

	POLICY TITLE: City of Greenwood Personal & Confidential Information Policy	POLICY NO: 2024-05
	AUTHORITY: Council for the Corporation of the City of Greenwood	CLASSIFICATION: Administration
	EFFECTIVE DATE: March 11, 2024	MOTION: (64-24)
	SUPERSEDES: Policy No. 0580-01	

**1. Purpose**

To clearly set out the privacy protection and confidentiality obligations of the City and its elected officials, officers, employees and volunteers.

**2. Policy Statement**

The City considers personal information pertaining to its elected officials, officers, employees, volunteers, residents, customers and others to be private. This personal information will be subject to the highest standards of privacy management permitted or required under applicable laws.

The City maintains certain confidential and personal information in carrying out its duties as a local government.

The City is committed to protecting the privacy of personal information and confidential information in its care, custody or control. Protection of personal information and confidential information is the responsibility of each individual elected official, officer, employee and volunteer.

Personal information and confidential information under the care, custody or control of the City must be collected, used and, when appropriate, disclosed in strict accordance with this Policy, the *Freedom of Information & Protection of Privacy Act* (“FOIPPA”), the *Community Charter*, and all other applicable statutes, regulations and policies adopted by Council.

**3. Definitions**

3.1 In this Policy:

- i. “Confidential Information” means
  - i. any information considered in any part of a Council Committee Meeting that was lawfully closed to the public pursuant to Section 90 of the *Community Charter*, unless or until that information is specifically discussed at a Council or Council Committee Meeting that is open to the public or until that information is released to the public by Council or a Council Committee.
  - ii. Information that the City must not disclose pursuant to Section 16. And Section 17. Of the *Freedom of Information & Protection of Privacy Act* (“FOIPPA”); and
  - iii. Information of a particularly private or personal nature, including but not limited to;

- a) Personal information that relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;
  - b) Personal information that was compiled and is identifiable as part of an investigation into a possible violation of law or City policy;
  - c) Personal information that relates employment, occupational or educational history;
  - d) Personal information that was gathered for the purpose of collecting or remitting a tax or fee;
  - e) Personal information that describes a person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or credit-worthiness;
  - f) Personal recommendations or evaluations, character references or personal evaluations and memos, and;
  - g) Personal information indicating racial or ethnic origin, sexual orientation or religious or political beliefs or associations; and
- ii. "Personal information" means recorded information about an identifiable individual, other than the name, title, business telephone number, business address, business email or business fax number of the individual.

#### **4. Scope**

4.1 This Policy applies to all elected officials, officers, employees, and volunteers of the City.

#### **5. Principles**

5.1 This Policy is based upon the following principles set out in FOIPPA and the *Community Charter*.

5.2 Openness and Accountability:

- a) The conduct of Council and Council Committee business must be at a meeting open to the public unless the *Community Charter* or another statute requires or authorizes the meeting to be closed to the public.
- b) The City must provide access to records under its care, custody, or control to applicants in accordance with FOIPPA.
- c) The City has appointed the Chief Administrative Officer to be its designated head under FOIPPA and the person responsible for ensuring the City manages personal information and access requests in accordance with FOIPPA.

5.3 Limited Collection of Personal Information:

- a) The City will, where required by law, identify the purpose or purposes for which personal information is collected at or before the time the information is collected.
- b) The City will, where required by law, obtain an individual's written consent for the collection of their personal information.
- c) The City will only collect personal information where the information relates directly to and is necessary for the proper conduct of the city's activities.

5.4 Limited Use and Disclosure of Personal and Confidential Information:

- a) The City will not use personal information for any purpose or purposes other than that or those which it was collected, or a use consistent with that purpose, except with the consent of the individual about whom it pertains, or as required by law.

- b) When personal information is disclosed to third parties, only the information required to meet the specific purpose of the disclosure will be released. Disclosure will be in compliance with FOIPPA, the *Community Charter* and any other applicable statutes.
- c) The City will take reasonable steps to keep a record of personal information that is disclosed to third parties, including what, when, why and to whom it was disclosed.
- d) The City will not use or disclose confidential information without consent, except for the purpose it was created, collected or received, a consistent purpose, or where required by law.
- e) The City will ensure that only those elected officials, officers, employees, legal advisors, contractors or volunteers of the City that require access to confidential information to perform their duties for the City will be provided with access to confidential information for City use.

5.5 Individual Access:

- a) Any individual has the right to access their own personal information under the care, custody, or control of the City in accordance with FOIPPA.
- b) In addition to their rights under FOIPPA, an officer, employee or volunteer of the City may review their own personnel file at a time convenient to and under the provision of the Chief Administrative Officer.

5.6 Accuracy:

- a) The City will undertake reasonable measures to ensure the personal information under its care, custody or control is accurate.
- b) The City will correct personnel information under its care, custody or control in accordance with FOIPPA.

