

### **1.4.1.3 Confidentiality Policy**

#### **1.1 PURPOSE**

Tenants and applicants are required to provide the Corporation with personal information when applying for housing and throughout their tenancy, to ensure that the housing provided is suited to the needs of applicants and to ensure the equitable allocation of housing. Consequently, collecting personal information places a burden of responsibility on the Corporation to ensure that the information provided remains confidential. The goals of this policy are to:

- a) Protect the privacy of individuals with respect to personal information held by the Corporation.
- b) Ensure that personal information remains confidential.
- c) Set out clear guidelines regarding the collection, use and release of personal information.
- d) Ensure that the Corporation's operational requirements are met while managing obligations to respect and protect the rights to personal privacy.

#### **2.1 DEFINITIONS**

- a) 'Corporation' shall mean the Central Elgin Non-Profit Housing Corporation
- b) 'Council' shall mean the Council of the Corporation of the Municipality of Central Elgin
- c) 'Municipality' shall mean the Corporation of the Municipality of Central Elgin
- d) 'Secretary-Treasurer' shall mean the Secretary-Treasurer of the 'Corporation
- e) 'Tenant' shall mean those persons named in the lease
- f) 'Board' shall mean the Board of Directors of the Corporation
- g) 'Residential Unit' shall mean any living accommodation used or intended for use as rented residential premises as per the lease agreement
- h) 'Common Area' shall mean the entry way, corridors, stairwells, common room, laundry room, lawn, walkways, and parking lot

##### **2.1.1 Personal information includes:**

- a) Information relating to race, nationality, ethnicity, colour, religion, age, sex, sexual orientation, marital or family status of an individual.
- b) Information relating to the education, medical, psychiatric, psychological, criminal or employment history of an individual.
- c) Financial transactions in which the individual has been involved (e.g., credit report information).
- d) Any identifying number assigned to the individual which can lead to the identification of the individual.
- e) The address, telephone number, fingerprints, or blood type of the individual.
- f) Individual opinions or views of the individual (e.g., political opinions).
- g) Correspondence sent to the Corporation that is of a private or confidential nature and subsequent responses to that correspondence that would reveal the contents of the original correspondence.
- h) An individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual. Personal information does not include statistical information that summarizes personal data in such a way that individuals cannot be identified.

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## **3.1 POLICY**

The Corporation is committed to respecting the right to privacy such that only the necessary amount of personal information will be collected about applicants and tenants and that the information will be safeguarded once collected. General consents will be requested from applicants and tenants in relation to the operational requirements of the Corporation. No personal information will be collected from someone other than the applicant or tenant or other lease signatories in the household unless the applicant or tenant has given permission to do so.

Applicants and tenants are to be informed when personal information is to be shared and for what purpose(s). If, in situations not clearly covered in this policy, staff do not inform the applicant or tenant that personal information has been released, they will record the action and the reason for it in the applicant or tenant file. The applicant or tenant can request to view their file at any time.

#### **3.1.1 The right to privacy for an applicant or tenant exists when:**

- a) Applicants and tenants are asked to provide personal information to execute a housing request, such as information to establish eligibility, determine rent, and maintain a tenancy.
- b) Complaints are made anonymously. The Corporation will not act on anonymous complaints unless there are compelling circumstances relating to the health or safety of an individual or a community or where the person making the complaint has good reason to remain anonymous. Staff are required to treat all such complaints with caution and consider the intent. If complaints are made alleging that tenants have provided false income information for RGI purposes, the file will be reviewed for discrepancies or inadequacies. Any action or follow-up will be based on the file review and not on the anonymous complaint. Records of anonymous complaints and anonymous letters will not be placed on the file of the applicant or tenant but will be held in a central file.
- c) Complaints are made against them. Personal information should not be released to the person against whom the complaint was lodged. The name and address of the person making the complaint is personal information about that individual. If a complaint is provided in confidence, this should be respected, if possible. However, the person against whom the complaint was made has a right to know the name of the complainant if the complaint will result in legal action by the Corporation.

#### **3.1.2 The right to privacy for an applicant or tenant does not exist when:**

- a) Personal information is collected for the purposes of enforcing legislation (e.g., the Residential Tenancies Act).
- b) The Corporation is collecting personal information for a proceeding (or potential proceeding) before a court, judicial or quasi-judicial tribunal such as to proceed with an eviction.
- c) The Corporation and its legal advisor(s) are compiling legal advice regarding a tenancy.

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- d) The Corporation releases information to those who are authorized to see it, or who are entitled to see it under provisions of this policy.

#### **3.1.3 The applicant or tenant will be informed when information is released, to whom and why, except where:**

- a) The tenant or applicant has requested release of the information, or
- b) The tenant or applicant has provided written consent; or
- c) The information is related to law enforcement; or
- d) There are issues regarding health and safety; or
- e) The information is needed to obtain funding or other support. Staff from funders and auditors are entitled to have access to files to check the Corporation's compliance with funding program requirements. People doing these jobs have their own professional codes and are required to maintain confidentiality. Staff will facilitate their access to files, personal or otherwise, once satisfied they are legitimately seeking access.

