

# **CONFIDENTIALITY AND PRIVACY POLICY (POLICY)**

## **Joint Board of Trustees (JBT) of the CUPE Employees' Pension Plan (CEPP or Plan)**

The JBT is the administrator of the CEPP for purposes of the Ontario *Pension Benefits Act*, R.S.O. 1990, c.P.8 (PBA), and, as such, is responsible for the overall administration of the CEPP as well as the investment of the assets held with respect to the Plan.

In performing its administrative and investment functions, the JBT is held to a fiduciary standard of care which requires that it act solely and exclusively in the interests of the Pension Plan and its members and not in the interests of any other parties (including the Plan Sponsors).

This Policy pertains to confidential information in general, and personal information in particular. Confidential Information is addressed in Part 1 and personal information in Part II.

### **I. Confidentiality**

The JBT considers "confidential information" to be knowledge or facts that are not in the public domain. Without limiting the generality of the foregoing definition, the JBT considers "confidential information" to include:

- (a) materials provided to the JBT by a third party provider retained by the JBT to which the third party provider does not consent to disclosure;
- (b) materials pertaining to specific individuals;
- (c) evaluations of third party providers; and
- (d) materials to which legal privilege attaches.

In the ordinary course, the JBT handles a large volume of information, much of it documentary, but some of it conveyed in verbal form, pertaining to the business of the Plan.

Some of the information is provided by CUPE as the Plan's Administrative Agent, and much of the balance of the information is provided by third parties. Some information originates from Plan members, or Sponsors or from Trustees themselves.

On the investment side, the Plan receives regular reports from its Investment Managers and from the Plan's Custodian. It also receives a regular independent analysis of its overall investment performance, and as well, quantitative and qualitative analysis of the performance of its Investment Managers.

On the benefits side, the JBT receives information pertaining to the administration of the Plan, including with respect to its contributions, investment income, expenses and pension outlays, and also receives periodic financial and actuarial reports on the funded status of the Plan. The JBT receives a number of these reports from third party providers. They are generally prepared by third parties with the expectation that they will be presented to the JBT, and questions from the JBT will be asked and answered.

In general, this information handled by the JBT may be confidential, non-confidential or a mix of confidential and non-confidential. This Policy relates to all information handled by the Trustees and has a specific emphasis on such information that is confidential.

In considering its approach to the disclosure of materials it receives, the JBT considers the following two objectives:

1. **The Need for Communication** - Communication with the plan membership is a priority. Members are interested in the status and activities of the Plan, and deserve to be properly informed about the Plan and its activities. Communication promotes transparency and confidence in governance.
2. **The Need to Protect Confidentiality** - The JBT must also respect confidentiality that may arise because of the proprietary nature of third party materials, litigation or legal advice, personal member issues, staff or personnel issues, evaluations of third party providers or for other reasons. Disclosure of confidential materials may damage the JBT's relationship with third parties, and thereby impair its ability to carry on business.

This Policy has sought to balance the need for member communication with the need to respect confidentiality. In this regard, the Board undertakes to:

1. Communicate its significant decisions of general effect to the Plan membership, together with the considerations underlying its decisions. The JBT will not, of course, disclose decisions that are private or confidential in nature and that pertain to specific individuals or third party suppliers.
2. Communicate annually, or, in the event of significant changes, more frequently, to the Plan membership, about the two major indicators of the Plan's financial status - its investment returns and its funded status.
3. Disclose, through the CEPP website, copies of such third party materials provided to the Board that the Board determines, in its discretion, should be disclosed through the CEPP website where the third party provider first consents to such disclosure, except for materials pertaining to identifiable individuals, personnel matters, evaluations of third party providers or materials to which legal privilege attaches.

A specific category of information that the JBT may consider is "personal information" that relates to specific individuals, whether they be employees, Plan members or third-parties. Personal information is a form of confidential information, but is also protected by law. This Policy seeks to codify that protection and to assure Plan members as well as third

parties that the CEPP acknowledges its legal obligations to protect individual privacy. Details of the CEPPs' Privacy Policy are set out below.

