



## **POLICY NO. 8**

### **MEMBER BENEFITS TRUST**

#### **PRIVACY POLICY** **(Reviewed December 2013)**

##### **A. INTRODUCTION**

The Member Benefits Trust ("MBT") is committed to protecting personal information in its possession or control, and ensuring that it is accurate, secure and confidential.

As part of our activities in providing or arranging health and welfare benefits, services to our members and managing our employees, we will only collect, use or disclose your personal information with the appropriate notice to you or consent in accordance with this Privacy Policy.

This Privacy Policy outlines our commitment to you.

For further information that is not outlined below, please contact us at:

Sarah King, Privacy Officer  
Member Benefits Trust  
300 – 380 West 2<sup>nd</sup> Ave  
Vancouver, BC V5Y 1C8

##### **B. SCOPE**

This Privacy Policy applies to personal information about our members and employees that is collected, used, or disclosed by MBT, which includes the management of personal information in any form whether oral, electronic or written.

The application of this Privacy Policy is subject to the requirements and provisions of applicable federal and provincial privacy legislation and any other applicable legislation or regulations.

##### **C. APPLICATION**

###### **1. Accountability**

MBT is accountable for personal information in its possession or control. To ensure accountability, we have trained our employees about our policies and practices.



MBT has designated a Privacy Officer and other individuals who are accountable for MBT's compliance with the policy. The Privacy Officer oversees day-to-day collection and processing of personal information to ensure compliance with the policy.

MBT will seek assurances regarding the privacy of personal information that has been transferred to a third party for use or processing by requiring that those third parties safeguard all personal information in a way that is consistent with MBT's practices and as required by law.

MBT protects the privacy of personal information with safeguards appropriate to the sensitivity of the information. For example, MBT safeguards personal information in its possession or control from loss or theft and from unauthorized access, use, disclosure, copying or modification through appropriate security measures depending on the sensitivity, format and storage of the personal information. As well, MBT uses care when destroying or disposing of personal information to prevent unauthorized access, use or disclosure of any personal information.

MBT employees with access to personal information are required to respect the confidentiality of such information.

## **2. Notice and Consent**

MBT will provide notice to its employees and obtain consent of its members regarding the collection, use or disclosure of personal information. MBT will collect, use or disclose personal information without member or employee notice or consent only as permitted by law.

MBT will explain to members and employees in plain language the purposes for which personal information will be collected, used or disclosed. The purposes may be expressed orally or in writing.

MBT collects, uses and discloses personal information for a variety of purposes, including the following:

- (a) to establish and maintain relations with MBT's members, affiliates, service providers and agents including;
  - (i) identification of individuals,
  - (ii) determining applicable benefit coverage, and
  - (iii) tax reporting purposes;
- (b) to establish and maintain relations with members, including providing further information about MBT and its services and products through publications;
- (c) to develop, enhance, market or provide products and services to members;
- (d) to understand employee and member needs and preferences;
- (e) to develop, enhance, market or provide services to meet employee and member needs or expectations;



- (f) to manage and develop MBT's operations, including personnel and employment matters;
- (g) to meet legal and regulatory requirements; and
- (h) such additional purposes that are identified to an individual.

On request, persons collecting personal information will elaborate on the purpose or object for such collection for a file or refer the individual to the designated person within MBT to do so.

Generally, MBT gives notice or seeks consent to use and/or disclose personal information before or at the same time it collects the information. Personal information is not to be used or disclosed for any new purpose without first identifying the new purpose and providing notice to the employee or obtaining the consent of the member, unless permitted by law. Some examples of collection, use or disclosure of personal information without notice or consent may include circumstances where:

- (a) seeking the consent of the individual might defeat the purpose of collecting the information, such as in the investigation of a breach of an agreement or law;
- (b) it is for the purpose of enrollment or management of a benefit where the individual is the beneficiary;
- (c) it is clearly in the individual's best interest and notice or consent cannot be obtained in a timely manner;
- (d) in the reasonable judgment of MBT, it appears that there is imminent danger to life or property which could be avoided or minimized by disclosure of the information to a public authority or agent of a public authority; and
- (e) it is to a lawyer representing MBT, to comply with a subpoena, warrant or other court order, or as may be otherwise required or authorized by law.

In determining the appropriate form of notice or consent, MBT considers the sensitivity of the personal information and the reasonable expectations of its employees and members.

### **3. Limiting Collection, Use, Disclosure, and Retention of Personal Information**

MBT takes reasonable steps to limit the amount and type of personal information it collects, uses and discloses. Personal information is collected by fair and lawful means and in a fashion that is not unreasonably intrusive. MBT keeps personal information for only as long as necessary for the identified purposes or as required by law.

If personal information has been used to make a decision about a member or employee, MBT will keep the personal information for a reasonably sufficient period to allow the member or employee to have access to it after the decision has been made. MBT maintains controls, schedules, practices and procedures for retention and destruction of personal information.



#### **4. Access, Openness and Compliance**

MBT is open about its policies and procedures used to manage personal information. MBT will readily make available to employees and members this policy and information about its practices relating to the management of personal information.

MBT will make information available to assist employees and members in understanding the collection, use and disclosure of their personal information. On request, MBT will also advise if and how an individual can access personal information held by it.

On written request, MBT will inform individuals of the personal information it has in its possession and control relating to the requesting individual. Members can seek access to their personal information by contacting the Privacy Officer. Employees can seek access to their personal information by contacting their immediate supervisor. Except for employee personal information, MBT may charge a minimal fee according to the cost required to retrieve and provide the requested information. MBT may provide an estimate of the fee in advance and in some cases, will require a deposit for all or part of the fee.

Upon request, MBT will provide an account of the collection, use and disclosure of the personal information. Where reasonably possible, MBT will identify from whom the personal information was collected, to whom it has been disclosed, and how and when disclosure took place.

In some cases, MBT may not provide access to personal information that it holds about a stakeholder or employee. Examples of when this may occur are:

- (a) when it is likely to reveal personal information about a third party;
- (b) where disclosing the personal information could reveal confidential commercial information;
- (c) if the personal information is protected by solicitor-client privilege;
- (d) where the denial of access is required or authorized by law;
- (e) where information relates to existing or anticipated legal proceedings against the employee or member making the request;
- (f) where it is necessary to protect MBT's rights and property;
- (g) where the request is frivolous or vexatious; and
- (h) where the information is collected for purposes of an investigation or the information is the result of an arbitration or other formal dispute resolution process.

If MBT denies an individual's request for access to personal information, MBT will advise the individual of the reason for the refusal.



A member or employee will be able to challenge the accuracy and completeness of the information MBT has on file and in appropriate circumstances, MBT will amend the information. Any differences as to accuracy or completeness that cannot be resolved will be noted in the individual's file.

An employee or member may address a challenge concerning compliance with this policy to the Privacy Officer.

MBT takes any complaint about its privacy practices seriously. MBT will investigate any complaint and will take all reasonable steps to resolve it.

MBT will not dismiss, suspend, demote, harass or otherwise disadvantage an employee or member because the individual, acting in good faith, has invoked or may invoke, the provisions of this policy or any applicable federal or provincial privacy legislation.