

## ACEP-CAPE Privacy Policy

Last Updated: October 25, 2024

### 1. Purpose

- 1.1. The Canadian Association of Professional Employees (CAPE) is strongly committed to protecting the privacy of individuals and to safeguarding their personal information.
- 1.2. As an organization which does not participate in commercial activity, CAPE is not covered by the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA). However, in developing this privacy statement, CAPE has been guided by the fair information principles on which that legislation is based.

### 2. Application

- 2.1. This policy applies to all components of CAPE, including its officers, employees, locals, committees, and any other group within CAPE that handles personal information.

### 3. Key terms

- 3.1. In this policy,
  - a. “**personal information**” means information about an identifiable individual. This includes their home address, personal email address, personal telephone number, and information on their family status, national or ethnic origin, membership in an equity group, accessibility needs, or record of union interests and involvement;
  - b. “**employment-related information**” means a person’s name, title, work address, work email address, or work telephone number, employment group and classification (e.g., EC-04) and name of employer; and
  - c. “**aggregate information**” means information that cannot be associated with a specific individual.

### 4. Collection, Use and Disclosure

- 4.1. CAPE is committed to providing services and related information to its members and prospective members. These services may include:
  - a. negotiating and administering collective agreements;
  - b. investigating and resolving labour relations issues or problems and grievances arising from collective agreements;
  - c. determining appropriate wage levels and benefits owed to members;
  - d. collecting and managing dues;
  - e. collecting members’ demographic information (e.g., language preference, years of membership)
  - f. processing members’ expense claims for participation in union events or activities
  - g. social and political advocacy to advance CAPE and members’ interests

- h. maintaining a complete record of membership in the union;
  - i. communicating with members and prospective members in order to provide information about benefits, up-coming events, programs, services and other opportunities;
  - j. assisting prospective members with organizing; and
  - k. any other services identified in CAPE's Policy on Representation Services.
- 4.2. In order to provide these services, CAPE may collect, use and disclose personal information or employment-related information.
- 4.3. CAPE may collect information from different sources, including:
- a. dues and membership forms;
  - b. grievance, appeal, claim, or related forms;
  - c. information provided by employers in accordance with collective agreements, or by order of a court or administrative tribunal;
  - d. information provided pursuant to statutory or regulatory requirements;
  - e. information provided by individual members through surveys, registration forms, etc.; and
  - f. through members' interactions with CAPE officers and employees, including via email and other correspondence.
- 4.4. In all cases, only information that is required for the provision of services or the fulfillment of CAPE's mandate will be collected. Any personal information collected will only be used or disclosed for the purposes for which it is collected.
- 4.5. CAPE may from time to time share personal information with third party service providers with whom we work, including lawyers and other professionals and affiliates. These parties are not allowed to use personal information except for the purpose of providing these services and are required to have procedures in place that meet the standards of this policy.
- 4.6. Under no circumstances does CAPE sell, lease, trade or donate personal information.

## **5. Consent**

- 5.1. CAPE takes the collection, use and disclosure of personal and employment-related information seriously, and commits to seeking and respecting members' consent wherever practicable, including for email communications such as newsletters, event announcements and important messages.

### **5.2. *Where consent is not required***

- 5.2.1. To the extent that CAPE acts as the bargaining agent for its members in their employment relations with employers, it has the authority to collect, use and disclose personal information that relates to collective bargaining or collective agreement administration, including the investigation and resolution of labour relations issues. CAPE is not required to seek a member's consent in these cases.
- 5.2.2. There are some circumstances in which consent is not required or cannot be obtained. For example, to comply with a warrant, subpoena, order of a court or other judicial or quasi-judicial body, or rules of a court or other judicial or quasi-judicial body relating to the production of

records, CAPE may be under a legal obligation to disclose personal information without the individual's knowledge or consent.

- 5.2.3. CAPE may, from time to time, post photographs or videos on social media of events it organizes or participates in, such as rallies, marches, protests and picket lines. By attending an event, members consent to appear in published photographs or videos is presumed, but any person can ask that photos of them not be posted publicly or be removed from social media posts.

