

## Access and Privacy Policy

**Policy #:** 005  
**Created:** August 2016  
**Amended:** N/A

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### 1.0 Purpose:

The purpose of this policy is to set out how the Bereavement Authority of Ontario will effectively protect and provide access to personal information and also provide public access to information held by the Authority.

The following definitions apply for the purpose of this policy:

- “*Authority*” means the Bereavement Authority of Ontario.
- “*Personal information*” means any information about an identifiable individual that is recorded in any form, such as name, address, etc., but does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity
- “*Act*” means the *Funeral, Burial and Cremation Services Act, 2002* and the regulations under that Act.

### 2.0 Application and Scope:

This policy applies to all individuals who may be involved with the Authority, including licensees, employees (whether full time, part-time or on limited contracts) or members of the public who may request information.

### 3.0 Principles:

- The Authority is responsible for protecting, maintaining and disposing of all personal information, paper and electronic, collected in the course of carrying out its responsibilities;
- Knowledge and consent of the individual is required before collecting, using or disclosing personal information, except for circumstances in which consent would be inappropriate, such as enforcement actions under the act;

- The collection of personal information is limited to only what is required to carry out business as a regulatory authority; and
- Personal information held by the Authority will be accurate and up-to-date based upon information provided by individuals, members of the public, and its licensees.
- Personal information about licensees shall at all times be collected by lawful means directly from the individual to whom it relates whenever possible and be collected only where there is a demonstrable need for this information in order for the Authority to administer the *Funeral, Burial and Cremation Services Act, 2002*.

#### **4.0 Collection, Use and Disclosure of Personal Information:**

##### 4.1- Collecting Personal Information

The Authority will collect personal information by lawful means only and only in circumstances where it is required to administer the Act. Regulatory functions which may require the collection, use or disclosure of personal information include, but are not limited to:

- Issuance or renewal of a license;
- Information requests or complaints; and
- Inspections and investigations.

Information will be collected, used and disclosed with written consent directly from the person to whom it relates, not from a third party (subject to section 4.4 below). Staff involved in the collection of personal information will explain why it is being collected and how it will be used.

##### 4.2- Using or Disclosing Personal Information

The Authority must have the written consent of the individual to whom the personal information applies, before it can be used for a purpose other than that for which it was collected, or disclosed to a third party. The Authority will track individuals consent choice (e.g., consent or non-consent to use personal information).

Third party access to personal information should only be provided where it can be demonstrated that this party has access and privacy provisions which are comparable to those of the Authority. If personal information is made available to a third party on an ongoing basis, any revised information will be regularly provided.

Personal information that has been collected by the Authority may be used or disclosed without the consent of the individual only in the following circumstances:

- I. For the purpose of conducting an inspection or an investigation;
- II. If the information is necessary to respond to an emergency; and
- III. For the administration and enforcement of the Act.

However, personal information shall not be used or disclosed except as noted above or for the purposes it was collected except with the consent of the individual to whom the information applies or is legally authorized.

#### 4.3- Protecting Personal Information

The Authority recognizes the importance of protecting the personal information and records in its care, and will:

- Take reasonable steps to prevent theft, loss or misuse of personal information and records, and protect it from unauthorized access, modification, or destruction.
- Implement physical and organizational protections for paper records.
- Enable passwords and other technological protections for electronic records.
- Ensure that all employees, the Board of Directors, and all consultants or contract workers employed by the Authority have received adequate training needed to comply with and uphold this policy.

#### 4.4 - Incapacity

Where the consent of an individual or an action of an individual is required under this policy and the individual is incapable of giving the consent or taking the action, the Authority may accept and rely on the consent or action of a personal representative or substitute decision maker for the individual.

### **5.0 Retention and Destruction of Personal Information and Records:**

#### 5.1- Retention of Personal Information and Records

The Authority will only retain information as long as is necessary to fulfill the purpose for which it was collected. A record of personal information may be retained after it has fulfilled its purpose in the following circumstances:

- I. Another law requires or authorizes the retention;
- II. The record is reasonably required for the future regulatory actions of the Authority; and
- III. The record is transferred to storage or archives for the purpose of historical research or permanent preservation, provided it is made anonymous of personal information as described in Section 5.2.

