



**HR Policy 34 - Privacy**

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### History of Changes

Release Number	Date	Description of Changes	Author(s)
1	2005-06-05	Initial Release	Josie Farrell
2	2019-01-30	Updated to new template, content updated to reflect policy on HR website (updated 2015-02-25)	Josie Farrell
3	2021-05-05	Title change; Author change; Alignment of policy with Personal Information Protection Act of BC; Identification of a Privacy Officer of TRIUMF as required by PIPA; Section re: protecting information removed and will be incorporated into new Confidentiality policy; Development of procedures to address privacy breaches (in Procedures)	Ian Doyle

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## 1 INTENT

TRIUMF understands the importance of privacy in relation to the Personal Information that it collects, uses, discloses, and receives in the course of its operations. TRIUMF endeavours to ensure the accuracy, confidentiality, and security of such information. This Policy describes the principles and processes that TRIUMF follows in protecting the Personal Information in its custody and control and ensures that TRIUMF's practices are consistent with the Personal Information Protection Act and other applicable laws.

## 2 RELATED AND REFERENCED DOCUMENTS

Personal Information Protection Act, S.B.C. 2003, c. 63.  
TRIUMF Privacy Administration Procedures – Document-190193

## 3 DEFINITIONS

**“Appointee”** means an affiliate or emeritus who does not have an employment agreement with TRIUMF but is established by an appointment letter.

**“Collection”** means the act of gathering or obtaining Personal Information from any source by any means.

**“Consent”** means agreement with what is being done or proposed, and may be expressed, deemed, or consent by not declining.

- **“expressed consent”** is given in writing or verbally and is a willing agreement with what is being done or proposed.
- **“deemed consent”** is assumed when volunteered information is used for purposes that would be reasonably considered obvious.
- **“consent by not declining”** is assumed when TRIUMF gives an individual the option to decline to have their personal information collected, used, or disclosed for reasonable purposes, and the individual does not expressly decline that option.

**“Employee”** means any person employed by TRIUMF to perform services for, or on behalf of, TRIUMF in any capacity.

**“Employee Personal Information”** means Personal Information about Employees required for establishing, managing, or terminating an employment relationship.

**“GDPR”** means the General Data Protection Regulation applicable within the European Economic Community.

**“Privacy Breach”** is the collection, use, disclosure, access, disposal, or storage of Personal Information, whether accidental or deliberate, that is not authorized by PIPA,

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and includes situations where there are reasonable grounds to believe that an unauthorized activity has taken place or where records containing Personal Information have been lost or stolen.

“**PIPA**” means the British Columbia *Personal Information Protection Act* and regulations thereto, as amended from time to time.

“**Personal Information**” means all information about an identifiable individual and includes such things as an individual’s name, address, birth date, personal contact information, or financial information, but does not include business contact information such as the name, position, business telephone, or business e-mail of an individual.

“**Process**” or “**Processing**” means the collection, use, and disclosure of Personal Information or any other operation performed on Personal Information, such as organizing, storing, transmitting, disseminating, and destruction.

“**Privacy Officer**” means an individual or individuals designated by TRIUMF, as required by PIPA, to ensure that TRIUMF is in compliance with PIPA and to respond to complaints regarding privacy or personal information. Contact information for TRIUMF’s Privacy Officer is found in the TRIUMF Privacy Administration Procedures – Document-190193

“**Privileges**” means any privileges granted by TRIUMF to Employees, Appointees, or Visitors permitting them to access TRIUMF facilities, programs, or resources and that places or may place them into contact with other Employees, Appointees, or Visitors.

“**Visitor**” means an individual who does not have a TRIUMF appointment and whose primary affiliation is elsewhere. Visitors include users, contractors, and guests.

## 4 SCOPE

All Employees, Appointees, and Visitors are expected to comply with this Privacy Policy. Failure to comply with, or uphold, the principles and procedures set out in this Policy may result in discipline or the imposition of other sanctions up to and including the revocation of Privileges.

## 5 NOTICE AND CONSENT

TRIUMF collects, uses, and discloses Personal Information only with the knowledge and consent of affected individuals, unless permitted by PIPA.

Consent is not required where TRIUMF collects, uses, or discloses Employee Personal Information for purposes related to establishing, managing, or terminating an employment relationship. In instances when consent is not required, TRIUMF will notify Employees of the collection, use, or disclosure, of Employee Personal Information. In other

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circumstances, TRIUMF seeks expressed consent from affected individuals, unless consent is deemed, or consent is given by not declining.

Consent may be withdrawn at any time, on reasonable notice, subject to legal, contractual, or operational restrictions.

## 6 IDENTIFYING PURPOSES

TRIUMF endeavours to communicate the purposes for which Personal Information is collected at or before the time the information is collected, unless otherwise permitted or required by applicable laws.

TRIUMF may collect, use, or disclose Personal Information about its Employees for purposes including but not limited to:

- determining eligibility for employment, placement, transfer, or promotion to positions within TRIUMF
- managing and ending its employment or contractual relationship with Employees, including workplace investigations, performance management, and discipline
- administration of pay and benefits
- managing work-related claims (e.g., worker's compensation, benefit insurance claims, etc.)
- disability management, including position reports, claims management, or accommodation
- background checks and references
- implementing policy and programs related to equity, diversity, and inclusion; or
- providing training and professional development.