## **II. Privacy**

The JBT takes very seriously the confidentiality of personal information you entrusted to them. The JBT has obligations under the federal *Personal Information Protection and Electronic Documents Act* (Canada) (PIPEDA) (as well as corresponding legislation of other provinces) and wishes to comply with best management practices in the area of privacy protection.

### **A. What is "Personal Information"?**

The JBT considers any information that identifies you as an individual and that is not publicly available (for example, on a typical business card, in the telephone book, or in a collective agreement) to be "personal information".

The JBT and the Administrative Agent may possess some, or all, of the following information about you that is considered to be "personal information" under this Policy:

- (a) social insurance number;
- (b) home address;
- (c) personal telephone number(s);
- (d) date of birth;
- (e) birth certificate;
- (f) gender;
- (g) payroll number and pension certificate number;
- (h) names of your beneficiaries and dependents;
- (i) benefit options you have chosen;
- (j) earnings and employment history;
- (k) spouse's name, date of birth, social insurance number;
- (l) dependents' name(s), date(s) of birth, social insurance numbers;
- (m) banking information;
- (n) emergency contact information; and
- (o) death certificates.

This list is not intended to be exhaustive. The JBT will treat other personal and identifying information that may come into their possession with the same concern for your privacy.

### ***B. Privacy Principles***

With respect to “personal information”, the JBT adheres to the following principles:

**Accountability** - The JBT is responsible for ensuring compliance with this Privacy Policy. The JBT has appointed the Administrative Agent to be accountable to the JBT to monitor day-to-day compliance with this Policy. The JBT endeavors to protect personal information in their custody and under their control, including information that has been transferred to a third party for processing.

**Purposes** - The JBT will collect, use and disclose your personal information, as defined in this Policy, only for certain purposes. These include the administration of CEPP and the provision of benefits to CEPP members. The JBT uses personal information for routine activities such as audits, recordkeeping, reporting and plan administration and decision-making.

**Consent** - Your consent to the collection, use, or disclosure of your personal information may be expressed or implied. In some areas, such as the routine operation of the Plan, the provision to you of the appropriate benefits, the JBT may imply your consent to use your personal information for Plan purposes. For other uses, the JBT will seek your express consent for the collection, use, or disclosure of your personal information, and will seek that consent, in advance where appropriate and possible, and with an explanation of the purpose. The JBT may also obtain consent on behalf of a member from an authorized representative or substitute decision-maker, such as a legal guardian or a person having power of attorney.

**Limiting Collection** - The JBT shall limit the collection of your personal information to that which is necessary for the purposes that have been identified in this Policy. The JBT may collect personal information indirectly from other sources including, but not limited to CUPE or CUPE Locals that are participating employers in the CEPP.

**Limiting Use, Disclosure, and Retention** - The JBT will not use or disclose your personal information for purposes other than those for which it has been collected, except with your consent or as required by law. The JBT will retain your personal information only as long as necessary for the fulfillment of the stated purposes. The JBT may disclose personal information for the identified purposes, which may include making benefit payments, reporting benefits paid, income tax reporting and processing transfers under Reciprocal Agreements.

**Accuracy** - The JBT attempts to ensure that your personal information is as accurate, complete, and up-to-date as possible and you have a right to correct your personal information where it is not correct. The JBT also relies on the members to participate in maintaining the accuracy of their own personal information. Members should contact the Administrative Agent whenever there is a change in their personal information that may affect benefit plan administration (including changes in address or contact information, and changes in marital or dependent status).

**Safeguards** -The JBT protects your personal information by security safeguards appropriate to the sensitivity of the information.

**Openness** - The JBT will make specific information about the policies and practices relating to the management of personal information readily available to Plan members.