When a personal record no longer fulfils its intended purpose, but it was used to make a regulatory decision involving an individual, the Authority will retain the record for 12 months to provide the opportunity for the individual to access their own personal information.

### 5.2- Destruction of Personal Information and Records

Any records that are retained for the historical research or permanent preservation must be made anonymously, and all personal and identifiable information will be destroyed.

For all records that have fulfilled the purposes for which they were collected and are not to be retained, the record will be destroyed in a manner that is appropriate given its medium:

- A paper record of personal information, and all copies, shall be destroyed via a locked shredding box, so it can be shredded before it is destroyed.
- Electronic data containing personal information is to be destroyed before the hardware that hosted the data is discarded.

## **6.0 Access to Information:**

### 6.1- Accessing Own Personal Information

The Authority will confirm the existence and use of, and provide an individual access to their own personal information as held and collected by the Authority, except where such access, release and disclosure would:

- I. violate another individual's right to privacy unless that individual consents to the release and disclosure of the information;
- II. violate a legally recognized privilege;
- III. compromise security or commercial propriety concerns; or
- IV. compromise ongoing inspection and enforcement activities of the Authority.

Records of personal information will be provided in a form that is easily understandable. A small administrative charge may apply for the production of these records.

### 6.2- Corrections, Updates or Completeness of Personal Information and Records

Where an individual disagrees with the accuracy of their personal information on file with the Authority, the individual has the right to challenge its accuracy and demand its amendment.

Following the confirmation of proof of identity and upon request of any corrections or updates by an individual, the Authority must amend the individual's record to reflect either:

- the requested change; or
- a statement of disagreement to be attached to the information and the individual's file, which must also be transmitted to any third parties with access to the information.

Amendments to the personal information of the Authority's licensees shall be made as soon as practicable. Amendments to the personal information or records of non-licensees must be made within 10 business days of receipt of the request.

Please refer to **Appendix A** for details outlining the procedure whereby an individual can access, correct or update their personal information on file with the Authority.

### 6.3 Public Access to Information

The Authority will provide public access to information held by the Authority unless the release of information would:

- I. violate an individual's right to privacy;
- II. violate a legally recognized privilege;
- III. compromise ongoing inspection and enforcement activities of the Authority;
- IV. impair the ability of the Authority to ensure a fair, safe and informed marketplace that supports a competitive economy;
- V. involve information that is the substance of deliberations by the Authority's Board of Directors and its committees, including but not limited to agenda, minutes, policy options and analysis, internal advice, propriety information and advice to government;
- VI. involve bulk data and other sensitive aggregate data that may identify a specific individual; or
- VII. involve commercial, proprietary, technical or financial information related to an individual or commercial enterprise who has supplied the records to the Authority in confidence, if disclosure would result in undue loss or gain, prejudice a competitive position, or interfere with contractual or other negotiations.

To request such access, you must complete and submit a request in the form annexed as Appendix C that provides the details respecting your request. The Authority will respond to you within thirty (30) calendar days after receipt of your request.

## **7.0 Administration:**

The Authority will publish, in either print or electronic format, all policies, practices, standards, codes, and brochures pertaining to the management of personal information.

### 7.1- Privacy Officer

The Authority has identified a Privacy Officer who is responsible for the Authority's compliance with this privacy policy and requests for access to information. Upon request, the name and contact information for this individual will be made available. The Authority will investigate all complaints of compliance with this access and privacy policy, and will act accordingly based on the results of the investigation.

Questions or comments on the Bereavement Authority of Ontario's Access and Privacy Policy can be addressed to:

Privacy Officer  
Bereavement Authority of Ontario  
100 Sheppard Avenue East, Suite 505  
Toronto ON M2N 6N5

Please refer to **Appendix B** for details outlining the procedure for submitting a complaint about compliance with this access and privacy policy.

