

Department:	<u>Administration</u>	Policy No.:	<u>ADM-028</u>
Sub-department:	<u>Administrative</u>	Created By:	<u>Unknown</u>
Approved By:	<u>Sheena Fraser, Acting CAO</u>	Amended By:	<u>Gwendolyn Kennedy</u>
Approved Date:	<u>10 May 2022</u>	Amendment:	<u>5 May 2022</u>

POLICY PURPOSE

The intent of this policy is to ensure that personal information collected from the Insurance Corporation of British Columbia (ICBC) by designated Village of Pemberton (VOP) staff is:

- a) obtained in accordance with the Access to Information Agreement between VOP and ICBC (the "Agreement");
- b) obtained only as necessary for completing assigned tasks;
- c) treated with appropriate care and discretion; and
- d) destroyed in accordance with VOP Records Management Bylaw No. 652, 2010.

This policy has been developed in accordance with British Columbia's *Freedom of Information and Protection of Privacy Act* ("FOIPPA"), which sets out rules for how public bodies can collect, use and disclose personal information. Personal information is defined as recorded information about an identifiable individual other than business contact information. Personal information includes licensing information or registration numbers for vehicles.

REFERENCES

Information Sharing Agreement dated October 20, 2020 and its amendments or renewals.

INTERPRETATION

In this policy, a reference to an enactment refers to that enactment as amended or replaced from time to time.

POLICY & PROCEDURES

TYPES OF PERSONAL INFORMATION COLLECTED

VOP staff may collect the following information from ICBC using vehicle license plates:

- a) Licensing information (plate, registration number, relevant dates)
- b) Current vehicle description (VIN, year, make, model, colour, body style)
- c) Registered owner information (name and address)

VOP may use the personal information disclosed to it by ICBC pursuant to the Agreement for the following purposes:

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- a) to collect a debt or fine owing to the VOP;
- b) to assist in VOP bylaw enforcement proceedings; or
- c) to assist in a specific investigation of a municipal bylaw violation, undertaken with a view to a law enforcement proceeding, or from which a law enforcement proceeding is likely to result.

USE OF PERSONAL INFORMATION

In practice, license plate information is collected by the bylaw enforcement officer to enforce parking violations if a vehicle is found to be in contravention of Village of Pemberton Parking & Traffic Control Bylaw No. 840, 2018. Plate information is used to obtain the vehicle owner's contact information from ICBC in accordance with the Agreement so they may be contacted by the VOP.

VOP staff may only collect and use personal information as necessary to fulfill VOP duties as outlined above. This information will not be collected or used for any other reason unless consent has been obtained from the impacted individual in accordance with FOIPPA.

DISCLOSURE OF PERSONAL INFORMATION

Personal information collected by VOP staff will only be disclosed to designated VOP staff whose duties require such access and to the collector for the purpose of collecting outstanding fines. Personal information collected pursuant to the Agreement will not be disclosed to individuals, the public, or agencies external to the VOP unless:

- a) the impacted individual consents to this disclosure in accordance with FOIPPA;
- b) the disclosure is authorized by FOIPPA; or
- c) the disclosure is authorized or required by law.

SECURITY OF PERSONAL INFORMATION

In accordance with FOIPPA, the VOP will make reasonable security arrangements to protect personal information under its custody and control against risks such as unauthorized access, collection, use, disclosure, or disposal.

Current security arrangements employed by VOP include:

- a) all physical documentation containing personal information for active files is retained in a locked cabinet in a secure location in the office of the Bylaw Enforcement Officer;

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- b) all physical validation records containing personal information related to inactive files are retained in a locked cabinet in a secure location and destroyed after two (2) years in accordance with VOP Bylaw No. 652, 2010;
- c) when a file is closed, the file is retained within a secured administration filing area until it is destroyed or moved to permanent storage, in accordance with VOP Bylaw No. 652, 2010;
- d) personal information in electronic format is retained within a program that only authorized VOP employees can access for one (1) year;
- e) personal information collected for billing or payment purposes is retained within finance filing and be destroyed in accordance with VOP Bylaw No. 652, 2010;
- f) personal information collected pursuant to the Agreement will not be stored, disclosed or accessible outside Canada; and
- g) an employee or officer of the VOP, who knows that there has been an unauthorized disclosure of personal information that is in the custody or under the control of VOP, must immediately notify the designated Head of the VOP.

RETENTION AND DISPOSAL

In accordance with VOP Records Management Bylaw No. 652, 2010, receipts and related information are retained for six (6) years. Upon completion of the retention period, the documentation is destroyed. Personal information collected in relation to a bylaw enforcement file is permanently retained.

In accordance with FOIPPA and with the Agreement, personal information collected pursuant to the Agreement will be retained for at least one (1) year after being used so that the affected individual has a reasonable opportunity to obtain access to that personal information. Otherwise, personal information will not be retained longer than required to ensure compliance with VOP bylaws and obtain payment on VOP debts.

Electronic Equipment Maintenance and Disposal

Operating systems and software are maintained by the Village’s IT service provider through remote management utilities. Software patching is done on a daily basis. Failing components are replaced as necessary.

When electronic equipment reaches the end of its operational life, any writeable media is removed from the item and shredded. Remaining components are then recycled.

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Data Back-Up

Data is stored on servers and is backed up hourly both locally and to a Canadian cloud provider. Data is retained locally for three months and in the cloud for one year.

CORRECTION OF PERSONAL INFORMATION

Information collected by VOP may be corrected either upon written request of the individual or through updated ICBC records. Should the individual request an update directly, the VOP will verify the information with ICBC before making any changes.

PRIVACY COMPLAINTS

Should an individual lodge a complaint regarding a breach of their privacy with respect to VOP's collection of personal information pursuant to the Agreement, VOP staff will work with the complainant to try to resolve the issue. VOP staff will respond to complaints in a timely fashion and if a complaint cannot be resolved, the VOP will refer the complainant to ICBC or the Office of the Information and Privacy Commissioner of British Columbia (OIPC).

BREACH INCIDENT PROCEDURE

Upon occurrence of a breach incident, the VOP Head will:

- a) promptly, and within 72 hours, notify ICBC and provide details of the breach incident;
- b) promptly take all steps necessary to remedy the breach incident as soon as reasonably possible;
- c) conduct a reasonable investigation of the breach incident and provide timely updates to ICBC during the course of the investigation;
- d) take all reasonable steps to prevent recurrence of the breach incident;
- e) cooperate with ICBC in any litigation or investigation of third parties deemed necessary by ICBC to protect personal information affected by the breach incident, to the extent that such litigation or investigation is related to the subject matter of this Agreement; and
- f) if required by ICBC in its sole discretion, notify the OIPC or any person of the breach incident.

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POLICY REVIEW AND UPDATE

This policy is to be reviewed on a periodic basis, and in any event shall be reviewed no later than three (3) years from the date of this policy.

Updated: August, 2020

Updated: May, 2022