

I.A.T.S.E. Local 667/669 Health and Welfare Fund Privacy Policy (“the Policy”)

I. INTRODUCTION

A. The I.A.T.S.E. Local 667/669 Health and Welfare Fund has been established as a trust fund to be used for the maintenance of a health and welfare plan for the benefit of members, dependents and beneficiaries. The administration of the Trust Fund necessarily involves the collection, use and disclosure of Personal Information, including personal health information. This Privacy Policy is a formal statement of principles and guidelines concerning the minimum requirements for the protection of Personal Information related to the administration of the Trust Fund. The object of the Privacy Policy is to promote responsible and transparent practices in the management of Personal Information, in accordance with the principles of the federal *Personal Information Protection and Electronic Documents Act* ("PIPEDA").

B. The Trustees of the Trust Fund will review the Privacy Policy from time to time to ensure it is relevant and it remains current with changing technologies and laws, and that it continues to meet the evolving needs related to Beneficiaries' Personal Information.

C. The definitions used in this Policy are defined in Section IV A.

D. The effective date of this Policy is January 1, 2004.

II. SUMMARY OF GUIDING PRINCIPLES

A. The following statements are the guiding principles of this Privacy Policy.

- (1) **ACCOUNTABILITY** - The Trustees are responsible for Personal Information under their control, including information transferred to a third party for processing, and will designate an individual who is accountable for compliance. The Trustees will implement policies and practices to give effect to these principles.
- (2) **IDENTIFYING PURPOSES** - The Trustees will identify and document why Personal Information is collected at or before the time of collection, and will advise the individuals from whom Personal Information is collected of this purpose.
- (3) **CONSENT** - The knowledge and consent of individuals are required for the collection, use or disclosure of Personal Information, except where inappropriate. The Trustees will not require consent to collect, use or disclose information beyond that required to fulfil the explicitly specified and legitimate purposes. The form of consent will suit the nature and sensitivity of the information.
- (4) **LIMITING COLLECTION** - The collection of Personal Information is limited to that which is necessary for the purposes identified by the Trustees, and will be collected by fair and lawful means.
- (5) **LIMITING USE, DISCLOSURE AND RETENTION** - Personal Information will not be used or disclosed for purposes other than those for which it was collected, unless consent is obtained or as required by law. The Trustees will only retain information as long as necessary to carry out those purposes. New consent will be obtained for new purposes. The Trustees will work with the Trust Fund's employees to develop guidelines and implement procedures with respect to the retention and destruction of Personal Information.

I.A.T.S.E. Local 667/669 Health and Welfare Fund

Privacy Policy (“the Policy”)

- (6) ACCURACY - Information will be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.
- (7) SAFEGUARDS - Security safeguards appropriate to the sensitivity of the information will be used to protect Personal Information.
- (8) OPENNESS - The Trustees will make readily available to individuals specific information about its policies and practices relating to the management of Personal Information, and will include certain information (such as who is the responsible person, and how to gain access to the individual's information).
- (9) INDIVIDUAL ACCESS - Upon 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 certain exceptions, such as prohibitive cost or privilege). An individual can challenge the accuracy and completeness of the information and seek appropriate amendments.
- (10) CHALLENGING COMPLIANCE - An individual will be able to address a challenge concerning compliance with the above principles to the designated individual(s) accountable for the Trustees compliance. The Trustees will establish easy-to-use procedures to receive and respond to complaints or inquiries.

III. SCOPE AND APPLICATION

- A. The ten principles which form the basis of the Privacy Policy are interrelated, and subject to the other provisions of this Privacy Policy, the Trustees shall adhere to the ten principles as a whole. Each principle must be read in conjunction with the accompanying commentary. The commentary in the Privacy Policy has been tailored to reflect Personal Information issues specific to the Trust Fund. In that context, the scope and application of this Privacy Policy are as follows:
- (1) The Privacy Policy applies to Personal Information, including personal health information, about Beneficiaries covered by the Trust Fund that is collected, used or disclosed by the Trust Fund, or the Trust Fund's employees or other entities related to the Trust Fund.
 - (2) The Privacy Policy applies to the management of Personal Information in any form whether oral, electronic or written.
 - (3) The Privacy Policy does not impose any limits on the collection, use or disclosure of the following information by the Trust Fund:
 - (a) an individual's name, address, telephone number and e-mail address, when listed in a directory or available through directory assistance or available through a Union office;
 - (b) an Employer's name, title, business address including e-mail address or business telephone or fax number; or

I.A.T.S.E. Local 667/669 Health and Welfare Fund Privacy Policy (“the Policy”)

- (c) other information about a member, dependent or beneficiary that is publicly available or is specified by regulation pursuant to PIPEDA;
 - (d) information which has already been provided to the Trustees or the Trust Fund’s employees at the time that this Policy is first implemented.
- B. Throughout the Privacy Policy, a reference to the Trustees also means an employee of the Trust Fund to whom the Trustees have delegated a responsibility or obligation.