5.7 Safeguards:

- a) The City will use safeguards appropriate to the sensitivity of the information to prevent unauthorized access, collection, use, disclosure or disposal of personal information and confidential information under its care, custody or control.

5.8 Retention:

- a) The City will only keep personal information and confidential information for as long as it is reasonably required to meet the purpose or purposes for which it was collected, or as required by law.
- b) The retention period for personal information and confidential information under the City care, custody or control will vary depending on the type of information and any legal requirements the City is obligated to meet.

5.9 Privacy and Confidentiality Awareness:

- a) The City will, as part of its orientation for newly elected officials and newly hired or retained officers, employees, or volunteers, provide those individuals with:
  - I. A copy of this Policy, and any other city policies relating to privacy and confidentiality.
  - II. A copy of FOIPPA;
  - III. In the case of elected officials, a copy of section 117 of the *Community Charter*.

## **6. Administration**

- 6.1 Attached to this Policy is the City of Greenwood's Declaration of Confidentiality (Schedule A) which is to be provided to all newly elected officials and newly hired or retained officers, employees, or volunteers. The Declaration of Confidentiality is to be reviewed, signed and returned to administration to be filed in their personnel file.

## **7. Reporting and Investigation Process**

- 7.1 An elected official, officer, employee or volunteer who knows or reasonably suspects that another representative of the City has engaged, or plans to engage, in any activity that violates the personal information and confidential information protection provisions of the Policy should immediately report this information as follows:
- a) To the Chief Administrative Officer, as the head for FOIPPA, if the matter involves a colleague, supervisor, an officer, employee, elected official or volunteer; or
  - b) To the Mayor, in the matter involves the Chief Administrative Officer.
- 7.2 The Chief Administrative Officer, or the Mayor if the complaint is about the Chief Administrative Officer, has the authority to investigate a complaint under this Policy or under FOIPPA, or to designate an appropriate internal or external investigator to conduct an investigation.
- 7.3 If a violation of this Policy is identified, the Chief Administrative Officer or the Mayor may recommend corrective or preventative action including but not limited to, the following:
- a) Education and training for any person;
  - b) Review and modification of the City's Council, auditors, appropriate law enforcement authorities or other oversight bodies;
  - c) Notification of the City's Council, auditors, appropriate law enforcement authorities or other oversight bodies;
  - d) In the case of officers, employees and volunteers, disciplinary action up to and including dismissal.
- 7.4 When determining the appropriate action in response to a violation, the following factors, among others, may be considered:
- a) The nature and seriousness of the violation;
  - b) Whether the violation was a single or repeated incident;
  - c) The explanation or other mitigating factors, if any, provided by the person whose conduct violated this Policy.
  - d) The City's duties and responsibilities to report violations to other people or agencies;
  - e) In the case of officers, employees and volunteers, the personnel record of the person who violated this Policy.

## **8. No Retaliation**

- 8.1 The City will not retaliate against an individual who reasonably and in good faith reports a suspected violation of this Policy, even if no such violation is found to have occurred.



# CITY OF GREENWOOD

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## Schedule A

### DECLARATION OF CONFIDENTIALITY

I, \_\_\_\_\_ hereby acknowledge that as an Elected Official, Officer, Employee or Volunteer working or serving on behalf of the City of Greenwood I will be entrusted with private, confidential information collected on behalf of and for the benefit of the City of Greenwood.

*“Confidential Information”* means material and information, including information technology related documents and personal information as defined in the Freedom of Information and Protection of Privacy Act (British Columbia). I agree to keep confidential all confidential Information collected, provided, or reviewed by me while carrying out my duties on behalf of the City of Greenwood; in accordance with policy number 2024-05 Personal & Confidential Information, City of Greenwood. I will not use any confidential information for any purpose and will not disclose any confidential information. I hereby undertake not to divulge any of the confidential information or discuss it at any time or any place, either during the term of my providing the services or after. I understand and agree with the necessity of maintaining complete confidentiality over the confidential information. I agree to be responsible for any breach of the undertaking set out in this declaration and agree to immediately notify the Chief Administrative Officer and/or the Corporate Officer for the City of Greenwood should any breach occur. I also agree that this declaration of confidentiality and the undertakings in it will survive the expiration or termination of my employment and/or involvement with the City of Greenwood and continue to be binding on me.

City of Greenwood – Declaration of Confidential Information

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**Acknowledgement:**

I understand and agree that the Policy is intended to be binding upon myself.

I hereby acknowledge that I have read and fully understand the City of Greenwood's Policy on confidentiality and that I agree to abide by it's terms, signed on the \_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Position

\_\_\_\_\_  
Position

\_\_\_\_\_  
Signature