TRIUMF may collect, use, or disclose Personal Information about Visitors and Appointees for purposes including but not limited to:

- assessing eligibility for granting and managing Privileges
- authorizing, amending, or revoking access to TRIUMF facilities, programs, or services
- responding to or investigating complaints about the conduct or actions of Visitors
- communicating with Visitors about their use of TRIUMF facilities; or
- communicating with other organizations sponsoring the attendance of Visitors at TRIUMF facilities, such as visiting scientists and students.

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From time to time, TRIUMF may also collect Personal Information about Employees, Appointees, or Visitors for purposes including but not limited to:

- investigating and responding to incidents, accidents, and safety-related issues
- responding to emergencies or other life-threatening situations
- developing, managing, and delivering its programs and services
- meeting regulatory and reporting requirements of governmental authorities or funding providers
- making patent and other legal filings to establish or confirm intellectual property rights
- ensuring, as applicable, compliance with immigration, residency, and citizenship requirements for Personnel and Visitors
- complying with regulatory requirements, such as the requirement to retain records related to radiation exposure
- evaluating TRIUMF's programs, services, and operations (e.g., conducting surveys)
- addressing operational requirements that may arise from time to time; or
- communicating with law enforcement or regulatory authorities or for such other purposes as are permitted by PIPA.

## **7 LIMITING COLLECTION, USE AND DISCLOSURE**

TRIUMF limits the processing of Personal Information to what is necessary for the purposes for which it is collected, except with consent or as otherwise permitted by PIPA. TRIUMF collects Personal Information by fair and lawful methods.

TRIUMF retains Personal Information only as long as necessary for the purposes for which it was collected, or as required or permitted by law. TRIUMF retains Personal Information used to make a decision affecting an individual for a minimum period of one year as required by PIPA.

TRIUMF may from time to time utilize the services of third-party providers to process and manage Personal Information. Some of these providers may be based outside of Canada, which means that some Personal Information may be stored and accessed from outside of Canada.<sup>1</sup> TRIUMF takes reasonable steps to ensure that all such providers protect, use, and disclose Personal Information in accordance with acceptable standards.

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<sup>1</sup> Grant competitions, for example, will sometimes require applicants to submit the personal information of researchers to agencies outside of Canada.

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## 8 ACCURACY AND CORRECTION

TRIUMF will make reasonable efforts to ensure that Personal Information is as accurate, complete, and current as required for the purposes for which it was collected. In some cases, TRIUMF relies on individuals to ensure that certain information, such as an individual's home telephone number or contact information, is current, complete, and accurate. From time to time TRIUMF may contact the individual to ensure that the information collected is accurate.

Individuals with concerns about the accuracy of any of their Personal Information collected by TRIUMF may request the correction of their information. Such requests will be processed by TRIUMF in accordance with the requirements of PIPA.

## 9 RIGHT OF ACCESS

Upon written request, TRIUMF will provide individuals with access to their own Personal Information in accordance with PIPA. In some cases, where permitted by PIPA, TRIUMF may refuse to disclose to a person their own Personal Information, such as:

- i. where disclosure is prohibited by law
- ii. where the information contains Personal Information about a third party
- iii. where the information is of such a nature that its disclosure could reasonably be expected to prejudice the mental or physical health of the individual
- iv. where the information was gathered during a formal dispute resolution process;  
or
- v. where the information is subject to solicitor-client or litigation privilege.

## 10 GDPR AND INTERNATIONAL LAWS

TRIUMF recognizes that from time to time certain aspects of its programs and activities may take place, or involve individuals, in jurisdictions outside of Canada. To the extent that TRIUMF's activities fall within the scope of international data protection laws, such as the General Data Protection Regulation (GDPR) applicable within the European Economic Community, TRIUMF endeavours to fully comply with such laws.

Where such international data protection laws apply, individuals may have additional rights not applicable under PIPA. For more information about the rights available to you, please contact TRIUMF's Privacy Officer. Contact information for the Privacy Officer is found in TRIUMF Privacy Administration Procedures – Document-190193.

## 11 PRIVACY BREACH RESPONSE AND REPORTING

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All Employees, Appointees, and Visitors are expected to immediately report actual or suspected Privacy Breach incidents in accordance with this Policy and the Procedures. Privacy Breaches will be addressed in accordance with the Procedures.

If there is any question about whether a Privacy Breach has or may have occurred, Employees, Appointees, and Visitors should consult with the Privacy Officer. All Employees and Visitors are expected to provide their full cooperation with any investigation or response to a Privacy Breach incident.

## **12 RESPONSIBILITIES**

Any TRIUMF staff whose work involves managing the Personal Information of Employees, Appointees, or Visitors are responsible for following this Policy and any related regulations or legislation.

### **12.1 Employer**

TRIUMF's collection, use, and disclosure of Personal Information is administrated and presided over by Human Resources and Payroll. Any actions related to the collection, use, or disclosure of information must be done with in consultation with Human Resources or Payroll.

### **12.2 Privacy Officer**

TRIUMF's Privacy Officer is responsible for overseeing TRIUMF's privacy program and responding to any queries or complaints regarding privacy at TRIUMF.

## **13 POLICY REVIEW SCHEDULE**

This Policy will be reviewed on a regular basis.