

Collection of Personal Information Policy

1. About this document

This policy defines the requirements for departments collecting personal information, and should be referred to by program managers when establishing new programs.

2. Definitions

“**ATIPP Act**” is the *Access to Information and Protection of Privacy Act*.

“**Personal representative**” is the person who has been given authority to exercise the rights or powers of an individual on their behalf and as prescribed in section 62 of the ATIPP Act.

“**Collect (ion)**” occurs when a department or program records information about an identifiable individual.

“**Individual**” is the person the personal information is about or their personal representative.

“**Personal Information**” is as defined in section 3 of the ATIPP Act.

3. Application

This policy applies to any programs or activities to which the *Access to Information and Protection of Privacy Act* applies and the department is listed in GAM 2.1.

4. Authority

This policy is issued under GAM 2.27 and approved by the DM of HPW on March 13, 2017.

5. Policy

General

- Departments and program managers will limit the amount of personal information collected to the minimum amount necessary to achieve the purpose for the collection.
- Personal information will not be collected if other information can be used to meet the requirements of the program.
- Departments must make every reasonable effort to ensure the personal information collected is accurate and complete.

Authority to Collect Personal Information

- Before collecting personal information, departments and program managers must ensure they are authorized to collect the information by either: an Act (note: regulations are not included); for the purposes of law enforcement; or the information is necessary for a program or activity (section 29, ATIPP Act).
- Obtaining an individual's consent to a collection of personal information does not replace or establish authority for the collection of personal information.

Best Practice for Unsolicited Personal Information: If unsolicited personal information is submitted and the information is not necessary for a program or activity. The personal information must be returned to the individual or securely destroyed in accordance with the department's transitory records schedule.

Manner of Collection

- Personal information should be collected directly from the individual the information is about, unless (section 30(1) of the ATIPP Act):
 1. It is authorized by the individual the information is about.

For authorization to occur, the individual should be informed of and the program or activity must document the following:

 - How much information, and what type of information is being collected.
 - The purpose of the indirect collection, and the reasons for making the collection indirectly.
 - The identity of the recipient.
 - The consequences (if any) of refusing to authorize the indirect collection.
 - Note: It is recommended to include an expiration date of the authorization.
 2. It has been authorized by the Information and Privacy Commissioner.
 3. It is authorized by an Act.
 - For authorization to occur, the other Act must specifically authorize the indirect collection. For example, the *Workers' Compensation Act* authorizes the board to collect medical reports from a medical practitioner.
 - Note: The authorization must come from an act, not regulations.
- When determining whether to indirectly collect an individual's information (outside of receiving authorization by the individual), consider the following:
 - Would seeking authorization from the individual result in collecting inaccurate information?

- Would direct collection delay the delivery of the service?
- Is the collection of the information in the interest of the individual? Does it benefit the individual?
- Is the information being collected for the purpose of determining or verifying an individual's eligibility to participate in a program or activity or receive a benefit from the department or government?
- Is direct collection reasonably practicable?
- Note: If direct collection is practicable and would not result in inaccurate information, collect information directly.

Notices on the Collection of Personal Information

- Individuals should be notified about the collection of personal information before the collection occurs. If notification is not reasonably possible, departments must notify individuals as soon as it is reasonably possible.
- When providing notification, departments must inform the individual of the following:
 - The purpose for collecting the personal information.
 - The legal authority for collecting it.
 - The title, business address, and business telephone number of an officer or employee of the program who can answer questions about the collection.
- Notice can be provided by the following means:
 - Forms: Every form that collects personal information must have a notification statement. The notification may be placed directly on the form collecting the personal information or on a separate sheet/brochure accompanying a form.
 - For electronic forms, the notification box should appear before the individual accesses the form.
 - For telephone touch-tone forms, the notification statement should be provided before the individual accesses the form.
 - Telephone or in-person: A notification may be given verbally over the telephone or in-person. When notification is given verbally, ensure that the individual is fully informed of the purpose(s) for the collection. If you must confirm a telephone collection of personal information, follow up with a mailing or handout of the notification statement.
 - Notices on the wall or desk: A notification may be placed on the wall or desk when personal information is being collected in person. Copies of the notification should be available to distribute to individuals should they be requested.