

District of West Vancouver
POLICY

Title: Privacy
Division: Legislative Services
Policy Number: 0208
File Number: 0282-20-0208

1. Purpose

- 1.1. The purpose of this policy document is to:
 - a. protect personal information; and
 - b. collect, use, or disclose personal information in accordance with the *Freedom of Information and Protection of Privacy Act* (FIPPA).

2. Scope

- 2.1. This policy document applies to Council, employees, volunteers, and service providers; and affects any personal information, in the custody or control of the District or its service providers, belonging to the District or its residents, service users, service providers, employees, and volunteers.

3. Definitions

- 3.1. “**Confidentiality Agreement**” means a legally binding contract that establishes a confidential relationship to protect sensitive information from a privacy breach.
- 3.2. “**Control**” means any record which may or may not be physically possessed by the District, but over which the District has the authority to restrict its collection, use, or disclosure.
- 3.3. “**Council**” means the Council of the District.
- 3.4. “**Custody**” means the District’s physical possession of any record for which the District shall be held responsible for, if such records are accessed, used, or disclosed in an unauthorized manner.
- 3.5. “**District**” means The Corporation of the District of West Vancouver.
- 3.6. “**Employee**” means any current permanent full-time, permanent part-time, temporary, casual, and contract employees of the District.
- 3.7. “**FIPPA**” means the *Freedom of Information and Protection of Privacy Act*.
- 3.8. “**Identifiable Individuals**” means someone who can be identified, either directly or indirectly from records which contain their personal information, such as name, address, phone number, etc.
- 3.9. “**OIPC**” means the Office of the Information and Privacy Commissioner for British Columbia.

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- 3.10. **“Personal Information”** means any recorded information, whether written or verbal, about an identifiable individual, except any business contact information and publicly available information, as defined under FIPPA.
- 3.11. **“Privacy Breach”** means unauthorized access, collection, use, disclosure, or disposal of personal information within the custody or control of the District.
- 3.12. **“Privacy Complaint”** means a grievance or expression of dissatisfaction from any individual in regard to a decision, action or lack of action by the District with respect to their personal information, or about the District’s policies, procedures, actions, or inactions, with respect to personal information.
- 3.13. **“Privacy Impact Assessment”** means a step-by-step review process that identifies, evaluates, and manages potential privacy risks to protect personal information collected, used, or disclosed for a variety of District initiatives.
- 3.14. **“Privacy Management Program”** means the provincially mandated program required of all public bodies that are subject to FIPPA and the District’s Privacy Management Program. It includes all processes and guidelines pertaining to collection, use or disclosure of personal information, conducting privacy impact assessments, executing information sharing agreements with service providers, employee training programs, publicly available privacy complaint and breach management procedures, and a process for regularly monitoring and updating the program, from time to time.
- 3.15. **“Privacy Protection Schedule”** means a legally binding document that forms a part of the service contract and lays down the applicable privacy obligations under FIPPA for Service Providers.
- 3.16. **“Public Body”** means a local public body as defined under FIPPA.
- 3.17. **“Publicly Available Applications”** means any Generative Artificial Intelligence applications as defined within the Generative Artificial Intelligence Policy, or any application accessible through a web browser or any webform through which information may be entered or uploaded.
- 3.18. **“Record”** means all records as defined under FIPPA.
- 3.19. **“Routine Release Program”** means a system established by the District to automatically or routinely provide certain categories of records to the public without requiring a formal Freedom of Information (FOI) request.
- 3.20. **“Service Provider”** means any individual or organization retained by the District to perform services under a contract.
- 3.21. **“Service User”** means residents or anyone who utilises the services provided by the District such as health and safety, waste management and disposal, parks and recreation, and fire protection.
- 3.22. **“Unauthorized”** means the collection, use, or disclosure of personal information that is unlawful, or the profiling or categorizing that may lead to unfair, unethical, or discriminatory treatment contrary to Human Rights Law, or categorizing for any other purposes which may cause significant harm to individuals or groups, or which may cause infringement of charter rights.

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- 3.23. “**Volunteer**” means an individual who performs work or provides services to the District without remuneration or legal status as an employee of the District.
- 3.24. “**Law Enforcement**” means policing, including criminal intelligence operations, investigations that lead or could lead to a penalty or sanction being imposed, or proceedings that lead or could lead to a penalty or sanction being imposed, as defined under FIPPA.

