 5.10 JTAC retains and destroys personal information in accordance with a Retention and Destruction Plan to be determined by the Trustees.

6. Accuracy

- 6.1 JTAC keeps personal information as accurate, complete, and up-to-date as is necessary for the identified purposes. JTAC also requires the members and students to participate in maintaining the accuracy of their own personal information.

7. Safeguards

- 7.1 JTAC protects personal information by security safeguards appropriate to the sensitivity of the information, including personal information that is in transit, by way of mail, e-mail, fax or other methods.

8. Openness

- 8.1 JTAC has developed and makes available this Privacy Policy, which describes its information management practices; provides contact information for the Chief Privacy Officers; explains how to make an access request and how to make a complaint; and describes the type of personal information and personal health information held by JTAC including a general account of their uses.

9. Individual Access Requests

- 9.1 JTAC responds to written requests from individuals who seek access to their personal information in accordance with *PIPEDA*, subject to any exceptions in sub-section 9(3) of *PIPEDA* *, or otherwise, that may apply.
- 9.2 The JTAC responds to written requests from individuals who wish to challenge the accuracy and completeness of their information and to have it amended, in accordance with *PIPEDA*, subject to any exceptions that may apply.
- 9.3 Individuals are advised to contact the Training Director for more information about the relevant procedures.

10. Challenging Compliance

- 10.1 JTAC receives and responds to written complaints regarding its information practices, in accordance with *PIPEDA*.
- 10.2 JTAC responds to inquiries about its policies and practices relating to the handling of personal information.

10.3 Individuals are advised to contact Training Director Shane McCarthy, or Trustee Tony Finelli for more information.

**PIPEDA:*

Section 7(3)

Disclosure without knowledge or consent (3) *For the purpose of clause 4.3 of Schedule 1, and despite the note that accompanies that clause, an organization may disclose personal information without the knowledge or consent of the individual only if the disclosure is*

- (a) made to, in the Province of Quebec, an advocate or notary or, in any other province, a barrister or solicitor who is representing the organization;*
- (b) for the purpose of collecting a debt owed by the individual to the organization;*
- (c) required to comply with a subpoena or warrant issued or an order made by a court, person or body with jurisdiction to compel the production of information, or to comply with rules of court relating to the production of records;*
- (c.1) made to a government institution or part of a government institution that has made a request for the information, identified its lawful authority to obtain the information and indicated that*
 - (i) it suspects that the information relates to national security, the defence of Canada or the conduct of international affairs,*
 - (ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or*
 - (iii) the disclosure is requested for the purpose of administering any law of Canada or a province;*
- (d) made on the initiative of the organization to an investigative body, a government institution or a part of a government institution and the organization*
 - (i) has reasonable grounds to believe that the information relates to a breach of an agreement or a contravention of the laws of Canada, a province or a foreign jurisdiction that has been, is being or is about to be committed, or*
 - (ii) suspects that the information relates to national security, the defence of Canada or the conduct of international affairs;*

(e) made to a person who needs the information because of an emergency that threatens the life, health or security of an individual and, if the individual whom the information is about is alive, the organization informs that individual in writing without delay of the disclosure;

(f) for statistical, or scholarly study or research, purposes that cannot be achieved without disclosing the information, it is impracticable to obtain consent and the organization informs the Commissioner of the disclosure before the information is disclosed;

(g) made to an institution whose functions include the conservation of records of historic or archival importance, and the disclosure is made for the purpose of such conservation;

(h) made after the earlier of

(i) one hundred years after the record containing the information was created, and

(ii) twenty years after the death of the individual whom the information is about;

(h.1) of information that is publicly available and is specified by the regulations;

(h.2) made by an investigative body and the disclosure is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province; or

(i) required by law.

Section 9(3)

When access may be refused (3) *Despite the note that accompanies clause 4.9 of Schedule 1, an organization is not required to give access to personal information only if*

(a) the information is protected by solicitor-client privilege;

(b) to do so would reveal confidential commercial information;

(c) to do so could reasonably be expected to threaten the life or security of another individual;

(c.1) the information was collected under paragraph 7(1)(b); or

(d) the information was generated in the course of a formal dispute resolution process.

However, in the circumstances described in paragraph (b) or (c), if giving access to the information would reveal confidential commercial information or could reasonably be expected to threaten the life or security of another individual, as the case may be, and that information is severable from the record containing any other information for which access is requested, the organization shall give the individual access after severing.