

NLCSA
Privacy Policy and Codes

*Based on The Personal Information Protection
And Electronic Documents Act.*
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Newfoundland and Labrador Construction Safety Association (NLCSA)'s Privacy Policy and Codes

Introduction

The NLCSA is an industry-driven, not-for-profit corporation committed to providing cost-effective, affordable, and accessible safety training to the province's construction industry.

Protecting privacy and ensuring confidentiality of personal information is fundamental to the way the NLCSA conducts business, and has always maintained an informal policy for protecting our customers' and employees' personal information. The NLCSA recognizes an individual's right to privacy of personal information while in the process of business there is a need a need to collect, use, and disclose personal information for business purposes.

The NLCSA's Privacy Policy provides the principles and guidelines that the NLCSA will follow to protect the privacy of its customers' and employees' personal information. The NLCSA Privacy Policy complies with the provisions set out in the Personal Information Protection and Electronic Documents Act, as well as the Canadian Standards Association Model Code for the Protection of Personal Information.

Personal information does not include the name, title, business address, or telephone number of an employee of an organization nor the collection, use, or disclosure of any personal information solely for journalistic, artistic, or literary purpose.

NLCSA's Privacy Principles

1. Responsibility and Accountability

The NLCSA, including all employees and contract individuals, is responsible for all personal information under its control. The NLCSA shall designate an individual who is accountable for its compliance with the Policy and Codes.

2. Identifying Purposes for Collection

The NLCSA will identify the purposes for which personal information is collected at or before the time the information is collected.

3. Obtaining Consent

The NLCSA shall obtain consent prior to or when it collects, uses, or discloses personal information, except for legal or security reasons. The NLCSA shall make reasonable efforts when obtaining consent to ensure that customers and employees understand how personal information will be used and disclosed by the companies.

4. Limiting Collection

The collection of personal information by the NLCSA shall be limited to that which is necessary for the purposes identified. All information shall be collected by fair and lawful means.

5. Limiting the Use, Disclosure, and Retention

Personal information will not be used, disclosed, or retained for purposes other than those for which it was collected, except with consent of the customer or employee, or as permitted by law. Personal information shall be retained only as long as necessary for the fulfillment of the purpose identified.

6. Information Quality and Accuracy

Personal information will be as accurate, complete, and current as is necessary for the purposes for which it is used.

7. Information Security Safeguards

The NLCSA will protect personal information with security safeguards appropriate to the sensitivity of the information.

8. Openness about Policies and Procedures

The NLCSA will make readily available to customers and employees specific information about policies, codes, and procedures relating to the management of personal information.

9. Right to Individual Access and Correction of Personal Information

Upon request, and unless prohibited by law, the NLCSA will inform customers and employees of the existence, use, and disclosure of their personal information and provide access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

10. Questions, Concerns, and Challenges Regarding Compliance

An NLCSA customer or employee can address any complaint regarding compliance with the above principles to Elliot Keeping, NLCSA Privacy Officer.

Principle 1: Responsibility and Accountability

The NLCSA is responsible for all personal information under its control, including personal information disclosed to third parties for processing. The NLCSA's Privacy Officer will be accountable for the company's compliance with this Policy.

- 1.1 The NLCSA Privacy Officer is responsible for the NLCSA's compliance with this Policy even though other individuals within the company may be responsible for the day-to-day collection and processing of personal information. Other individuals within the company may be delegated to act on behalf of the designated individual. In addition, the NLCSA may designate separate individuals to be responsible for compliance with this Policy, in respect of customers and in respect of employees.
- 1.2 The identity of the NLCSA Privacy Officer to oversee the company's compliance with this Policy shall be made known internally and shall be made available to customers upon request.
- 1.3 The NLCSA is responsible for personal information in its possession, including information that has been transferred to a third party for processing. The NLCSA will use contractual or other means to protect personal information that has been disclosed to third parties for processing.
- 1.4 The NLCSA shall implement policies and procedures to give effect to this Policy, including:
 - a) implementing procedures to protect personal information;
 - b) establishing procedures to receive and respond to complaints and inquiries;
 - c) communicate and training staff in the understanding and adherence to the NLCSA's policies and procedures;
 - d) informing staff and customers of the NLCSA's policy and procedures; and
 - e) disciplining staff for violation of this policy.

Principle 2: Identifying the Purposes for Collection

The NLCSA will identify the purposes for which personal information is collected at or before the time the information is collected.