4. Policy Statement

- 4.1. The District will protect personal information in its custody or under its control, through appropriate security measures and control mechanisms to prevent privacy breaches.
- 4.2. The District may collect, use, or disclose personal information with or without consent of identifiable individuals, in accordance with FIPPA.
- 4.3. Personal information may be collected, used, or disclosed by District employees, volunteers, or service providers without consent in the following circumstances:
- 4.3.1. the information is collected or used in relation to a District program or activity and in accordance with notification displayed at the point of collection, which informs individuals of the legal authority to collect the information, the purpose for collection, and the contact of the Senior Manager, Legislative Services (or designate); and
 - 4.3.2. the collection, use or disclosure of personal information is otherwise required or authorized by FIPPA or another applicable law based on the legal assessment by the Senior Manager, Legislative Services (or designate).
- 4.4. Employees, volunteers, and service providers must not:
- 4.4.1. collect, permit, or facilitate the collection of personal information from an individual who is under the age of 14, unless:
 - a) the individual’s parent or guardian has provided their consent to the collection in writing; or
 - b) the collection of personal information is clearly in the interest of the individual under the age of 14 and consent from the parent or guardian cannot be obtained in a timely manner, such as in the case of minor’s well being in regard to health and safety and/or for law enforcement purposes.
 - 4.4.2. use personal information for any purpose other than that for which the personal information was collected.
 - 4.4.3. access personal email accounts or other third-party applications for conducting District business; unless limited strictly to authentication purposes – i.e. to allow for access to a software application.
 - 4.4.4. disclose personal information to any third-party, unless:
 - a) the individual whose personal information is to be disclosed is 14 years old or older and has provided their consent to the disclosure in writing; or

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- b) the individual whose personal information is to be disclosed is under the age of 14 and the individual's parent or guardian has provided their consent to the disclosure in writing; or
 - c) the individual whose personal information is to be disclosed is under the age of 14 and the third-party seeking access to the individual's personal information is the individual's legal parent or guardian.
- 4.4.5. remove personal information from District facilities except as required for the administration of a District program or activity.
- 4.5. The Senior Manager, Legislative Services (or designate) may authorize the collection, use, disclosure, and/or removal of personal information in a manner that is contrary to the provisions contained in this policy, but any such authorization must be consistent with the provisions of FIPPA.
- 4.6. Any personal information will be retained by the District or its service providers, for at least one year if such information is used to make a decision that directly affects the identifiable individual.
- 4.7. Any retention or destruction of personal information must be in accordance with the Records Management Policy.
- 4.8. Any privacy breach must be immediately reported to the Senior Manager, Legislative Services (or designate).
- 4.9. Upon receiving a report that a privacy breach has occurred, the Senior Manager, Legislative Services (or designate) must follow the steps outlined in the Privacy Procedure.

5. Authority

- 5.1. *Freedom of Information and Protection of Privacy Act*
- 5.2. Freedom of Information and Protection of Privacy Regulation 155/2012
- 5.3. Personal Information Disclosure for Storage Outside of Canada Regulation
- 5.4. Privacy Management Program Direction 02/2022

6. Related Documents

- 6.1. *Freedom of Information and Protection of Privacy Act (FIPPA)*
- 6.2. Acceptable Use of Technology Policy 0042
- 6.3. Electronic Mail Policy 0016
- 6.4. Generative Artificial Intelligence Policy 0207
- 6.5. Mobile Device Policy 0043
- 6.6. Privacy Procedure 0209
- 6.7. Records Management Policy 0124

7. Approval

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|---|---|---|
| Approved by | <input type="checkbox"/> Municipal Manager | <input checked="" type="checkbox"/> Mayor and Council |
| Approval date | 2025/11/17 | |
| Council minutes Document ID (Council Policies only) | LGDM-711734498-24782 | |
| Council report Document ID (Council Policies only) | LGDM-711734498-24794 | |
| Signature | <u><i>[Original signed by Mayor]</i></u> MAYOR | |

8. Additional Information

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|----------------------------|--|---|
| Category | <input checked="" type="checkbox"/> Council | <input type="checkbox"/> Administrative |
| Related procedure | <input checked="" type="checkbox"/> Yes (0282-20-0209) | <input type="checkbox"/> No |
| Date of last review | 2025 | |