### 7.2- Reviewing the Operation of this Policy

This policy will be reviewed at regular intervals, to ensure that it continues to serve its intended purpose. This may mean reviewing:

- Procedures in place to protect personal information;
- The effectiveness of procedures for handling complaints;
- The effectiveness of procedures for addressing information requests; and
- Any other amendments that should be made to improve the operation of this policy and the protection of personal information.

Any changes or amendments to this access and privacy policy will be submitted by the Authority to the Minister of Government and Consumer Services.

## Appendix A

### Procedure for submitting a request to access or correct personal information

#### A1. Requesting Information or Correcting Personal Information

All requests for information or corrections must be submitted in writing to the Authority's Privacy Officer. If an individual disagrees with the accuracy of their personal information on file with the Bereavement Authority of Ontario, they have the right to challenge the accuracy.

The Privacy Officer will respond to requests for information or corrections within 30 days where possible. If, for whatever reason, the Privacy Officer is unable to provide a response within 30 days, they will contact the requestor and advise them of when a response can be anticipated.

The Privacy Officer will require proof of identity from the requestor, to ensure that the individual does have the right to access the information requested. This proof will be used for authentication of identity only.

The Privacy Officer will provide, in writing, a decision regarding the access to information. The Authority may refuse access to information in circumstances such as those noted in section 6.1 of this policy.

If an individual can establish that the information on file is inaccurate or incorrect, the Authority will take action as outlined in section 6.2 of this policy.

If the Authority cannot grant access to the information requested or cannot make the correction requested, they will advise the requestor as best as they can, why the request could not be granted.

#### A2. Further Action

When an individual is not satisfied with the decision made by the Privacy Officer regarding their request for access to information or request to correct errors in their personal information as held by the Authority, the individual must submit in writing a request for review. This request for review must explicitly identify what needs to be reviewed and can be addressed to:

Chief Executive Officer  
Bereavement Authority of Ontario  
100 Sheppard Avenue East, Suite 505  
Toronto ON M2N 6N5

The individual will receive a final decision, in writing, on their request for review within 30 days where possible. If, for whatever reason, a response cannot be provided within 30 days, the individual will be contacted and advised of when they can anticipate receiving a final decision.

## **Appendix B**

### **Procedure for submitting a complaint about compliance with this Access and Privacy Policy**

If an individual would like to make a formal complaint about the Bereavement Authority of Ontario's access or privacy practices, or has concerns that the access and privacy policy is not being adhered to, the complaint must be submitted in writing to the Bereavement Authority of Ontario's Privacy Officer:

Privacy Officer  
Bereavement Authority of Ontario  
100 Sheppard Avenue East, Suite 505  
Toronto ON M2N 6N5

In respect of a privacy matter, the Authority will require proof of identity to confirm the individual is entitled access to the information related to the complaint.

In respect of an access to information matter, the Authority will require evidence as to why the information requested should be released if the Authority has refused to release the information.

Upon receipt of the complaint, the Privacy Officer will contact (in writing) the individual who has submitted a complaint to acknowledge receipt of the complaint and to confirm that it is being investigated thoroughly.

Upon conclusion of the investigation, the Privacy Officer will provide the individual with a written response with a formal decision regarding the investigation.

If it has been determined by the Privacy Officer that the complaint is justified, the Authority will take the appropriate actions to rectify the situation.

Where necessary upon conclusion of an investigation, the Authority will amend its policies and practices to prevent any future incidents or breaches of privacy of information.

Complaints regarding how a matter was addressed and dealt with by the Privacy Officer must be submitted in writing to the Board of the Authority.

**Appendix C**

**REQUEST FOR ACCESS TO INFORMATION**

TO: BEREAVEMENT AUTHORITY OF ONTARIO

FROM: [insert your name]

ADDRESS: [insert your address]

PHONE NUMBER: [insert your phone number]

EMAIL ADDRESS: [insert your email address, if available]

Nature of Information to which you want access:

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[ describe in as much detail the nature of the information you wish to access and attach additional pages if necessary to this form]

NOTE: You can email the completed request to the Privacy Officer at the Bereavement Authority of Ontario or mail it to Suite 505, 100 Sheppard Avenue East, Toronto, ON M2N 6N5.