

Introduction

Leads Employment Services Inc. (“Leads,” “we,” “our,” the organization) respects the privacy of our employees, our partners, and our clients and ensures that the personal information we collect about or on behalf of the aforementioned parties remains secure and protected. In order to operate effectively, there are times when personal information must be shared with an interested third party. In such circumstances, Leads will not release any personal information without first advising of its intended use and obtaining permission from the affected individual.

Personal information under the *Personal Information Protection and Electronic Documents Act* (PIPEDA) “includes any factual or subjective information, recorded or not, about an identifiable individual.” It does not cover information about an individual that is available from a public source, such as a telephone directory, court record, or land registry office. It also does not cover aggregated data, used for statistical and reporting purposes, from which data the client’s identity cannot be determined.

Our policy is designed to meet or exceed the requirements of Canadian federal and provincial privacy laws. We are committed to constantly self-evaluating our practices and procedures and to maintaining the highest standards in this regard.

For more information on PIPEDA, please see:

- Government of Canada, *Personal Information Protection and Electronic Documents Act*. Justice Laws Website, available at: <http://laws-lois.justice.gc.ca/eng/acts/p-8.6/>
- Office of the Privacy Commissioner of Canada, *Privacy Toolkit: A Guide for Businesses and Organizations*. Available at https://www.priv.gc.ca/media/2038/guide_org_e.pdf

Policy 1 - Accountability

We are responsible for all personal information under our control and will designate one or more individuals who will be accountable for the organization's compliance with the policies and procedures outlined in this document.

Procedures

1.1 The individual appointed to be accountable for the compliance of this Privacy Policy will be known as our *Privacy Officer*.

1.2 Leads' Privacy Officer may be contacted as follows:

Title: Privacy Officer
Name of Organization: Leads Employment Services, Inc.
Address: 171 Queens Avenue,
London, Ontario
N6A 5J7
Telephone: (519) 439-0352
Fax: (519) 439-7502
E-mail: privacy.officer@leadsservices.com

1.3 Leads' Privacy Officer will review any new processes, procedures or practices affecting the privacy of our employees, our partners, and our clients to ensure they are compliant with our Privacy Policy.

1.4 Leads' Privacy Officer commits to being aware of and knowledgeable about any changes in Canadian provincial privacy legislation and to ensuring Leads consistently meets or exceeds the provincial privacy requirements.

1.5 Our commitment is to:

- Protect personal information;
- Allow individuals to request information, seek amendments to their personal information, and file complaints with our Privacy Officer;
- Train and educate staff on the organizations' policies and procedures; and
- Develop information which explains those procedures to the public.

1.6 We will use reasonable means to ensure that client personal information is given a comparable level of protection while being processed by a third party. If not practical to obtain written assurances, we may choose to make a written notation in our own file(s).

Policy 2 – Identifying Purposes

We will identify the purpose for which we collect personal information at or before the time the information is collected.

Procedures

- 2.1** We will identify the purpose for which we collect personal information to affected individuals at or before the time of collection.
- 2.2** We will identify such purposes in *writing*. Common purposes for collection include:
 - Enabling our employees to acquire payroll and benefits;
 - Assisting clients and assessing their ongoing needs for employment;
 - Assessing clients' needs for other forms of assistance, such as referrals to other agencies;
 - Performing a risk assessment of clients to ensure the safety and well-being of our employees;
 - Ensuring that client information is accurate and up-to-date
- 2.3** A consent form stipulating the purpose for the collection of personal information will be used. For more details, please refer to *Policy 3 – Consent*.
- 2.4** We will identify any *new* purposes that arise during the course of dealing with personal information – and obtain prior consent for this new use – even if we have already identified certain *initial* purposes. However, we will only do this when the intended new purpose truly constitutes a “new” use, i.e., when the purpose now being proposed is sufficiently *different* from the purpose initially identified.

Policy 3 – Consent

We will obtain the appropriate consent from individuals for the collection, use, or disclosure of their personal information, except where the law provides an exemption.

Procedures

- 3.1** We may obtain *express written* consent for the collection, use, or disclosure of their personal information or we may determine that consent has been *implied* by the circumstances.
- 3.2** *Express* consent is a specific authorization given by the individual in *writing*. *Implied* consent is one in which Leads has not received a specific authorization, but the circumstances allow us to collect, use, or disclose personal information.
- 3.3** *Express written* consent includes a client/employee:
- Signing a consent form (see attached forms);
 - Providing a letter, application form or other document authorizing certain activities; and
 - Providing an authorization electronically.
- 3.4** We will often seek express consent at the onset of a new business relationship; however, we may determine that by an individual seeking employment supports/services through our organization, consent has been implied for us to collect, use and disclose personal information in a reasonable manner.
- 3.5** Subject to legal exceptions and reasonable notice, consent may be withdrawn at any time. We generally require such withdrawal to be in writing. There may be serious consequences for failing to provide or withdrawing consent, such as our inability to offer services to the client, or the inability for employees to acquire payroll and benefits.
- 3.6** Depending on whether a *new purpose* is identified during the course of dealing with a client’s personal information, we may choose to seek a new consent. We do not consider a regular updating of information in a client’s file to be a new purpose and, therefore, we will not seek a new consent for this purpose.
- 3.7** *Exceptions* – there are circumstances in which we are not required to obtain an individual’s consent or explain purposes for the collection, use, or disclosure of their personal information. These include, but are not limited to:
- Collection – We may collect personal information without consent when it is in the individual’s interest and timely consent is unavailable, or to investigate a breach of an agreement, or a contravention of law.
 - Use – We may use personal information without consent for similar reasons as those listed besides “collection” above, and also in an emergency situation in which an individual’s life, health, or security is threatened.
 - Disclosure – We may disclose personal information without consent for law enforcement and national security purposes, for debt collection, to a lawyer representing our organization, and in an emergency situation in which an individual’s life, health, or security is threatened.