IV. DEFINITIONS

- A. The following definitions apply for the purposes of this Privacy Policy:
- (1) **"Beneficiary"** or collectively **"Beneficiaries"** means a current or former member of the Trust Fund, and where applicable the member’s dependent or beneficiary.
 - (2) **"Collection"** means the act of gathering, acquiring, recording or obtaining Personal Information from any source, including third parties, by any means.
 - (3) **"Consent"** means voluntary agreement with the collection, use and disclosure of Personal Information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by any authorized representative. Express consent can be given orally, electronically or in writing but is always unequivocal and does not require any inference on the part of the Trust Fund. Implied consent is consent that could be reasonably inferred from an individual's action or inaction.
 - (4) **"Disclosure"** means making Personal Information available to a Third Party.
 - (5) **"Personal Information"** means information about an identifiable Beneficiary, but does not include aggregated information that cannot be associated with a specific individual. Examples of Personal Information includes information found in personal employment file and any medical and benefits information, but does not include the Beneficiary's name, address, e-mail address or telephone number.
 - (6) **"Privacy Policy"** means this Privacy Policy, as amended by the Trustees from time to time.
 - (7) **"Third Party"** means an individual or organization other than the Trustees, the Trust Fund’s employees, or the identified individual.
 - (8) **"Trust Fund"** or **"Fund"** means the trust fund established by the Trust Agreement.
 - (9) **"Trustees"** or **"Board of Trustees"** or **"Board"** means those individuals who, from time to time are constituted as the Board of Trustees of the Trust Fund.
 - (10) **"Trust Agreement"** means the Agreement and Declaration of Trust made as of May 13, 1990 between the Locals and the Board of Trustees, as subsequently amended.
 - (11) **"Union"** means the International Association of Theatrical Stage Employees.

I.A.T.S.E. Local 667/669 Health and Welfare Fund

Privacy Policy (“the Policy”)

- (12) "Use" means the treatment, handling and management of Personal Information in the context of administering the Trust Fund.

V. THE PRIVACY POLICY IN DETAIL

The Trustees will be governed by the following specific rules, in the Use of Personal Information:

Principle 1. - Accountability

- 1.1 The Trustees are responsible for ensuring compliance with the provisions of the Privacy Policy. The Trustees designate the Chairperson and Co-Chairperson as the persons accountable for the Trustees' compliance with the Privacy Policy;
- 1.2 A Beneficiary of the Trust Fund may be designated from time to time to take responsibility for the day to day collection and processing of Personal Information. The Trustees shall make known the name and contact information for that employee who has been designated to oversee compliance with the Privacy Policy.
- 1.3 The Trustees are each responsible for Personal Information under their possession or control. The Trustees shall use appropriate means to provide a comparable level of protection while information is being processed by a third party (see principle 7). The Trustees shall implement policies and procedures to give effect to the Privacy Policy including:
- (a) implementing procedures to protect Personal Information and to oversee the Trust Fund's compliance with the Privacy Policy;
 - (b) establishing procedures to receive and respond to inquiries or complaints;
 - (c) communicating to the Trust Fund's employees, and other entities or organizations hired by the Trustees to process and collect Personal Information; and
 - (d) developing information or procedures to explain or enhance the Privacy Policy.

Principle 2. - Identifying Purposes for Collection of Personal Information

- 2.1 The Trustees collect Personal Information only for the following purposes:
- (a) to properly manage and administer the Trust Fund including, without limitation, compliance with the fiduciary obligations and responsibilities of the Trustees;
 - (b) to ensure that Beneficiaries are provided with benefits under the Trust Fund to which those Beneficiaries are entitled;

I.A.T.S.E. Local 667/669 Health and Welfare Fund Privacy Policy (“the Policy”)