2.1 The NLCSA collects personal information only for the following purposes:

- ! to initiate and administer member files, learner information, and course registration
- ! to generate and maintain personnel files
- ! to provide membership services and convey membership information and update
- ! to offer new products and services
- ! to understand the current and future needs of our membership and to otherwise analyze and manage our business
- ! to assess and manage our credit risk
- ! to detect and protect against error, fraud, and other criminal activity
- ! to provide account reports to the member or related businesses
- ! to comply with any legal and regulatory requirements
- ! or for any other purpose for which the member consents

2.2 The NLCSA will specify either orally, electronically, or in writing the purposes for which it collects personal information as part of its information management policies and procedures. This includes the delivery of safety training and related services, the marketing and delivery of new services, and all other purposes required or permitted by law. The purposes will be stated in such a manner that the customer can reasonably understand how the information will be used or disclosed in order to make consent informed and meaningful.

2.3 When the NLCSA proposes to use personal information for a purpose not previously identified, the new purpose will be identified and documented prior to the new use, in the manner set out in 2.2 above. Unless the new purpose is required by law, the consent of the customer or employee is required before the information can be used for that purpose.

2.4 Upon request, persons collecting personal information shall explain to customers and employees the purposes for which the information is being collected.

Principle 3: Obtaining Consent

The NLCSA shall obtain consent from its members and employees before or when it collects, uses, or discloses personal information, except where inappropriate. The NLCSA shall make reasonable efforts when obtaining consent to ensure that customers and employees understand how personal information will be used and disclosed by the NLCSA.

- 3.1 Consent is required for the collection of personal information and the subsequent use or disclosure of this information. In most cases, the NLCSA will seek consent for the use or disclosure of the information at the time of collection. When the NLCSA wants to use information for a purpose not previously identified, consent with respect to use or disclosure may be sought after the information has been collected, but before it is used.
- 3.2 The NLCSA may collect, use, or disclose personal information without an individual or member's knowledge or consent for legal or security reasons, or where the welfare of an individual or member, might make it impossible or impractical to seek consent. For example, when personal information is being collected for the detection or prevention of fraud, seeking consent might defeat the purpose of collecting the information. All of the circumstances where the NLCSA may collect, use, or disclose personal information without an employee or customer's knowledge or consent will be as specified and permitted by legislation.
- 3.3 The NLCSA will ensure that an employer or customer applying for service is made aware of why the company needs the personal information and how the personal information will be used. To make the consent informed and meaningful, the purposes must be stated so that an employee or customer can reasonably understand how the information will be used or disclosed.
- 3.4 The NLCSA will not, as a condition of providing a service, require an employee or customer to consent to the collection, use, or disclosure of personal information beyond that required to fulfill the specified purpose.
- 3.5 Consent can be either express or implied. The form of consent sought by the NLCSA may vary, depending upon the circumstances and the type of information collected. In determining the form of consent to use, the NLCSA will take into account the sensitivity of the information and the reasonable expectations of the employee or customer. The NLCSA will generally seek express consent when the information is likely to be considered sensitive. Implied consent is typically appropriate when the information is less sensitive.

- 3.6 Employees or customers may withdraw consent at any time, subject to legal or contractual restrictions with reasonable notice, by contacting the NLCSA at <http://www.nlcsa.com>, info@nlcsa.com, or (709) 739-7000. Individuals or members may contact the NLCSA for more information regarding the implications of withdrawing consent.
- 3.7 In general, the use of products and services by a customer, or the acceptance of employment or benefits by an employee, constitutes implied consent for the NLCSA to collect, use, and disclose personal information for all identified purposes.

Principle 4: Limiting Collection

The collection of personal information by the NLCSA will be limited to that which is necessary for the purposes identified by the NLCSA. Information shall be collected through fair and lawful means.

- 4.1 The NLCSA shall not collect information indiscriminately. Both the amount and the type of information collected will be limited to that which is necessary to fulfil the purposes identified. The type of information collected will be documented by the NLCSA and identified to customers and employees as portion of this policy.
- 4.2 The NLCSA shall not mislead or deceive customers or employees about the purposes for which personal information is being collected.
- 4.3 The NLCSA does not sell personal information.

