



# CONFIDENTIALITY AND PERSONAL INFORMATION PROTECTION POLICY

Complete Version

Submitted to the Board of Directors  
on September 20, 2023

## **CONFIDENTIALITY AND PERSONAL INFORMATION PROTECTION POLICY**

When you use the services of the Regional County Municipality (RCM) of Abitibi-Ouest (Abitibi West), the personal information (PI) submitted will be treated safely and kept confidential. The present Confidentiality and Personal Information Protection Policy (this “Privacy Policy”) is designed to assist you in understanding the safeguards governing the handling of your personal information and how you can request that your personal information be corrected, updated or deleted.

### **CHAPTER I — GENERAL PROVISIONS**

#### **1.1 Commitment**

In order to preserve the relationship of trust between you and the RCM of Abitibi-Ouest, we are committed to:

- **Obtaining your consent** before collecting, using or disclosing your personal information;
- **Being transparent** with you about the personal information collected and how it is used;
- **Protecting the personal information** we hold about you;
- **Limiting our collection** by only collecting personal information that is necessary to serve you every day and fulfill our legal obligations.

#### **1.2 Objectives**

This Privacy Policy has the following objectives:

- Set out the directions and guiding principles designed to effectively ensure the confidentiality of any PI collected by any technological means;
- Protect the confidentiality of any PI collected by the RCM of Abitibi-Ouest throughout the PI’s life cycle;
- Outline the technological means used to collect any PI, the purposes for which it is collected and its processing within the RCM of Abitibi-Ouest.

### **CHAPTER II — COLLECTION OF PERSONAL INFORMATION AND CONSENT**

#### **2 CONFIDENTIALITY**

2.1 The RCM of Abitibi-Ouest keeps and processes in a confidential manner any PI collected and makes it accessible only to those employees who need it in the course of their duties.

2.2 The RCM of Abitibi-Ouest discloses its practice of confidentiality when obtaining from the person concerned any consent to the collection of any PI.

- 2.3 The RCM of Abitibi-Ouest applies equivalent security measures, regardless of the sensitivity of the PI held, in order to prevent breaches of its confidentiality and integrity, subject to exceptions provided for in the *Act respecting Access to documents held by public bodies and the Protection of personal information* (the “Act respecting Access to documents”).

### 3 TYPES OF PERSONAL INFORMATION COLLECTED

The RCM of Abitibi-Ouest determines, on a regular basis and at least every year, the type of PI collected, the purposes for which it is collected, the category of employees of the RCM of Abitibi-Ouest that have access to this PI, and the means by which it is collected.

### 4 CONSENT TO THE COLLECTION OF PERSONAL INFORMATION

- 4.1 The RCM of Abitibi-Ouest does not collect or keep any PI without the consent of the person concerned, subject to exceptions provided for in the Act respecting Access to documents.
- 4.2 It is understood that the consent is given for specific purposes, for the length of time needed to achieve the purposes for which it is requested, and must be:
- a) **Manifest**, which means that it is clear and certain;
  - b) **Free**, which means that it must be without coercion;
  - c) **Informed**, which means that it is given with full knowledge of the facts.
- 4.3 Except as permitted under the Act respecting Access to documents, the RCM of Abitibi-Ouest does not transfer to third parties any PI relating to a person concerned without the specific consent of the person to such transfer.
- 4.4 Subject to any obligations under any law or regulation, a person concerned may refuse to consent to the collection of PI and still receive services from the RCM of Abitibi-Ouest.
- 4.5 In order to make known his refusal to consent to the collection, use and holding of his PI, the person concerned must:
- **If by phone:** Following the hearing of the pre-recorded message indicating that the conversation will be recorded, signify to the employee of the RCM of Abitibi-Ouest who answers the call his refusal to consent to the recording of the conversation and to the collection, use and holding of any PI disclosed during the conversation;
  - **If by email:** Following receipt of a form or any other document containing a request by the RCM of Abitibi-Ouest for his consent to the collection of PI, signify his refusal of consent by not signing the form or document, and notify thereof the employee of the RCM of Abitibi-Ouest who sent the form or document;

- **If on the RCM of Abitibi-Ouest website:** During any action taken on the website to receive any service provided by the RCM of Abitibi-Ouest, follow the instructions, in the place intended for that purpose, to indicate his refusal of consent.
- 4.6 A person concerned may be denied access to various services of the RCM of Abitibi-Ouest when he does not give his consent to the collection, use and holding of any PI.
- 4.7 Despite the foregoing, a person concerned will be denied access to any service of the RCM of Abitibi-Ouest in the following circumstances:
- The refusal by an applicant for any position offered by the RCM of Abitibi-Ouest to consent to the collection of any PI for the purposes of assessing the application;
  - The refusal by any owner of an immovable subject to a property assessment to consent to the collection of any PI by members of the Property Valuation Department of the RCM of Abitibi-Ouest.
- 4.8 Consent to the collection of any PI by means of a voice or visual recording entails the right of the RCM of Abitibi-Ouest to reproduce or distribute any such recording if that is justified by the purposes for which it has been collected. Each and every reproduction is subject to the same rules with regard to the protection of PI.

