

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

1. Introduction

- 1.1 The initial effective date of this Policy is October 3, 2004. This Policy replaces the Privacy Policy dated March 28, 2009. The revision date of this Policy is March 30, 2014.
- 1.2 A term which is bolded in this Policy has the meaning which is set out in the 'Glossary of Terms' of the **Board of Trustees**, unless otherwise specifically defined in this Policy.
- 1.3 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 **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 **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* (Canada) ("PIPEDA"), *The Personal Information Protection Act* (British Columbia), or any other applicable legislation governing the **Beneficiaries**.
- 1.4 The **Trustees** of the **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.
- 1.5 The following definitions apply for the purposes of this Privacy Policy:
 - (a) **"Collection"** or **"Collect"** or derivatives thereof means the act of gathering, acquiring, recording or obtaining Personal Information from any source, including Third Parties, by any means.
 - (b) **"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 **Fund**. Implied consent is consent that could be reasonably inferred from an individual's action or inaction.
 - (c) **"Disclosure"** or derivatives thereof means making Personal Information available to a Third Party.
 - (d) **"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.
 - (e) **"Third Party"** means an individual or organization other than the **Trustees**, the **Fund's** employees, or the identified individual to whom the Personal Information relates.

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- (f) **"Use"** or derivatives thereof means the treatment, handling and management of Personal Information in the context of administering the **Fund**

2. **Summary of Guiding Principles**

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

- (a) **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.
- (b) **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.
- (c) **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.
- (d) **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.
- (e) **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. A new Consent will be obtained for new purposes. The **Trustees** will work with the **Fund's** employees to develop guidelines and implement procedures with respect to the retention and destruction of Personal Information.
- (f) **Accuracy** - Information will be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be Used.
- (g) **Safeguards** - Security safeguards appropriate to the sensitivity of the information will be used to protect Personal Information.
- (h) **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).
- (i) **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.

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- (j) 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.

3. Scope and Application

3.1 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 **Fund**. In that context, the scope and application of this Privacy Policy are as follows:

- (a) The Privacy Policy applies to Personal Information, including personal health information, about **Beneficiaries** covered by the **Fund** that is Collected, Used or Disclosed by the **Fund**, or the **Fund's** employees or other entities related to the **Fund**.
- (b) The Privacy Policy applies to the management of Personal Information in any form whether oral, electronic or written.
- (c) The Privacy Policy does not impose any limits on the Collection, Use or Disclosure of the following information by the **Fund**:
 - (i) 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 **Locals** office;
 - (ii) an employer's name, title, business address including e-mail address or business telephone or fax number; or
 - (iii) other information about a **Member**, dependant or **Beneficiary** that is publicly available or is specified by regulation pursuant to PIPEDA;
 - (iv) information which has already been provided to the **Trustees** or the **Fund's** employees at the time that this Policy is first implemented.

3.2 Throughout the Privacy Policy, a reference to the **Trustees** also means an employee of the **Fund** to whom the **Trustees** have delegated a responsibility or obligation.

4. The Privacy Policy in Detail

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

4.1 Principle 1 – Accountability

- (a) 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.

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- (b) An employee employed or retained by the **Trustees** 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.
- (c) 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:
 - (i) implementing procedures to protect Personal Information and to oversee the **Fund's** compliance with the Privacy Policy;
 - (ii) establishing procedures to receive and respond to inquiries or complaints;
 - (iii) communicating to the **Fund's** employees, and other entities or organizations hired by the **Trustees** to process and Collect Personal Information; and
 - (iv) developing information or procedures to explain or enhance the Privacy Policy.

4.2 Principle 2 - Identifying Purposes for Collection of Personal Information

- (a) The **Trustees** Collect Personal Information only for the following purposes:
 - (i) to properly manage and administer the **Fund** including, without limitation, compliance with the fiduciary obligations and responsibilities of the **Trustees**;
 - (ii) to ensure that **Beneficiaries** are provided with **Benefits** under the **Fund** to which those **Beneficiaries** are entitled;
 - (iii) to provide an opportunity to **Beneficiaries** to appeal any denial of **Benefits** under the **Fund**;
 - (iv) to meet legal and regulatory requirements; and
 - (v) to meet the obligations which the **Trustees** have under the **Trust Agreement**.
- (b) 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 **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:

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- (i) when a **Beneficiary** initially begins participation in the **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:
 - (A) Social Insurance Number;
 - (B) Provincial Health Number;
 - (C) birthdates of each **Beneficiary**;
 - (D) identification of spouse and dependents; and
 - (E) designation of a beneficiary under life insurance coverage.
- (ii) when a **Beneficiary** makes a claim on the **Fund**, the following are examples of the type of additional information that is collected from the **Beneficiary**:
 - (A) nature of medical services performed;
 - (B) medical personnel involved;
 - (C) any drugs or other medical requirements; and
 - (D) cost of services provided.
- (iii) 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.
- (c) 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.
- (d) 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**.