Principle 5: Limiting the Use, Disclosure, and Retention

Personal information will not be used or disclosed by the NLCSA for purposes other than those for which it was collected, except with the consent of the employee or customer, or as required by law. Personal information will be retained only as long as necessary for the fulfillment of those purposes.

- 5.1 The NLCSA will keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Personal information that has been used to make a decision about an employee or customer will be retained for a period of time that is reasonably sufficient to allow the individual access to the information after the decision has been made and to permit any recourse under this Policy and applicable legislative requirements.
- 5.2 The NLCSA will destroy, erase, or make anonymous personal information that is no longer required to fulfill the identified purposes. NLCSA guidelines are in place to govern the retention period and destruction of personal information.

5.3 The NLCSA may disclose a customer's personal information to:

- a) a person who in the reasonable judgment of the NLCSA is seeking the information as an agent of the customer;
- b) a company or individual employed by the NLCSA to perform functions on its behalf, such as research, member services, or data processing;
- c) another company or individual for the development, enhancement, marketing or provision of any of the NLCSA's products or services;
- d) an agent used by the NLCSA to evaluate the customer's creditworthiness or to collect the customer's account;
- e) a credit reporting agency;
- f) a public authority or agent of a public authority, if in the reasonable judgment of the NLCSA, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information; and
- g) a third party or parties, where the customer consents to such disclosure or disclosure is required by law.

5.4 The NLCSA may disclose personal information about its employees:

- a) for normal personnel and benefits administration;
- b) in the context of providing references regarding current or former employees in response to requests from prospective employers; or
- c) where disclosure is required by law.

5.5 Only NLCSA employees with a business need to know, or whose duties reasonably so require, are granted access to personal information about members and employees.

5.7 When a court order or subpoena requires disclosure of personal information, the employee or customer will be notified promptly to provide the employee or customer an opportunity to exercise legal rights. The only exceptions to this policy are when this action is prohibited by court order or law, or in cases in which fraud and/or criminal activity is suspected.

Principle 6: Information Quality and Accuracy

The NLCSA will keep personal information as accurate, complete, and up-to-date as necessary for the purposes for which it is to be used.

6.1 The extent to which personal information shall be accurate, complete, and up-to-date will depend upon the NLCSA's use for the information, taking into account the interests of the employee or customer. Information will be sufficiently accurate, complete, and up-to-date so as to minimize the possibility that inappropriate information may be used to make a decision about the customer or employee.

- 6.2 The NLCSA will update personal information using technology, documented process, and internal monitoring practices on an on-going basis to ensure information is processed promptly, accurately, and completely to fulfil the identified purposes including information that is disclosed to third parties.
- 6.3 The NLCSA will not routinely update personal information where such updated information is not needed to fulfill the purposes for which it was collected.

Principle 7: Information Security Safeguards

The NLCSA will protect personal information with security safeguards appropriate to the sensitivity of the information.

- 7.1 The security safeguards will protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification, regardless of the format in which the information is held.
- 7.2 The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the extent of the information, and the method of storage. More sensitive information will be safeguarded by a higher level of protection.
- 7.3 The methods of protection include:
- a) physical measures;
 - b) organizational measures;
 - c) technological measures; and
 - D) investigative measures where required to safeguard the interests of the NLCSA, its customers or its employees.
- 7.4 All employees, contractual individuals, and service providers of the NLCSA are required to protect the confidentiality of personal information.
- 7.5 The NLCSA will dispose of personal information in a manner that prevents unauthorized parties from gaining access to the information.

Principle 8: Openness about Policies and Procedures

The NLCSA will make readily available to customers and employees specific information about its policies and procedures relating to the management of personal information.

8.1 The NLCSA will be open about its policies and procedures with respect to the management of personal information. Customers and employees will be able to acquire information about the NLCSA's policies and procedures at minimal cost and without unreasonable effort. This information shall be made available in a form that is generally understandable. This information is available by writing to the NLCSA, to the attention of the Privacy Officer.

Mail: NLCSA Privacy Officer
Suite 2001, 31 Pippy Place
St. John's, NL A1B 3X2

Fax: (709) 739-7001

Email: info@nlcsa.com

8.2 The information made available by the NLCSA shall include:

- a) the name, title, and address, of the individual who is accountable for the NLCSA's policies and procedures and to whom complaints or inquiries can be forwarded;
- b) the means of gaining access to personal information held by the NLCSA;
- c) a description of the type of personal information held by the NLCSA, including a general account of its use;
- d) a copy of any documents that describe the NLCSA's policies, codes, and procedures; and
- e) a description of personal information made available to partnering organizations, employees, and contract individuals.