**Individual Access** - Upon request, the Administrative Agent will inform you of the existence, use, and disclosure of your stored personal information and will give you access to that information. You have the right to challenge the accuracy and completeness of your personal information and have it amended as appropriate. Members may contact the Administrative Agent for more information about the relevant procedures.

**Challenging Compliance** - You have the right to address a challenge concerning compliance with the above principles by addressing any such challenge to the Administrative Agent appointed under this Policy.

### ***C. How is my Personal Information Protected?***

The JBT protects your personal information through policies and procedures, and through physical safeguards. The JBT:

- (a) has appointed the Administrative Agent to ensure the goals of this Policy are followed;
- (b) provides training on this Policy to the Administrative Agent;
- (c) maintains both paper and electronic files containing personal information. The office computers are password and firewall protected;
- (d) ensures that all paper files maintained for the Trust are kept in locked filing cabinets and/or storage rooms;
- (e) provides a copy of this Policy to the Administrative Agent; and
- (f) ensures that, where it is necessary to retain an outside entity, including the Administrative Agent, to do work requiring disclosure of personal information, that that entity has, and abides by, a Privacy Policy comparable to this Policy.

***D. Who is my Personal Information Disclosed to?***

- (a) Joint Board of Trustees, to the limited extent required by the Board to make a decision concerning an entitlement issue, and provided further that the member consents to the disclosure of the information to the Board;
- (b) CUPE, as Administrative Agent; and
- (c) the JBT's independent advisors and service providers, including the JBT's actuaries and lawyers and its Custodial Trustee.

***E. Can I Access my Personal Information?***

- (a) you have a right of access to your personal information – a copy of the JBT's "Inquiry/Complaint/Correction Form" is attached as Appendix "B";
- (b) your request for access should be in writing, addressed to the Administrative Agent;
- (c) the Administrative Agent can provide you with a form;
- (d) the Administrative Agent will normally release the requested information to you, or may arrange to meet with you, if the Administrative Agent holds the information you are seeking;
- (e) you may not be entitled to personal information if it would reveal personal information about someone else, or for other reasons;
- (f) if any part of your request for access is refused, the Administrative Agent will tell you why. You may request written reasons for the refusal and may appeal that decision to the JBT under PIPEDA;
- (g) you have a right to correct your personal information at any time. Please advise the Administrative Agent as soon as possible of any changes in your personal information; and
- (h) you may authorize your spouse, or any agent you chose, to access your personal information by doing so in writing, naming the individual, describing the type of information you are granting access to, and addressing this authorization to the JBT. The JBT will rely on this authorization and, if you change your mind, you must cancel your authorization in writing.

***F. What is "Consent" under this Policy?***

**Implied Consent** - The JBT will imply your consent and that of your spouse and dependents to the collection, use and disclosure of the personal information where it is necessary and relevant to the operation of CEPP and carrying on the business of the Trust in which you are a member.

For example, the Administrative Agent will use and disclose relevant personal information as necessary:

- (a) to provide you, or your dependents and beneficiaries, with pension benefits;
- (b) to provide you with information about CEPP;
- (c) to communicate with CEPP members;
- (d) as may be required by law.

The personal information required to fulfill these purposes, for most members, is already held by the CEPP and your consent to its use and disclosure under this Policy is implied. New members will sign a consent form when enrolling for benefits. That form is attached as Appendix "A".

**Express Consent** - The JBT will seek your express consent to the collection, use, or disclosure of personal information when collecting new or further personal information, or if personal information already on file is to be used or disclosed for any purposes not identified in this Policy.

For example, the JBT would require your express consent to:

- (a) answer questions about your benefit entitlements to anyone other than you;
- (b) provide personal information to a business that wants to advertise special promotions to the members.

When seeking express consent, the JBT will advise you of the purposes for which this information is being collected or disclosed. Express consent may be given either verbally, or by written communication, depending upon the circumstances and the sensitivity of the information.