- (c) to provide an opportunity to Beneficiaries to appeal any denial of benefits under the Trust Fund;
 - (d) to meet legal and regulatory requirements; and
 - (e) to meet the obligations which the Trustees have under the Trust Agreement.
- 2.2 Personal Information (which for certainty includes personal health information) is necessarily collected from a Beneficiary in order for that Beneficiary to obtain and maintain eligibility in the Trust Fund, and also at a time when any benefit claims or appeals are made. That same form will outline the use and disclosure of the Personal Information being provided. A Beneficiary may be asked by the provider of a health service to provide Personal Information which will then be used by that health service provider in making on behalf of the Beneficiary a benefit claim. Examples of information collected are as follows:
- (a) when a Beneficiary initially begins participation in the Trust Fund, individually identifying information is collected from that Beneficiary. At that time, the Beneficiary's consent is obtained to collect the information. Examples of Personal Information collected are:
 - (i) Social Insurance Number;
 - (ii) birthdates of each Beneficiary;
 - (iii) identification of spouse and dependents;
 - (iv) designation of a beneficiary under life insurance coverage.
 - (b) when a Beneficiary makes a claim on the Trust Fund, the following are examples of the type of additional information that is collected from the Beneficiary:
 - (i) nature of medical services performed;
 - (ii) medical personnel involved;
 - (iii) any drugs or other medical requirements; and
 - (iv) cost of services provided.
 - (c) when a Beneficiary appeals a decision made by the Trustees in relation to benefits denied or for any other reason, the Trustees necessarily must review all relevant Personal Information and relevant personal health information regarding that Beneficiary in considering an appeal.
- 2.3 The Trustees shall specify orally, electronically or in writing the specific identified purposes to the Beneficiary at or before a time Personal Information is collected.
- 2.4 Unless required by law, or expressly authorized by the Beneficiary, the Trustees shall not use or disclose for any purpose new Personal Information that has been collected without first identifying and documenting the new purpose and obtaining the consent of the Beneficiary.

I.A.T.S.E. Local 667/669 Health and Welfare Fund

Privacy Policy (“the Policy”)

Principle 3. - Obtaining Consent for Collection, Use or Disclosure of Personal Information

- 3.1 The knowledge and consent of a Beneficiary are required for the collection, use, or disclosure of Personal Information, except where inappropriate. In certain circumstances Personal Information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, the Trustees may collect or use Personal Information without knowledge or consent if it is clearly in the interests of the individual and consent can not be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated. It may also be used if the Trustees are investigating whether a claim for a benefit is fraudulent or ineligible.
- 3.2 The Trustees may also collect, disclose or use Personal Information with the written consent of the Beneficiary's authorized agent, legal representative, or guardian.
- 3.3 The Trustees may also use or disclose Personal Information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.
- 3.4 The Trustees may also collect, use or disclose Personal Information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting the information, such as in the investigation by the Trustees of a breach of an agreement (such as the eligibility rules or insurance policy maintained by the Trustees) or a contravention of a federal or provincial law.
- 3.5 The Trustees may disclose Personal Information without knowledge or consent to a lawyer representing the Trustees, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.
- 3.6 In obtaining a Beneficiary's consent, the Trustees shall use reasonable efforts to ensure that a Beneficiary is advised of the identified purposes for which Personal Information will be used or disclosed in a manner that can be reasonably understood by the Beneficiary.
- 3.7 Generally, the Trustees shall seek consent to use and disclose Personal Information at the same time it collects the information. However, the Trustees may seek consent to use and disclose Personal Information after it has been collected, but before it is used or disclosed for a new purpose.
- 3.8 Effective January 1, 2004, the Trustees will require Beneficiaries to consent to the collection, use or disclosure of Personal Information as a condition of making a claim for a benefit or an appeal regarding the denial of benefits.
- 3.9 In determining the appropriate form of consent, the Trustees shall take into account the sensitivity of the Personal Information and the reasonable expectations of its Beneficiaries.
- 3.10 In general, and in particular for the time period prior to January 1, 2004, the making of a claim for benefits by a Beneficiary or the Beneficiary seeking to become or remain a participant in the Trust Fund constitutes implied consent for the Trustees to collect, use and disclose Personal Information for all identified purposes. This implied consent applies to all information collected for the purposes set out herein, whether that information is collected orally, electronically, or in writing, either directly through the Beneficiary, or indirectly through the Beneficiary's health services provider or another means.

I.A.T.S.E. Local 667/669 Health and Welfare Fund

Privacy Policy (“the Policy”)

- 3.11 A Beneficiary may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. However, if a Beneficiary withdraws consent to collect, use or disclose Personal Information, the Beneficiary may be denied benefits under the Trust Fund, as those benefits cannot be implemented without Personal Information about a Beneficiary. Beneficiaries may contact the Trust Fund’s office for more information regarding the implications of withdrawing consent.