Principle 9: Right to Individual Access and Correction of Personal Information

Upon request, and unless prohibited by law, the NLCSA will inform employees and customers of the existence, use, and disclosure of their personal information and provide access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

9.1 Upon request, the NLCSA will inform a customer or employee whether or not the NLCSA holds personal information about them, as provided by law. Where the NLCSA is in possession of such information, it shall allow the employee or customer access to this information. In addition, the NLCSA shall provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.

- 9.2 An employee or customer may be required to provide sufficient information to the NLCSA to permit it to provide an account of the existence, use, and disclosure of personal information. The required information provided to the NLCSA for this purpose shall only be used for this purpose.
- 9.3 In certain situations, the NLCSA may not be able to provide access to all the personal information it holds. Exceptions to the access requirement must be limited to those allowed or required under law.
- 9.4 In providing an account of third parties to which it has disclosed personal information, the NLCSA shall attempt to be as specific as possible. When it is not possible to provide a list of the actual organizations to which it has disclosed information, the NLCSA shall provide a list of organizations to which it may have disclosed information. Records are not kept of information disclosed to third parties for routine purposes such as data processing, storage, and regular updating of membership information through strategic partnerships.
- 9.5 The NLCSA will respond to an employee or customer requests within a reasonable time and at minimal or no cost. The requested information shall be provided or made available in a form that is generally understandable.
- 9.6 When an employee or customer provides information and it is determined personal information is incomplete or inaccurate, the NLCSA will correct, delete, or add information as required. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question.
- 9.7 When a challenge is not resolved to the satisfaction of the employee or customer, the NLCSA shall record the substance of the unresolved challenge in the personal information relating to the customer or employee. Where appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the information in question.

Principle 10: Questions, Concerns, and Challenges Regarding Compliance

An NLCSA employee or customer will be able to address any questions, concerns, or problems concerning confidentiality or compliance with privacy legislation can take the following actions.

10.1 Contact the NLCSA in one of the following ways:

Mail: NLCSA
Suite 2001, 31 Pippy Place
St. John's, NL A1B 3X2

Telephone: (709) 739-7000

Toll-Free: 1-888-681-SAFE (7233)

Fax: (709) 739-7001

Email: info@nlcsa.com

10.2 If the problem remains unresolved, the employee or customer may contact the NLCSA Privacy Officer. If it is determined that the problem has not been addressed by an NLCSA representative then the NLCSA Privacy Officer will issue direction to the appropriate individual internally for investigation and response. After receiving the response to the enquiry, the NLCSA Privacy Officer will write or call to advise the employee or customer of the action being taken. The NLCSA Privacy Officer can be contacted by:

Mail: NLCSA Privacy Officer
Suite 2001, 31 Pippy Place
St. John's, NL A1B 3X2

Telephone: (709) 739-7086

Fax: (709) 739-7001

Email: ekeeping@nlcsa.com

10.3 Should the concern remain unresolved after contact with the NLCSA Privacy Officer, the employee or customer may contact the Office of the Privacy Commissioner. The Office of the Privacy Commissioner of Canada can be contacted by:

Mail: Privacy Commissioner of Canada
112 Kent Street
Ottawa, Ontario, K1A 1H3

Phone: (613) 995-8210

Toll-free: 1-800-282-1376

Fax: (613) 947-6850

E-mail: info@privcom.gc.ca (complaints must be submitted in writing)

Web site: <http://www.privcom.gc.ca>

10.4 Anyone who believes that any of portion of the *Personal Information Protection and Electronic Documents Act* have been or are about to be contravened may notify the Privacy Commissioner, and ask that his or her identify be kept confidential. Once the Privacy Commissioner has given his assurance, he is bound to protect the person's identity.

NLCSA Website Privacy Policy

The NLCSA is an industry-driven, not-for-profit corporation committed to providing cost-effective, affordable, and accessible safety training to the province's construction industry.

Protecting privacy and ensuring confidentiality of personal information is fundamental to the way the NLCSA conducts business, and has always maintained an informal policy for protecting our employees' and customers' personal information. The NLCSA recognizes an individual's right to privacy of personal information while in the process of business there is a need a need to collect, use, and disclose personal information for business purposes.