## **CHAPTER III – RIGHTS OF ACCESS AND CORRECTION**

### **5 RIGHT OF ACCESS**

- 5.1 Every person has the right to be informed of the existence of any PI concerning him kept in a PI file, subject to exceptions provided for in the Act respecting Access to documents.
- 5.2 Except as otherwise provided in the Act respecting Access to documents, every person concerned has the right to receive details regarding any PI concerning him held by the RCM of Abitibi-Ouest.
- 5.3 The RCM of Abitibi-Ouest provides to the person concerned access to details regarding any PI concerning him by enabling him to examine it remotely or in the offices of the RCM of Abitibi-Ouest during regular business hours, and to obtain a copy thereof.
- 5.4 If the person concerned is a handicapped person, the RCM of Abitibi-Ouest provides reasonable accommodation to enable him to exercise his right of access provided for in this article 5. For this purpose, the RCM of Abitibi-Ouest takes into account the policy established under section 26.5 of the *Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration*, CQLR c E-20.1.
- 5.5 A person concerned has access free of charge to any PI concerning him. However, the person may be charged a fee not greater than the cost of transcribing, reproducing and sending him the PI. The RCM of Abitibi-Ouest determines the amount and the method of payment of this fee in compliance with the requirements

of the *Regulation respecting fees for the transcription, reproduction or transmission of documents or personal information*, CQLR c A-2.1, r 3.

- 5.6 If the RCM of Abitibi-Ouest intends to charge a fee, it must inform the person concerned of the approximate amount to be requested before transcribing, reproducing or transmitting the document.

## **6 RIGHT OF CORRECTION**

- 6.1 Every person concerned who receives confirmation of the existence of PI concerning him on a file may request that the file be corrected if the information is inaccurate, incomplete or equivocal. The same applies if the collection, release or keeping of the information is not authorized by the Act respecting Access to documents.
- 6.2 If the RCM of Abitibi-Ouest denies a request for correction of a file in whole or in part, the person concerned may demand that the request be recorded.
- 6.3 Where the RCM of Abitibi-Ouest accepts a request for correction of a file containing any PI, it issues to the applicant, free of charge, a copy of any amended or added PI or, as the case may be, an attestation of the deletion of PI.

## **7 ACCESS OR CORRECTION PROCEDURE**

- 7.1 A request for release or correction may be considered only if it is made in writing by a natural person who provides proof of his identity as the person concerned or the representative, heir or successor of that person, the liquidator of the succession, a beneficiary of life insurance or of a death benefit or the person having parental authority even if the minor child is deceased.
- 7.2 Such request must be addressed to the person in charge of access to documents and protection of personal information (the "person in charge") at the RCM of Abitibi-Ouest.
- 7.3 The person in charge gives the applicant written notice of the date his request is received.
- 7.4 The notice indicates the time limit for the processing of the request and the effect under the Act respecting Access to documents of failure to respect it. The notice also informs the applicant of the proceeding for review provided for in Division III of Chapter IV of this act.
- 7.5 The person in charge gives effect to a request for release or correction promptly, and not later than 20 days after receiving it.
- 7.6 If the processing of the request within the time limit specified in this Privacy Policy seems impossible without impeding the normal course of operations of the RCM of Abitibi-Ouest, the person in charge may, before the expiry of the time limit, extend it by a maximum of 10 days and give notice of the extension to the applicant by any means of communication which is likely to reach the person concerned.

- 7.7 The person in charge must give the reasons for any denial of a request and indicate the provision of the Act respecting Access to documents on which the denial is based.
- 7.8 The person in charge renders his decision in writing and sends a copy thereof to the applicant. The decision must be accompanied by the text of the provision on which the refusal is based, where applicable, and by a notice informing the applicant of the proceeding for review by the Commission d'accès à l'information du Québec (CAI) provided for in Division III of Chapter IV of the Act respecting Access to documents and indicating the time limit within which it may be exercised.
- 7.9 The person in charge ensures that any information that has been the subject of a request be kept for as long as is required to enable the applicant to exhaust the recourses provided in the Act respecting Access to documents.

## **8 KEEPING AND PROTECTION OF PERSONAL INFORMATION**

- 8.1 The RCM of Abitibi-Ouest hosts and processes itself, in Quebec, any PI collected.
- 8.2 If the RCM of Abitibi-Ouest, in certain circumstances, entrusts the collection, holding or processing of any PI to a service provider in Quebec or outside Quebec, it takes the best measures possible to ensure that the rights of the persons concerned provided for in this Privacy Policy are respected by this provider. The laws of jurisdictions outside Quebec may affect the rights of the persons concerned.