### **5.3. Refusing and withdrawing consent**

- 5.3.1. For all circumstances not described in the preceding section, any member of CAPE can refuse or withdraw their consent allowing CAPE to collect, use or disclose personal or employment-related information.
- 5.3.2. To refuse or withdraw consent, the member must inform CAPE in writing. This can be done via a specific information gathering method (e.g., a field in a survey sent to members by CAPE) or by informing the CAPE Privacy Officer in writing. When informing the CAPE Privacy Officer in writing, members should specify whether consent is refused or withdrawn:
- a. for all uses of personal or employment-related information, to the extent practicable, or
  - b. for particular uses.

## **6. Accuracy**

- 6.1. CAPE is committed to taking reasonable steps to ensure that personal information collected is accurate, up-to-date and complete, as needed for the purpose for which it is to be used. Individuals are encouraged to update their personal and employment-related information so that it is complete and accurate. This can be done via CAPE's website or by contacting CAPE at [general@acep-cape.ca](mailto:general@acep-cape.ca).

## **7. Safeguarding information**

- 7.1. CAPE undertakes to hold personal information in strict confidence. CAPE will maintain appropriate policies, procedures and safeguards to protect personal information from loss, theft, and unauthorized access, disclosure, copying, use or modification. Access to personal information is limited to those employees and/or elected officials who require access to the information in the performance of their job function.
- 7.2. CAPE retains personal information only for as long as is required to fulfill the purposes stated within this document, and to meet all requirements by law. When personal information is no longer required, it is securely destroyed or anonymized after 5 years.
- 7.3. CAPE takes security of personal information extremely seriously, and puts safeguards in place to prevent any data breaches that would result in personal information being compromised. However, if a data breach occurs, CAPE commits to directly notifying every person potentially affected by the data breach as soon as possible, in particular anyone whose personal or employment information may have been compromised. Where practicable, notification would include the following information:
- a. Details of the extent of the breach and the specific personal or employment information that was compromised
  - b. The steps taken and planned to address the breach

- c. Contact information of someone in CAPE who can provide additional information and answer questions

## **8. Accessing your personal information**

- 8.1. Every member of CAPE has a right to access their own personal information by making a written request to the CAPE Privacy Officer. CAPE members can also request corrections to their personal information so it is complete, accurate and up to date.
- 8.2. Some personal information is accessible on CAPE's website via a secure online portal. Members are encouraged to use the online portal as much as possible to access or update their personal information.
- 8.3. In certain situations, CAPE may not be able to provide full access to certain personal information or records. These situations could include:
  - a. where records may reveal the personal information of another person,
  - b. where the information is subject to solicitor-client or other legal privilege,
  - c. where the information was collected in relation to an investigation or a contravention of federal or provincial law,
  - d. where providing the record could reasonably be expected to threaten the health or safety of an individual.
  - e. where otherwise required by law.
- 8.4. In these situations, CAPE may refuse to provide a member with the relevant record, or may redact records that could reveal personal information about another person before releasing them to the requesting member. In these cases, CAPE will notify the requesting member and provide written reasons why the record was not disclosed or was redacted.

## **9. Website Privacy**

- 9.1. CAPE also respects the privacy of its Internet users.
- 9.2. CAPE does not collect information that personally identifies Internet users except when individuals provide such information on a voluntary basis (i.e. registration for electronic mailings). In such cases, any information provided will not be used for any purposes other than those identified on the web page, nor will it be provided to any other organization.
- 9.3. CAPE reserves the right to perform statistical analyses of Internet user behaviour and characteristics, in order to measure interest in and use of the various sections of its site.
- 9.4. Internet users should be aware that certain non-personal information and data may be automatically collected by CAPE through the operation of "cookies," small text files that identify an individual computer's browser entering a website. Data from cookies allows a site to track usage behaviour that will allow for content improvements. Users may set their browser to notify them when they receive cookies, and may choose to disable or delete cookies if they wish.

## **10. Privacy Officer**

- 10.1. CAPE's Privacy Officer is its executive director. The Privacy Officer is responsible for the administration of this policy, including ensuring that procedures are in place and are followed to collect information, track the provision and withdrawal of consent, and respond to written requests in a timely manner.

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- 10.2. If individuals have any questions or concerns related to this policy, they may contact the Privacy Officer in writing at [rbeaule@acep-cape.ca](mailto:rbeaule@acep-cape.ca) or via any other method provided on CAPE's website (e.g., fillable form).