**Refusing or Withdrawing Consent** - You may refuse or withdraw consent to the use of your personal information, or any parts of it. Such refusals or withdrawals should be in writing, addressed to the Administrative Agent, who will advise you of the implications of any refusal or withdrawal of consent. The JBT and the Administrative Agent may not be able to offer or maintain a service to you if you withdraw or refuse consent.

If you have authorized disclosure of your personal information to a third party, such as a spouse or beneficiary, and wish to withdraw that authorization, you must do so in writing.

### ***G. Can I Challenge Decisions under this Policy?***

You can challenge any decision made under this Privacy Policy, by addressing complaints to the Administrative Agent.

The Administrative Agent will respond to all challenges in a reasonable time, will inform the JBT of the challenge and the response, and will forward to the JBT any suggestions for amendments to this Policy.

The Administrative Agent is also the entity that will grant access to personal information held by or on behalf of the JBT and the Administrative Agent will ensure that, upon request, any inaccuracies in the Trust's records are corrected, and will deal with any consent issues.

This Privacy Policy may be amended by the JBT from time-to-time, and the amended version will replace all earlier versions. An up-to-date copy of the Privacy Policy is available for review at the Administrative Agent's offices, upon request.

#### ***H. Who is the Privacy Officer for the Trust?***

The Privacy Officer may be reached as follows:

Administrative Agent  
1375 St. Laurent Blvd.  
Ottawa, ON  
K1G 0Z7

Telephone: (613) 237-1590  
Fax: (613) 237-5508  
Email: [pension-jbt@cupe.ca](mailto:pension-jbt@cupe.ca)

The JBT may revise this Privacy Policy, without notice, if the personal information management practices are changed, are required by law to make certain revisions, or for any other reason. The most current version will be available from the Administrative Agent on request. The JBT will communicate substantive changes to members as appropriate.

:mlt/cope 491  
September 16, 2015



## **APPENDIX “A”**

### **CEPP PRIVACY POLICY**

#### **AUTHORIZATION TO COLLECT, USE AND DISCLOSE PERSONAL INFORMATION**

In order for the JBT to conduct business on your behalf, the JBT and persons designated by the JBT will collect, use, and disclose your personal information. The JBT or its agents will obtain such information from you, from employers and from other sources. The Privacy Policy describes what personal information is, how it will be collected and used, and how the JBT will protect it. That Policy is available for your review.

The JBT will, for example, collect, use, and disclose the following where necessary to conduct the business of the CEPP:

- (a) your home address and personal phone numbers;
- (b) your job classification and work history;
- (c) your social insurance number;
- (d) your beneficiaries, spouse and dependents; and
- (e) the types of benefits you are eligible for and any options you have chosen; information relevant to your status as a member in the CEPP.

The JBT and the Administrative Agent will use this information, for example, to:

- (a) provide you, and/or your beneficiaries and dependents, with the pension benefits to which you are entitled under the CEPP;
- (b) fulfill the Trust’s legal obligations;
- (c) administer the CEPP; and
- (d) maintain communication with members.

The Administrative Agent can answer any questions you may have about privacy and your personal information.

By signing this form, you are consenting to the collection, use, and disclosure of your personal information under the Privacy Policy.

CONSENT:

I, \_\_\_\_\_ (print name), grant my consent to the JBT of the CEPP to collect, use, and disclose my personal information in accordance with this form and the Privacy Policy. I acknowledge that that Policy is available upon request and that I have had the opportunity to review it.

OR:

[  ] I refuse my consent to the use of my personal information by the JBT of CEPP. I have been informed that the JBT may not be able to assist me in obtaining benefits under that Plan because of this refusal.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

**APPENDIX B**  
**CEPP PRIVACY POLICY**  
**INQUIRY/COMPLAINT/CORRECTION FORM**

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

**Received by** \_\_\_\_\_

**Received from:** \_\_\_\_\_

**Reason for Enquiry/Complaint/Correction:**

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**Action Taken:**

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**Follow-up Required:**

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