Policy 4 – Limiting Collection

The personal information we collect will be limited to that which is necessary for the purposes we have identified and is collected by fair and lawful means.

Procedures

- 4.1** We only collect personal information for specific, legitimate purposes. We will not collect personal information indiscriminately.
- 4.2** We will only collect information by fair and lawful means and not by misleading or deceiving individuals about the purpose for which information is being collected.
- 4.3** Our policies and procedures related to the limitations on the collection of personal information will be regularly communicated to our staff members who deal with personal information.

Note – There may be situations in which we collect personal information for legitimate purposes not identified to the individual, not including those situations outlined under paragraph 3.7 “Exceptions” in *Policy 3 – Consent*.

Policy 5 – Limiting Use, Disclosure, and Retention

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. We will only retain personal information as long as necessary for the fulfillment of those purposes.

Procedures

- 5.1** We will only use or disclose information for legitimate, identified purposes.
- 5.2** We will retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected. Leads has set mandatory retention timeframe limits based on Provincial Employment and Labour Standards and will retain personal information only as long as is outlined in the applicable legislation.
- 5.3** Personal information that has been used to make a decision about an individual will only be retained long enough to allow the individual access to the information after the decision has been made. This period will not exceed applicable industry standards.
- 5.4** Personal information that is no longer required to fulfill identified purposes will be destroyed, erased, or made anonymous. See *Policy 7 – Safeguards*, paragraph 7.7.

Note - There may be situations in which we use, disclose, or retain personal information for legitimate purposes not identified to the individual, including those situations outlined under paragraph 3.7 “Exceptions” in *Policy 3 – Consent*.

Policy 6 – Accuracy

The personal information we collect will be accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

Procedures

- 6.1** Leads will, on an on-going basis, ensure the accuracy and completeness of personal information under our care and control.
- 6.2** Individuals who provide their personal information to us must do so in an accurate and complete manner.
- 6.3** We consider a *regular updating of client and employee personal information* to be necessary to ensure the accuracy of client and employee files and to provide appropriate services to our clients and staff.
- 6.4** Our goal is to minimize the possibility that inappropriate information may be used to make a decision about any individual whose personal information we process.
- 6.5** The process for ensuring accuracy and completeness will involve:
 - Initial collection from clients and employees;
 - Verification of accuracy and completeness from clients and employees;
 - Regular reviews; and
 - Verification of accuracy by contacting third parties.
- 6.6** As more particularly described in *Policy 9 – Individual Access*, we will provide recourse to individuals who appear to have legitimate corrections to make to their information on file. Once significant errors or omissions have been identified, we will correct or amend the information as appropriate. Where necessary, we will send such corrected or amended information to third parties who have had access to the information in question.

Policy 7 – Safeguards

We will safeguard the security of personal information under our control in a manner that is appropriate to the sensitivity of the information.

Procedures

- 7.1** We will protect the security of personal information regardless of the format in which it is held (i.e. against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification).
- 7.2** More sensitive information will be safeguarded by a higher level of protection; however, we will generally seek to achieve the highest level of security at all times.
- 7.3** In determining what safeguards are appropriate, we will consider the following factors:
- The sensitivity of the information;
 - The amount of information held;
 - The parties to whom information will be disclosed;
 - The format in which the information is held; and
 - The way in which the information is physically stored.
- 7.4** When transferring client information to a third party, we will remove or mask any information that is not strictly needed by the third party.
- 7.5** Our methods of protection may include:
- *Physical measures*: locked filing cabinets and/or restricted access;
 - *Organizational measures*: such as security clearances and limiting access on a “need-to-know” basis; and
 - *Technological measures*: such as the use of passwords and encryption.
- 7.6** We will ensure that our policies and procedures on safeguarding personal information are clearly communicated and accessible to our employees by:
- Training staff on the subject of personal information protection; and
 - Having regular staff meetings in which we will review our procedures and revise where appropriate.
- 7.7** We will take precautions in the disposal or destruction of personal information to prevent unauthorized parties from gaining access to the information. These measures may include:
- Ensuring that no one may retrieve personal information after it has been disposed of;
 - Shredding documents before recycling them; and
 - Deleting electronically stored information.

Policy 8 – Openness

We will make readily available to individuals specific information about our policies and procedures relating to the management of personal information that is under our control.