#### **3.1.4 Safeguards ensuring confidentiality for personal information given to the Corporation by applicants and tenants will be overridden only:**

- a) When there is a legal requirement to do so; or
- b) Where there are compelling circumstances relating to the health and safety of an individual (i.e., information made available to fire fighters regarding tenants requiring assistance in the event of an emergency); or
- c) When information is released in relation to the enforcement of legal obligations; or
- d) When there are operational requirements to release information and where the release of the information would be consistent with the provisions of this policy which allow for release of information; or
- e) Where the tenant could be expected to assume that the information would be released, given the principles and intent of this policy; or
- f) When applicants and tenants ask to see their personal information on file to adjust or check accuracy.

#### **3.1.5 The release of personal information will only occur when:**

- a) The applicant or tenant has given written permission, either in a general way or for a specific disclosure
- b) The requestor proves that they are entitled to have access to it. The Corporation is not responsible for deciding whether someone requesting personal information about an applicant or tenant is allowed access to it. Rather, it is the requestor's responsibility to prove that they are entitled to access by providing:
  - i. A copy of the applicant or tenant's consent to release the information. For example, the consent of a tenant would be required to give a reference to another landlord or give information to Social Services; or
  - ii. A copy of the section of the Act or Statute that allows release of the information. For example, certain sections of the Income Tax Act expressly state that the Corporation must release to Canada Revenue Agency certain pieces of personal information when it is requested.
- c) Law enforcement agencies provide a written request or "warrant" requesting the release. While the Corporation has a responsibility to respect and protect the rights of applicants and tenants to privacy, this responsibility must be balanced with an obligation to the

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broader community. The Corporation will release personal information about applicants or tenants to law enforcement or other agencies (e.g., social services) to assist in law enforcement investigations where a written request or "warrant" has been provided.

- d) The Corporation is asked by police to confirm the address of a tenant when the police officer has the address and name and is simply seeking confirmation as to its accuracy. Staff should not provide any additional information without seeing written authorization.
- e) An agency is requesting information in an urgent situation, especially where safety is at risk, and there is a problem about obtaining written authorization or a "warrant", it may be appropriate to disclose personal information. In these cases, disclosure must be authorized by the Corporation. Specific circumstances for releasing personal information to the police would be:
  - i. Violent crimes against persons (e.g., murder, assault, robbery, sexual assault, kidnapping, and other violent crimes)
  - ii. Other crimes, including, but not limited to, property damage, drugs, theft, fraud
- f) It can be clearly identified that an outside agency, individual, and institution request would be contributing to the applicant or tenant's benefit. Where staff have good reason to believe that an individual is unable to make a rational decision to consent to the disclosure of information, every effort will be made to contact a community service agency or a relative to request assistance.
- g) Personal information is needed by Social Services to meet the Corporation's obligation to ensure that RGI rents are determined correctly, and that income information provided by tenants is accurate.
- h) The Corporation is verifying information provided by the applicant or tenant from employers, financial institutions, and others who are the source of information.
- i) Such information is needed by the police to report criminal activity.
  - i. Witnesses to crimes against persons are obligated to report and provide appropriate information to the police so that charges can be laid.
  - ii. Victims of crimes are responsible for reporting the crime directly to the police.
  - iii. If the victim is a child or a person with a disability that renders them incapable of making the decision to report, the responsibility lies with the Corporation to report the crime to the Police or Children's Aid Society, if it has relevant information.
  - iv. In the case of suspected child abuse, information will be provided to the Children's Aid Society as required under the Child and Family Services Act.
  - v. Staff with personal knowledge should report theft or damage to Corporation property to the police and provide full details including personal information, if applicable.
  - vi. Where staff have good reason to believe that there is a drug problem in the building, they should report this to the police and ask them to investigate.

#### **3.1.6 Safeguarding confidential information**

- a) The day-to-day administration of applicant and tenant files (including information on data bases) must include guarding against unauthorized access.
- b) Staff working with files, documents or data base records which contain personal information are responsible for safeguarding the security and confidentiality of the records they use. Only staff should have access to records to fulfil their duties.

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- Information should be safeguarded from access by the public. Only those staff members who need a record for the performance of their duties should have access to it. Staff must exercise caution in discussion with other staff about situations which involve personal information about applicants and tenants.
- c) Staff must not seek out personal information about tenants or applicants unless it is relevant to their work.
  - d) File cabinets and data bases containing files with personal information must be safeguarded from unauthorized access.
  - e) All staff have a responsibility to approach strangers in the office and direct them appropriately so that outsiders do not have unsupervised access to areas where files are kept and used.
  - f) Where files are not kept in locked cabinets, office doors must be locked after hours to prevent unauthorized access.
  - g) The Corporation is aware that information provided to Provincial Ministries, CMHC or the Municipality for funding purposes could be obtained by the public through the Freedom of Information and Protection of Privacy Act. This Act gives the public a right of access to certain information held by the government. The Act applies to the federal, provincial, and municipal governments and to municipal non-profits, but does not apply directly to private non-profits. However, it may affect a non-profit indirectly because of information it sends to the government, such as operating records and audit reports. Limitations on access include information involving solicitor-client privilege and financial or labour relations information supplied in confidence. Regional government offices can advise further if there are concerns.