## **9 TRANSFER OF PERSONAL INFORMATION OUTSIDE THE RCM OF ABITIBI-OUEST**

- 9.1 Except as permitted by the Act respecting Access to documents or pursuant to a specific consent obtained for this purpose from the person concerned, the RCM of Abitibi-Ouest does not transfer any PI to a third party outside the RCM of Abitibi-Ouest.
- 9.2 If any PI is transferred to a third party through a technological means, the privacy policy of the third-party organization, as the case may be, will henceforth apply to this PI.

## **10 RIGHT OF ACCESS TO DOCUMENTS HELD BY THE RCM OF ABITIBI-OUEST**

- 10.1 The Act respecting Access to documents applies to any document held by the RCM of Abitibi-Ouest, whether it keeps it itself or through a third party.
- 10.2 The Act respecting Access to documents applies to any document, whatever form it is in, whether recorded in writing or print, on sound tape or film, in computerized form, or otherwise.
- 10.3 Every person has a right of access, on written request, to the documents held by the RCM of Abitibi-Ouest, subject to the exceptions provided for in the provisions of the Act respecting Access to documents. The right of access applies only to

documents that can be released without requiring computation, comparison of information or customization.

- 10.4 To be receivable, a request for access to a document must be sufficiently precise to allow the document to be located.
- 10.5 The person in charge must process a request for access not later than 20 days from the date the request was received. If the processing of the request within the time limit prescribed seems to him to be impossible without impeding the normal course of operations of the RCM of Abitibi-Ouest, the person in charge may extend it by a maximum of 10 days. He must then give notice of the extension to the applicant by any means of communication which is likely to reach the person concerned within the first 20 days following the receipt of the request for access.
- 10.6 The applicant may obtain a copy of the document, by any means of communication which is likely to reach him, unless reproducing it would endanger its preservation or raise serious practical difficulties owing to its form. The right of access to a document may be exercised by examining it on the premises of the RCM of Abitibi-Ouest during regular working hours or by remote access.
- 10.7 Access to a document is free of charge. However, a fee not greater than the cost for transcribing, reproducing and sending the document may be charged to the applicant in accordance with the *Regulation respecting fees for the transcription, reproduction or transmission of documents or personal information*, CQLR c A-2.1, r 3.
- 10.8 If the applicant is a handicapped person, the RCM of Abitibi-Ouest provides reasonable accommodation on request to enable the applicant to exercise the right of access provided for in this article 10. For this purpose, the RCM of Abitibi-Ouest takes into account the policy established under section 26.5 of the *Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration*, CQLR c E-20.1.
- 10.9 The person in charge must give the reasons for any denial of a request and indicate the provision of the Act respecting Access to documents on which the denial is based.

## **11 PERSON IN CHARGE OF ACCESS TO DOCUMENTS**

- 11.1 Any request for access to a document or file containing any personal information held by the RCM of Abitibi-Ouest must be addressed in writing to the person in charge of access to documents and protection of personal information:

Manon Beaudoin  
Human Resources Coordinator – RCM of Abitibi-Ouest  
Telephone: 819 339-5671  
Email: nbeaudoin@mrcao.qc.ca

- 11.2 Any person may inquire regarding the present Confidentiality and Personal Information Protection Policy.

## **CHAPTER IV — ADMINISTRATIVE MEASURES**

### **12 COMPLAINTS**

- 12.1 Every person who feels aggrieved by the way in which the RCM of Abitibi-Ouest manages the protection of any personal information may file a complaint in accordance with the provisions of the Administrative Policy Regarding Governance Rules on the Protection of Personal Information of the RCM of Abitibi-Ouest published on the RCM of Abitibi-Ouest website.
- 12.2 Every person whose written request for access to a document held by the RCM of Abitibi-Ouest has been denied, in whole or in part, by the person in charge, or who has not received a reply to his request within the time limit prescribed, may apply to the Commission d'accès à l'information du Québec (CAI) for a review of the decision. The application for review must be made in writing within 30 days of the date of the decision or of the time granted to the person in charge, and may state briefly the reasons why the decision should be reviewed.

### **13 FINAL PROVISIONS**

- 13.1 This Privacy Policy must be published on the RCM of Abitibi-Ouest website in a dedicated section.
- 13.2 This Privacy Policy and any amendments thereto come into force at the time of their adoption by the Board of Directors of the RCM of Abitibi-Ouest.
- 13.3 Any amendment to this Privacy Policy must be the subject of prior consultation with the person in charge of access to documents and protection of personal information, and must be preceded by a 15-day amendment notice published on the RCM of Abitibi-Ouest website.

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