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

- (a) 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.

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- It may also be used if the **Trustees** are investigating whether a claim for a **Benefit** is fraudulent or ineligible.
- (b) The **Trustees** may also Collect, Disclose or Use Personal Information with the written Consent of the **Beneficiary's** authorized agent, legal representative, or guardian.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) 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**.
 - (g) 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.
 - (h) 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**.
 - (i) 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**.
 - (j) 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 **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.
 - (k) 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 **Fund**, as those **Benefits** cannot be implemented

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without Personal Information about a **Beneficiary**. **Beneficiaries** may contact the **Fund's** office for more information regarding the implications of withdrawing Consent.

4.4 Principle 4 - Limiting Collection of Personal Information

- (a) 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.
- (b) 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** or union, or other Third Parties who represent that they have the right to disclose the information.

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

- (a) 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 **Fund**, which is the current length of time that the **Trustees** maintain their records concerning former **Beneficiaries** before destruction of those records.
- (b) The **Trustees** may disclose Personal Information about **Beneficiaries**:
 - (i) to a person who in the reasonable judgment of the **Trustees** is seeking the information as an authorized agent of a **Beneficiary**;
 - (ii) for normal **benefits** administration;
 - (iii) where Disclosure is required by law.
- (c) Only the **Trustees'** or the **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:
 - (i) each of the **Trustees**;
 - (ii) those **Fund** employees that must necessarily deal with a claim or an appeal by a **Beneficiary**;
 - (iii) the **consultant**, and those employees of the **consultant**, with whom the **Trustees** may consult in dealing with a claim or an appeal;

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- (iv) **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;
 - (v) the **service providers** retained by the **Trustees**, and those employees of the **service providers** who deal with a claim or an appeal (whether such appeal is to the benefit provider or to the **Trustees**);
 - (vi) a business manager, business representative or business agent of the **Local** where the **Beneficiary** is working or where the **Beneficiary** is a **member** of such **Local**;
 - (vii) the **Auditor** of the **Fund**, in auditing the financial statements of the **Fund**;
 - (viii) any other Third Party to whom the **Trustees** deem it necessary to release Personal Information for the purposes set out herein.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.

4.6 **Principle 6 - Accuracy of Personal Information**

- (a) Personal Information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
- (b) 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**.
- (c) The **Trustees**, the **Administrator**, or the employees of firms retained by the **Trustees**, from time to time, for the Collection and processing of Personal Information shall update Personal Information about **Beneficiaries** as and when necessary to fulfil the identified purposes or upon notification by the individual.

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4.7 Principle 7 - Security Safeguards

- (a) The **Trustees** shall protect Personal Information of a **Beneficiary** by security safeguards appropriate to the sensitivity of the information.
- (b) 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 and 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 5.1(a) and (b) above, or other individuals if necessary in the circumstances.
- (c) 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 Clause 5.7(d) of this Policy.
- (d) 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.
- (e) 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.
- (f) All of the **Trustees**, the **consultant, legal counsel**, the **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.

4.8 Principle 8 - Openness Concerning Policies and Practices

- (a) The **Trustees** shall make readily available to **Beneficiaries** specific information about its policies and practices relating to the management of Personal Information.
- (b) The **Trustees** shall make information about its policies and practices easy to understand, including:
 - (i) 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 5.1(a) and (b) above);

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- (ii) the means of gaining access to Personal Information held by the **Trustees**; and
- (iii) a description of the type of Personal Information held by the **Trustees**, including a general account of its Use.

4.9 Principle 9 - Access of a Beneficiary to Personal Information

- (a) 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.
- (b) 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.
- (c) 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:
 - (i) 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;
 - (ii) if Disclosure would reveal confidential information;
 - (iii) if the information is protected by solicitor - client privilege;
 - (iv) if the information was generated in the course of a formal dispute resolution process or litigation; or
 - (v) if the information was collected in relation to the investigation of a breach of an agreement (as described in clause 5.3(d)) or a contravention of a federal or provincial law.
- (d) If access to Personal Information cannot be provided, the **Trustees** shall provide the reasons for denying access upon request.
- (e) 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.
- (f) 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.

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- (g) 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.
- (h) **Beneficiaries** can obtain information or seek access to their individual files by contacting the person designated in clause 5.1(b) above.

4.10 Principle 10 - Challenging Compliance

- (a) 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.
- (b) 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 5.1(a) and (b) 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.
- (c) The **Trustees** shall inform the **Beneficiaries** as soon as practical about the existence of these procedures as well as the availability of complaint procedures.
- (d) 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.
- (e) 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.

Approved and adopted by the Board of Trustees as of the 30th day of March 2014, as evidenced by the signatures of the Chairperson and Co-Chairperson set out below.

Chairperson

Co-Chairperson