Procedures

- 8.1** Individuals will be able to inquire about our policies and procedures without reasonable effort.
- 8.2** Our staff will be informed of who the designated Privacy Officer(s) is, so that members of the public can easily be informed.
- 8.3** We may choose to make information about our policies and procedures available in a variety of ways, for example:
 - Making this document available publicly;
 - Incorporating these policies and procedures into our website.
- 8.4** The information that we make publicly available will include:
 - The email address of our Privacy Officer;
 - The means of gaining access to personal information held by the organization;
 - A description of the type of personal information held by the organization and a general account of its use;
 - Written information that explains our policy and procedures; and
 - A general list of the kinds of personal information made available by us to other organizations.

Policy 9 – Individual Access

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information which is under our control, and may be given access to, and challenge the accuracy and completeness of that information.

Procedures

- 9.1 Upon written request, an individual will be informed as to whether or not we hold personal information about him or her. If we do hold such personal information, upon written request, we will provide access to the information, as well as a general account of its use.
- 9.2 The manner in which access will be given will vary, depending on the format in which the information is held (i.e. hard copy or electronic), the amount of information held, and other factors. For example, if there is a large volume of information, instead of providing a copy of the entire file, we may simply provide a summary of the information.
- 9.3 Upon written request, we will provide a list of third parties to whom we may have disclosed an individual's personal information. If we are unsure exactly which third parties may have received the information, we will provide a list of third parties *likely* to have received the information.
- 9.4 Individuals will be required to provide *sufficient information* to us to permit an account of existence, use, and disclosure of personal information.
- 9.5 The procedure for making a request is as follows:
- 1) All requests must be made in writing using a form such as the *Request/Complaint Form*.
 - 2) We will respond to a request *within 30 days after receipt of the request*, unless we first advise the individual that we need a longer period to respond.
 - 3) Reasons – If we refuse a request, we will inform the individual in writing of the refusal, explaining the reasons and any recourse the individual may have, including the possibility that they may file a complaint with the Privacy Commissioner of Canada.
 - 4) Deemed refusal – Notwithstanding sub-paragraphs (2) and (3), if we do not respond within the above time limit we will be deemed to have refused the request.
 - 5) Costs for responding – Leads may require payment of a modest fee to cover our administrative costs associated with preparing a response.
- 9.6 There are also *exceptions* which will prevent us from providing access, including where:
- Personal information about another person might be revealed;
 - Commercially confidential information might be revealed;
 - Someone's life or security might be threatened;
 - The information was collected without consent for the purposes related to an investigation of a breach of an agreement or contravention of the law; or
 - The information was generated during the course of a formal dispute resolution process.
- 9.7 When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, Leads will amend the information according to the nature of the information being challenged (i.e. the correction, deletion, or addition of information) and transmit to the appropriate third parties involved.

9.8 If a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge will be recorded by Leads in the clients'/employees' file, and when appropriate, the amended information will be transmitted to the third parties having access to the information in question.

Policy 10 – Challenging Compliance

An individual may address a challenge concerning compliance with the above policies and procedures to our Privacy Officer.

Procedures

10.1 Upon request, individuals who wish to inquire or file a complaint about the manner in which we handled their personal information – or about our personal information policies and procedures – will be informed of our applicable complaint procedures.

10.2 To file a complaint, an individual must fill out a *Request/Complaint Form*, which requires basic information and a description of the nature of the complaint.

10.3 The procedure for filing a complaint about our organization is as follows:

- A *Request/Complaint Form* must be filed with our Privacy Officer;
- We will acknowledge the complaint right away;
- We will assign someone to investigate;
- We will give the investigator unfettered access to files and personnel, etc.
- We will clarify facts directly with the complainant, where appropriate; and
- We will advise the complainant in writing of the outcome of our investigation, including any steps taken to rectify the problem(s), if applicable.

10.4 We will document all complaints made by clients and staff, as well as our actions in response to complaints, by noting these details in the individual's file and also in a master privacy file.

10.5 If a complaint is found to be justified, Leads will take appropriate measures, including, if necessary, amending its policies and procedures.

FORMS

Leads makes use of the following forms (available upon request):

- a) Client Code of Conduct
- b) Confidentiality and Privacy Agreement -- Staff
- c) Confidentiality Statement and Marketing Release -- Staff
- d) Consent to Release Information, Re: Funders
- e) Consent to Release Information, Re: General
- f) Consent to Release Information to Ontario Works
- g) Consent to Release Payroll Information, Re: Employers
- h) Consent to Share Information with Developmental Services Ontario (DSO)
- i) Employment and Skills Development Canada Release for Opportunities Fund Programs
- j) Employment and Skills Development Canada Release for Skills Link Funded Programs
- k) Initial Registration Form
- l) Limitations of Confidentiality
- m) Marketing/Media Release Agreement
- n) Personal Information Detailed Consent Form – Staff/Service Provider
- o) Personal Information Request/Complaint Form
- p) Registration Summary Form
- q) Social Insurance Number (S.I.N.) Waiver
- r) Statement of Release
- s) Understanding Agreement and Indemnification
- t) Vulnerable Sector Screening Criminal Reference Check -- Acknowledgement