

POLICY TITLE: NSBI Privacy Policy

POLICY STATEMENT: Nova Scotia Business Inc. (NSBI) is committed to ensuring it fulfils its protection of privacy obligations and manages personal information in accordance with the requirements of the *Freedom of Information and Protection of Privacy (FOIPOP) Act*, the *Personal Information International Disclosure Protection Act (PIIDPA)* and applicable Government of Nova Scotia policies related to personal privacy.

PURPOSE / OBJECTIVE: The objectives of the NSBI Privacy Policy (the Policy) are:

- to ensure NSBI achieves compliance with applicable privacy laws and policies and appropriately manages personal information throughout the record life cycle.
- to ensure employees, officers and service providers of NSBI are aware of and fulfil their respective protection of privacy responsibilities.

The Policy and its interpretation are guided by the following privacy principles:

Custodianship: NSBI is a custodian of an individual's personal information and treats it with due care and attention to the privacy rights and interests of the individual the information is about and in accordance with applicable privacy laws and policies.

Shared Responsibility: All employees, officers and service providers of NSBI share in the responsibility for protecting personal privacy.

Transparency: NSBI's policies and practices relating to the management of an individual's personal information must be clear and made readily available to the individual.

APPLICATION: The Policy:

- applies to officers and employees of NSBI
- applies to personal information in the custody or under the control of NSBI but not to personal information in records

to which the *FOIPOP Act* and *PIIDPA* do not apply, including :

- published material,
- material that is available for purchase by the public, or
- material that is a matter of public record

POLICY DIRECTIVES:

General

1. Personal information in the custody or under the control of NSBI is to be managed in compliance with the *Freedom of Information and Protection of Privacy (FOIPOP) Act* and the *Personal Information International Disclosure Protection Act (PIIDPA)* and consistent with applicable Government of Nova Scotia policies related to personal privacy.

Collecting Personal Information

2. Personal information may only be collected if it relates directly to and is necessary for an operating program or activity of NSBI, or if expressly authorized or required by law.

Using / Disclosing Personal Information

3. Personal information may only be used and / or disclosed:
 - a. for the purpose for which it was obtained or compiled, or a use that has a reasonable and direct connection to that purpose,
 - b. with the individual's informed written consent,
 - c. to collect a debt from, or make a payment to an individual, or
 - d. if otherwise expressly authorized or required by law.

Disclosing Personal Information Outside Canada

4. Personal information may only be disclosed outside Canada:
 - a. with the individual's informed written consent,
 - b. to collect a debt from, or make a payment to an individual,
 - c. if otherwise expressly authorized under *PIIDPA*, or
 - d. if the personal information is business contact information and the disclosure outside Canada is for the purpose for which the business contact information was obtained or compiled, or a use that has a reasonable and direct connection to that purpose.

Accuracy of Personal Information

5. Where an individual's personal information will be used to make a decision that directly affects the individual, every reasonable effort must be made to ensure the personal information is accurate and complete.

Minimum Retention After Use

6. Where an individual's personal information is used to make a decision that directly affects the individual, the information must be retained for at least one year after the use so the individual has a reasonable opportunity to request access to his or her personal information and request a correction if the individual believes there is an error or omission.

Protecting Personal Information

7. Reasonable security arrangements are to be made to protect personal information throughout the record life cycle from such risks as unauthorized collection, use, disclosure, access, storage and disposal.

Website privacy protections

8. The Government of Nova Scotia Website Privacy Policy and the Government of Nova Scotia Cookie Notification Standard apply to the operation of NSBI websites. Further and complementary to these provisions:
 - a. Where personal information is being collected using a web-based tool, secure connections must be used and the following prominently displayed at the initial point of collection:
 - The purpose for the collection of personal information (i.e. the purpose for use and disclosure),
 - How one can obtain access to or request a correction of their personal information collected through that site, and
 - Unless a lesser age is approved by the Head, NSBI, that the individual must be the age of majority (i.e. 19 years of age or older) to use the site.
 - b. Personal information about a minor (i.e. less than 19 years of age) will not knowingly be published on the NSBI website without the written consent of the minor's parent or legal guardian.

Foreign demand for disclosure protections

9. Personal information may only be **accessed** from, or **stored** outside Canada:
 - a. with the individual's informed written consent,
 - b. for the purpose of disclosing personal information where disclosure outside Canada is allowed under *PIIDPA*, or
 - c. if approved by the Head, NSBI, and reported to the Nova Scotia Minister of Justice in a "Form 1" report.
10. Personal information may only be temporarily **transported** outside Canada in a mobile electronic device:
 - a. if approved by the Head, NSBI, or
 - b. by an officer or employee of NSBI where:
 - i. NSBI has issued the officer or employee the mobile electronic device,
 - ii. the officer or employee is authorized to travel outside Canada for NSBI business purposes, or required, implicitly or explicitly, to perform work responsibilities while travelling outside of Canada for other purposes,
 - iii. there is a reasonable expectation that the personal information is necessary for the officer's or employee's performance of duties during the period of travel outside Canada, and
 - iv. the personal information is protected from unauthorized access and disclosure in accordance with the NSBI Code of Conduct, the NSBI Oath or Solemn Affirmation of Office and other data protection policies and procedures that may apply.