Principle 4. - Limiting Collection of Personal Information

- 4.1 The Trustees shall limit the collection of Personal Information to that which is necessary for the purposes identified by the Trustees. The Trustees shall collect Personal Information by fair and lawful means.
- 4.2 The Trustees collect Personal Information primarily from Beneficiaries. The Trustees may also collect Personal Information directly from a health services provider submitting an electronic claim form. The Trustees may also collect Personal Information from other sources including health care agents, employers, a Local, the Union, or other third parties who represent that they have the right to disclose the information.

Principle 5. - Limiting Use, Disclosure, and Retention of Personal Information

- 5.1 The Trustees shall not use or disclose Personal Information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. The Trustees shall retain Personal Information only as long as necessary for the fulfilment of those purposes or as required by law. Generally, Personal Information concerning a Beneficiary is retained by the Trustees for a period of seven years after the Beneficiary ceases to be a participant in the Trust Fund, which is the current length of time that the Trustees maintain their records concerning former Beneficiaries before destruction of those records.
- 5.2 The Trustees may disclose Personal Information about Beneficiaries:
- (a) to a person who in the reasonable judgment of the Trustees is seeking the information as an authorized agent of a Beneficiary;
 - (b) for normal benefits administration;
 - (c) where disclosure is required by law.
- 5.3 Only the Trust Fund’s employees with a business need to know, or whose duties reasonably so require, are granted access to Personal Information about Beneficiaries. The following persons are designated as those with a business need to know:
- (a) each of the Trustees.
 - (b) those Trust Fund employees that must necessarily deal with a claim or an appeal by a Beneficiary;

I.A.T.S.E. Local 667/669 Health and Welfare Fund Privacy Policy (“the Policy”)

- (c) the consultant, and those employees of the consultant, with whom the Trustees may consult in dealing with a claim or an appeal;
 - (d) legal counsel to the Trustees, and those partners and employees of legal counsel who must necessarily assist the Trustees in respect to a claim or an appeal, either generally or specifically;
 - (e) the benefit providers retained by the Trustees, and those employees of the benefit providers who deal with a claim or an appeal (whether such appeal is to the benefit provider or to the Trustees);
 - (f) a business manager or business agent of the Local where the Beneficiary is working or where the Beneficiary is a member of such Local;
 - (g) the auditor of the Trust Fund, in auditing the financial statements of the Trust Fund.
- 5.4 The Trustees shall not record Personal Information of a Beneficiary in minutes of Trustees' meetings, agendas or other supporting documentation, unless necessary in the circumstances.
- 5.5 The Trustees shall keep Personal Information only of a Beneficiary as long as it remains necessary or relevant for the identified purposes or as required by law.
- 5.6 Depending on the circumstances, where Personal Information has been used to make a decision about a Beneficiary, the Trustees shall retain, for a period of time that is reasonably sufficient to allow for access or appeal by the Beneficiary, either the actual information or the rationale for making the decision.
- 5.7 The Trustees shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to Personal Information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

Principle 6. - Accuracy of Personal Information

- 6.1 Personal Information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
- 6.2 Personal Information used by the Trustees shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a Beneficiary.
- 6.3 The Trustees shall update Personal Information about Beneficiaries as and when necessary to fulfil the identified purposes or upon notification by the individual.

I.A.T.S.E. Local 667/669 Health and Welfare Fund

Privacy Policy (“the Policy”)

Principle 7. - Security Safeguards

- 7.1 The Trustees shall protect Personal Information of a Beneficiary by security safeguards appropriate to the sensitivity of the information.
- 7.2 Information collected, used and disclosed by the Trustees about Beneficiaries is Personal Information related to the provision of benefits for the Beneficiaries and their families is considered to be sensitive information, and the Trustees shall take all reasonable steps to protect the security of the information, including limiting access to the information to those individuals deemed in clause 1.1 and 1.2 above, or other individuals if necessary in the circumstances.
- 7.3 The Trustees are committed to ensuring that the appropriate security measures are employed in the transfer of Personal Information electronically. In utilizing, where appropriate, electronic or wireless communication, the Trustees will advise users of such communications that complete confidentiality and security of the transmitted communication is not assured. The Trustees will utilize reasonable electronic security measures, including the suppression of “cookies” as is appropriate and customary for benefit plans. These procedures are in addition to those set out in Section 7.4 of this Policy.
- 7.4 The Trustees shall protect Personal Information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures. The Trustees shall protect the information regardless of the format in which it is held.
- 7.5 The Trustees shall protect Personal Information disclosed to third parties either by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used, or through the professional obligations which such third parties have.
- 7.6 All of the Trustees, the Consultant, Legal Counsel, the Trust Fund employees or others with access to Personal Information shall be required to respect the confidentiality of that information by written acknowledgements or professional obligations as appropriate.