The NLCSA's Privacy Policy provides the principles and guidelines that the NLCSA will follow to protect the privacy of its employees' and customer' personal information. The NLCSA Privacy Policy complies with the provisions set out in the Personal Information Protection and Electronic Documents Act, as well as the Canadian Standards Association Model Code for the Protection of Personal Information.

Personal information does not include the name, title, business address, or telephone number of an employee of an organization nor the collection, use, or disclosure of personal information solely for journalistic, artistic, or literary purpose.

The NLCSA is not responsible for privacy statements or compliance or other content of the websites outside of the NLCSA's website.

Children

The NLCSA does not use www.nlcsa.com to knowingly solicit data from or market to persons under the age of majority.

Visiting Information Portions of the NLCSA Website

When going directly to information portions of the NLCSA website and move from page, read pages, or download content onto your computer, the NLCSA may learn which portions of our site you have visited, what content is downloaded, and the addresses of websites you have visited immediately before coming to the NLCSA website. However, none of the above is associated with an individual. The information is measured only in aggregate.

The information is utilized to find out how many people visit the NLCSA website and what portions of the site is visited most frequently. This assists in understanding what type of information is useful so that improvements can be made to the website and make it easier for information. Statistical information may be recorded on the number of visitors to but no information about the individual in particular will be used.

Using NLCSA Internet Transaction Services

When a customer registers for an Internet transaction information is compiled for a profile of the individual for that service. Each time an individual uses NLCSA Internet services, information may be collected, including login ID, information on the transactions completed and the informational pages of the web that were utilized while using the service.

The profile is used in responding to enquiries on the service. This is done to identify the individual as a user of the service. Transaction information is used to assess and improve service offerings. Specific transaction information is used for specific service purposes.

Both transaction information and the information pages of the website that have been visited are used to determine individual needs so that the NLCSA can offer other products and services.

Cookies

A cookie is a small file containing a certain pieces of information that a website creates when you visit the site. It can track how and when the site is used, which site was visited immediately before, and it can store that information.

There are two common types of cookies, "session cookies" and "persistent cookies". Session cookies store information only for the length of time that an individual is connected to a website - they are not written onto a hard drive. Once leaving the website, the originator of the cookie no longer has the information that was contained on it.

The NLCSA uses session cookies as an additional security feature for its online services. For example, when you login to any web service and are authenticated through your login ID and password, a cookie will store the identification number of your browser. Throughout the session, the cookie acts as a type of digital signature to identify the individual's current session to the web server.

The NLCSA also uses session cookies to track visits within the website. Information may be used to determine the type of information that individuals are looking for within the website to improve the site. Information about the site visited immediately prior to the NLCSA site is to assess the viability of links to the NLCSA site that can be created with third parties.

The information stored in "persistent cookies" is written onto the hard drive and remains there until the expiry date of the cookie. The NLCSA uses persistent cookies to store non-sensitive information that an individual is aware of and have agreed to. The system will remember and automatically input membership numbers or user IDs each time the service is used from that PC.

Currently, most browsers do not distinguish between session cookies and persistent cookies. For web services to operate, your browser must be set to accept cookies. If concerned about having browsers enabled to accept cookies while surfing other websites, the NLCSA recommends enabling the browser to perform notification when receiving a cookie. This provides the ability of accepting or rejecting any cookie presented by the web server.

Email Comments, Questions, or Responses

When sending an email or asking the NLCSA to respond by email, the NLCSA learns exact email addresses and any information included in the email.

Email address are used to acknowledge comments and/or reply to questions, and the NLCSA will store communication and replies in case of further correspondence. The NLCSA will not sell email address to anyone. The NLCSA may use email addresses to send information about offers on products and services that the NLCSA believes may be of interest. If an individual does not want the NLCSA to contact via email with offers on products and services, the individual may tell the NLCSA at any time.

If an individual has asked the NLCSA to put an individual on an email mailing list to provide certain information on a regular basis, or if information is sent about offers on products and services by email, an individual may ask the NLCSA to remove the individual from the list at any time.

Remember that email sent over the Internet is generally unencrypted. If the NLCSA requests transmission of confidential information over the Internet when filling out an application online, the NLCSA ensures that such transmission is encrypted. The NLCSA recommends using caution when forwarding free-format email messages and confidential information is not included in those messages, as they are not encrypted.