11. An officer, employee or service provider of NSBI must immediately notify the Nova Scotia Minister of Justice and the Head, NSBI, of the receipt of a known or suspected **foreign demand for disclosure** of personal information or of a known or suspected unauthorized disclosure of personal information in response to a foreign demand for disclosure. Persons acting in good faith and on a reasonable belief shall not be punished or disadvantaged for having given such notice.

Privacy impact assessment

12. NSBI shall have and maintain a privacy impact assessment (PIA) process and template consistent with the template maintained by the Nova Scotia Information Access and Privacy Office located at the Department of Justice (IAP Office).
13. Subsequent to the Policy coming into effect, a PIA is to be conducted for any new NSBI program or service or a significant change to an NSBI program or service that involves the collection, use or disclosure of personal information.

Privacy breach protocol

14. NSBI shall have and maintain a privacy breach protocol consistent with the privacy breach protocol template maintained by the IAP Office.
15. The NSBI privacy breach protocol must be followed in the event of a known or suspected privacy breach

Individual Access

16. Individuals have the right under the *FOIPOP Act* to formally apply for access to their personal information and, if the applicant believes there is an error or omission, to formally apply for a correction of that information. All formal applications under the *FOIPOP Act* are to be directed without delay to the Manager, Information, for coordination of processing and response.

Transparency

17. The Policy shall be available to the public and posted on the NSBI website.

Challenges and Appeals

18. NSBI shall have and maintain a process for an individual to register a formal complaint about the treatment of his or her personal information under the custody or control of NSBI. All formal privacy complaints are to be directed without delay to the Manager, Information, for coordination of investigation and response.

Contracting

19. Where a service provider will be contracted to collect, use, disclose, store, access or dispose personal information on behalf of NSBI, the contract must specifically address the management of the personal information to enable the service provider to comply with the *FOIPOP Act*, *PIIDPA* and the Policy in performing services for NSBI.

Other

20. NSBI may collect, use, access, store and disclose aggregated information about a group of individuals. Aggregated information must be compiled and used in a manner that there is no reasonable expectation an individual could be identified.

POLICY GUIDELINES:

Collecting Personal Information

1. The purpose for the collection of personal information (i.e. the intended purposes for use and disclosure of the personal information) should be identified at or before the time personal information is collected.

Retention of Personal Information

2. Personal information should not be kept longer than is necessary to fulfil the purpose for which the personal information was collected, the minimum retention requirements of the Policy (see Policy Directive #6 above), the approved retention schedule for the record and other legal obligations.

Privacy Procedures

3. Where an NSBI program or service involves the collection, use, or disclosure of personal information, written privacy procedures for the management and protection of personal information should be prepared.

Privacy Training

4. Officers and employees who are to handle personal information in performing their job function should be given training about the Policy and other applicable privacy procedures before being given access to the personal information.

ACCOUNTABILITIES:

1. President & CEO
 - a. Overall accountability for the Policy, its approval and any amendments
2. Head, NSBI
 - a. Overall accountability for NSBI's compliance with the *FOIPOP Act* and *PIIDPA*
 - b. Approval authority for decisions under the *FOIPOP Act* including personal information access and correction applications
 - c. Approval authority for decisions under *PIIDPA* including authorizing storage, access and temporary transport of personal information outside Canada
3. Director, Corporate Services
 - a. Overseeing implementation of the Policy including its interpretation
 - b. Monitoring compliance with the Policy
 - c. Making reasonable security arrangements for the protection of personal information

4. Manager, Information
 - a. Day to day implementation of the Policy
 - b. Coordinating responses to formal personal information access and correction applications under the *FOIPOP Act*
 - c. Coordinating investigations and responses to formal privacy complaints
5. Business Unit Managers
 - a. For the programs / services they administer:
 - i. Ensuring related contracts are consistent with the Policy and applicable privacy laws
 - ii. Conducting PIA's
 - iii. Preparing and implementing privacy procedures
6. Webmaster
 - a. Implementing and monitoring compliance with the website privacy protections of the Policy
7. Supervisors
 - a. Ensuring the employees they supervise:
 - i. are aware of the Policy and their protection of privacy responsibilities
 - ii. receive privacy training appropriate to their job activities
8. Officers and employees
 - a. Complying with the Policy
 - b. Contacting a supervisor or the Manager, Information, to resolve questions or concerns about privacy matters

MONITORING:

The Director, Corporate Services is responsible for monitoring implementation and compliance with the Policy.