Principle 8. - Openness Concerning Policies and Practices

- 8.1 The Trustees shall make readily available to Beneficiaries specific information about its policies and practices relating to the management of Personal Information.
- 8.2 The Trustees shall make information about its policies and practices easy to understand, including:
- (a) the title and address of the person or persons accountable for the Trustees' compliance with the Trustees Privacy Policy and to whom inquiries or complaints can be forwarded as described in clauses 1.1 and 1.2 above);
 - (b) the means of gaining access to Personal Information held by the Trustees; and
 - (c) a description of the type of Personal Information held by the Trustees, including a general account of its use.

I.A.T.S.E. Local 667/669 Health and Welfare Fund Privacy Policy (“the Policy”)

Principle 9. - Access of a Beneficiary to Personal Information

- 9.1 The Trustees shall inform a Beneficiary of the existence, use, and disclosure of his or her Personal Information upon written request of a Beneficiary, and shall give the individual access to that information. A Beneficiary shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
- 9.2 Upon written request, the Trustees shall afford a Beneficiary a reasonable opportunity to review the Personal Information in the individual's file. Personal Information shall be provided in understandable form within a reasonable time, and at a minimal or no cost to the individual.
- 9.3 In certain situations, the Trustees may not be able to provide access to all the Personal Information that it holds about a Beneficiary. For example:
- (a) if doing so would likely reveal Personal Information about a third party (including a spouse or dependent) or could reasonably be expected to threaten the life or security of another individual;
 - (b) if disclosure would reveal confidential information;
 - (c) if the information is protected by solicitor - client privilege;
 - (d) if the information was generated in the course of a formal dispute resolution process or litigation; or
 - (e) if the information was collected in relation to the investigation of a breach of an agreement (as described in clause 3.4) or a contravention of a federal or provincial law.
- 9.4 If access to Personal Information cannot be provided, the Trustees shall provide the reasons for denying access upon request.
- 9.5 Upon written request, the Trustees shall provide an account of the use and disclosure of Personal Information and, where reasonably possible, shall state the source of the information. In providing an account of disclosure, the Trustees shall provide a list of organizations to which it may have disclosed Personal Information about the individual when it is not possible to provide an actual list.
- 9.6 In order to safeguard Personal Information, a Beneficiary may be required to provide sufficient identification information to permit the Trustees to account for the existence, use and disclosure of Personal Information and to authorize access to the individual's file. Any such information shall be used only for this purpose.
- 9.7 The Trustees shall promptly correct or complete any Personal Information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, the Trustees shall transmit to third parties having access to the Personal Information in question any amended information or the existence of any unresolved differences.

I.A.T.S.E. Local 667/669 Health and Welfare Fund Privacy Policy (“the Policy”)

- 9.8 Beneficiaries can obtain information or seek access to their individual files by contacting the person designated in clause 1.2 above.

Principle 10. - Challenging Compliance

- 10.1 A Beneficiary is entitled to make inquiries or complaints concerning compliance with the above principles to the designated person or persons accountable for the Trustees' compliance with the Privacy Policy.
- 10.2 The Trustees shall maintain procedures for addressing and responding to all inquiries or complaints from Beneficiaries about the Trustees' handling of Personal Information. In particular, the Trustees designate the individuals named in clauses 1.1 and 1.2 above as the person to whom a Beneficiary may make an inquiry or complaint. That person will investigate the inquiry or complaint, and will report to the Trustees. A decision will be made about the inquiry or complaint and will be relayed to the Beneficiary on a timely basis. The response time will necessarily depend on the nature of the inquiry or complaint, but in any case, will not be longer than 30 days from the time the inquiry or complaint is received by the designated person.
- 10.3 The Trustees shall inform the Beneficiaries as soon as practical about the existence of these procedures as well as the availability of complaint procedures.
- 10.4 The person or persons accountable for compliance with the Privacy Policy may seek external advice, including but not limited to legal advice, where appropriate before providing a response to individual complaints.
- 10.5 The Trustees shall investigate all complaints concerning compliance with the Privacy Policy. If a complaint is found to be justified, the Trustees shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A Beneficiary shall be informed of the outcome of the investigation regarding his or her complaint.

Adopted by the Board of Trustees with effect as and from January 1, 2004 on October 3, 2004, as evidenced by the signatures of the Chairperson and Co-Chairperson set out below.

Chairperson

Co-Chairperson

**I.A.T.S.E. Local 667/669 Health and Welfare Fund
Privacy Policy**