REFERENCES:

- *Freedom of Information and Protection of Privacy Act / Regulations*
- *Personal Information International Disclosure Protection Act / Regulations*
- Government of Nova Scotia Management Manual 300: Common Services, Chapter 4, Information and Records Management Services:
 - Policy # 4.7 – Website Privacy Policy (and appended “Website Privacy Policy Statement”)
 - Policy # 4.9 – Citizen Online Identity Authentication Policy
 - Policy # 4.10 – Information Management Policy
 - Policy # 4.11 – Privacy Policy
- Government of Nova Scotia, Cookie Notification Standard
- Code of Conduct – Nova Scotia Business Inc. Employees
- Nova Scotia Business Inc. Oath or Solemn Affirmation of Office
- Nova Scotia Business Inc. Privacy Impact Assessment Guide and Template
- Nova Scotia Business Inc. Privacy Compliant Process
- Nova Scotia Business Inc. Privacy Breach Protocol Guide and Template

APPENDICES:

- Appendix 1: Definitions

INQUIRIES:

For more information about this policy please contact:

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APPROVED BY:	President & CEO
APPROVAL DATE:	October 5, 2009
EFFECTIVE DATE:	October 5, 2009
REPLACES:	None
DATE OF LAST REVIEW:	N/A
DATE OF NEXT REVIEW:	October 5, 2010

Appendix 1

Definitions:

Business contact information	means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business e-mail address, or business fax number of the individual
Employee	means a permanent, casual or term employee, a co-op student, a student placement or intern, a volunteer, or a person under a personal services contract or temporary work assignment with NSBI
Foreign demand for disclosure	means as defined under Section 2(1)(d) <i>PIIDPA</i> , which states: “2(1) In this Act, ... “(d) “foreign demand for disclosure” means a subpoena, warrant, order, demand or request that is (i) from a foreign court, an agency of a foreign state or another authority outside Canada, and (ii) for the unauthorized disclosure of personal information to which this Act applies”
“Form 1” report	means a written report by the Head, NSBI, to the Nova Scotia Minister of Justice, and in the form specified by the <i>PIIDPA Regulations</i> , of all of the decisions made by the Head, NSBI in a calendar year under subsection 5(3) <i>PIIDPA</i> to allow storage or access of personal information outside Canada.
Head, NSBI	means the Chair of the Board of Directors of NSBI, or an officer of NSBI to which the Chair has delegated his or her authority under the <i>FOIPOP Act</i> – currently the President & CEO, the Vice President & COO, and the Vice President, Marketing & Communications
Mobile electronic device	means a computer, a cell phone or other transportable electronic machine
Officer	means an officer of NSBI appointed under the <i>NSBI Act</i> , excluding officers of NSBI who are members of the Board of Directors of NSBI – currently the non-Director officers of NSBI are the Secretary, the President & CEO, the Vice President & COO, and the Vice President, Marketing & Communications

Personal information	<p>means as defined under Section 3(1)(i) <i>FOIPOP Act</i>, which states: <i>“3(1) In this Act,</i> ... <i>“(i) “personal information” means recorded information about an identifiable individual, including</i> <i>(i) the individual’s name, address or telephone number,</i> <i>(ii) the individual’s race, national or ethnic origin, colour, or religious or political beliefs or associations,</i> <i>(iii) the individual’s age, sex, sexual orientation, marital status or family status</i> <i>(iv) an identifying number, symbol or other particular assigned to the individual,</i> <i>(v) the individual’s fingerprints, blood type or inheritable characteristics</i> <i>(vi) information about the individual’s health-care history, including a physical or mental disability,</i> <i>(vii) information about the individual’s educational, financial, criminal or employment history,</i> <i>(viii) anyone else’s opinions about the individual, and</i> <i>(ix) the individual’s personal views or opinions, except if they are about someone else.”</i></p> <p>“Personal information” does not include aggregated information about a group of individuals where there is no reasonable expectation an individual could be identified from the aggregated information.</p>
Privacy breach	<p>means an event of unauthorized collection, use, disclosure, access, storage or disposal of personal information in violation of the <i>FOIPOP Act</i>, <i>PIIDPA</i> or the NSBI Privacy Policy</p>
Privacy complaint	<p>means a complaint, in writing, from an individual that believes his or her personal information, in the custody or under the control of NSBI, has been collected, used, disclosed, accessed, stored or disposed in violation of the <i>FOIPOP Act</i>, <i>PIIDPA</i> or the NSBI Privacy Policy</p>
Privacy impact assessment (PIA)	<p>means a due diligence process which identifies and addresses potential privacy risks that may occur in the course of NSBI operations</p>
Privacy procedures	<p>means workflow steps, supporting templates and checklists that assist in achieving reasonable security arrangements for the protection of personal information</p>

Program or service	means a program or service offered or administered by NSBI and intended to serve clients, prospective clients, employees or the public
Reasonable security arrangements	means the security measures are appropriate to the sensitivity of the personal information and the likelihood and impact of a potential privacy breach
Record	means as defined under Section 3(1)(k) <i>FOIPOP Act</i> which states: <i>“3(1) In this Act,</i> <i>... “(k) “record” includes books, documents, maps, drawings, photographs, letters, vouchers, papers, and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records;”</i>
Record life cycle	means the stages through which NSBI records pass beginning with initial receipt or creation, through active and semi-active use, to authorized disposition whether by transfer to the Public Archives of Nova Scotia or secure destruction
Significant change to a program or service	means a change in the overall purpose or structure of a program or service or the migration of a program or service to an automated electronic system for collection, use or disclosure of personal information
Service provider	means a person (supplier) retained under a contract to perform services for NSBI