

1. PURPOSE

To ensure consistent actions by Members of the Banff Centre Community with regard to the collection, use, disclosure, protection and disposition of information in the Custody or under the Control of Banff Centre that is gathered or generated in the course of operating the programs and all other activities of Banff Centre.

2. SCOPE

This procedure applies to Personal Information in the Custody or under the Control of Banff Centre. Compliance with this procedure extends to all Members of the Banff Centre Community.

3. PROCEDURE

3.1. Access to Information

Access to recorded information in the Custody or under the Control of Banff Centre will be provided in one of three ways:

3.1.1. Active dissemination of information. For information that is routinely available to the public, any department or office of Banff Centre:

3.1.1.1. May publish information for the public in various formats such as printed reports, brochures, and through Banff Centre's website.

3.1.1.2. Will make available to the public, in a manner whereby the public may inspect such material, any manual, handbook or other guideline used by employees in decision-making processes that affect the public in administering or operating the programs or activities of Banff Centre.

3.1.2. Routine disclosures of information. For information that is available without a formal request, all departments or offices of Banff Centre will:

3.1.2.1. Provide access to information in the Custody or Control of the department or office in accordance with Banff Centre approved policies and procedures.

3.1.2.2. Disclose information as required by the *Post-Secondary Learning Act*; other enactments of Alberta or Canada; and program and administrative needs in accordance with the purpose for which the information was collected or compiled or for a use consistent with that purpose.

3.1.2.3. In accordance with approved Banff Centre records classification plans, records retention and disposition schedules and archival systems, specify

categories of records that are available to the public through routine disclosure without a formal request under the Act.

3.1.2.4. Dispose of information either by transfer to Banff Centre Archives or by destruction in accordance with the approved records retention schedules and disposal schedules.

3.1.3. Disclosure in response to a formal request for information under the Act.

3.1.3.1. Banff Centre will process formal requests for records not available through active dissemination or routine disclosure under the provisions of the Act.

3.1.3.2. All departments and offices of Banff Centre that receive formal requests for information will process such request through the FOIP Office in accordance with the requirements of the Act and this procedure.

3.2. Making a Formal Request for Information

Individuals requesting information that is not actively disseminated or routinely available may make a formal request for access to information as follows:

3.2.1. A request for access to information may be submitted to any department or office of Banff Centre having Custody or Control of the responsive records.

3.2.2. All formal requests for information shall be forwarded to the FOIP Office which will be responsible for responding to the request.

3.2.3. The receiving department or office and the FOIP Office shall assist the applicant in defining the information being requested and the time frame for the respondent records.

3.2.4. The FOIP Office will assist the applicant by clarifying the request, coordinating the search for responsive records, and if appropriate, providing a fee estimate and providing access to the records to the applicant in accordance with the Act.

3.3. Records Retention and Disposition Schedules

Each department or office of Banff Centre will adhere to approved records retention and disposition schedules for Banff Centre records pursuant to the Records Management Policy and associated procedures.

3.4. Management and Protection of Personal Information

Personal information under the Custody or Control of Banff Centre will be managed by all departments and offices of Banff Centre in a manner that protects the privacy of individuals.

To the extent that the matters are within their control, all Banff Centre departments, offices and employees will attend to the following matters in respect of Personal Information. These obligations apply to Personal Information handled by a Banff Centre department or office in the course of its operations, or to which the employee has access in the course of employment at Banff Centre:

3.4.1. Manner of Collection

3.4.1.1. Collect Personal Information as provided for under Part 2 of the Act, which states that:

- (a) Banff Centre must only collect the Personal Information that is necessary for a Banff Centre operating program or activity; and
- (b) Personal information should be collected directly from the individual the information is about, unless otherwise authorized under the Act.

3.4.1.2. Ensure that Notification Statements are included on all collection documents, in the form found on the website of the FOIP Office, or in a form that is otherwise approved by the FOIP Office.

3.4.2. Accuracy and Retention

3.4.2.1. Take all reasonable steps to ensure the accuracy of all Personal Information and retain such information in compliance with the Act. The Act states that if an individual's Personal Information will be used by Banff Centre to make a decision that directly affects the individual, Banff Centre must generally retain that Personal Information for at least one year.

3.4.3. Use of Personal Information

3.4.3.1. Use Personal Information only for the purposes for which it was collected or other consistent purposes, or in accordance with the specifications of the Act. Banff Centre employees will only access and use Personal Information as it is needed in order to fulfill their employment obligations.

3.4.3.2. Obtain Informed Consent as defined in the Act to use the Personal Information for other purposes.

3.4.4. Disclosure

Disclose Personal Information only as follows:

3.4.4.1. For the purposes for which it was collected or compiled, or for a use consistent with that purpose; or

3.4.4.2. If Informed Consent to disclose the Personal Information for other purposes has been obtained from the individual; or

3.4.4.3. If the disclosure is otherwise authorized under Part 2 of the Act.

Otherwise, Personal Information accessed in the course of operating the programs and all other activities of Banff Centre will be kept confidential.

3.4.5. Security

3.4.5.1. Ensure the safe and secure storage and handling of all Personal Information against unauthorized access, use, disclosure and destruction in accordance with the Act and Banff Centre policies and procedures.

3.4.6. Disposal

3.4.6.1. Ensure the safe and secure disposal of all Personal Information in accordance with approved records retention schedules and disposition schedules. Records containing sensitive or confidential information must be securely destroyed or deleted in accordance with the Information Security Policy.

3.4.6.2. Any paper records containing Personal Information must be placed in a secure shredding bin.

3.4.6.3. Any electronic devices containing Personal Information (for example a laptop, tablet, or smart phone) must be securely wiped by Banff Centre's Information and Technology Services department.

3.4.7. Privacy and Security Acknowledgement

When requested, each employee who has access to Personal Information in the course of their work will acknowledge on an annual basis that they have read and understood this Procedure, and any other policies or procedures relevant to the privacy and security of Personal Information.

3.4.8. Training

Each employee who has access to Personal Information in the course of their work will take appropriate privacy and security training, which is identified by the Chief Information Officer.

3.4.9. Non-Compliance

Non-compliance with this Procedure constitutes employee misconduct and may be handled under the collective agreement, Banff Centre policy, or law.

4. **DEFINITIONS**

Act. The *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 and associated regulations, as amended from time to time. The Act is sometimes referred to as FOIP.

Banff Centre Community. Includes those persons involved in or associated with, Banff Centre or its affairs including all artists, contractors, consultants, employees, faculty, participants, volunteers, members of the Board of Governors, and members of the Board of Directors of The Banff Centre Foundation, while they are: on or using Banff Centre property; participating in Banff Centre programs, events or activities (whether virtual or in person); or acting on behalf of Banff Centre.

Custody. Having custody of a record generally means having physical possession of a record that is related to Banff Centre's operation and administration.

Control. Having control of a record means having the power or authority to manage, restrict, regulate or administer the use of disclosure of the record.

Collection. The act of gathering, acquiring, recording, or otherwise obtaining Personal Information from any source and by any means.

Disclosure. Making Personal Information available to a Third Party.

Department or Office. Administrative and/or organizational entities within Banff Centre.

FOIP Office. The office of Banff Centre charged with the responsibility for ensuring the compliance of Banff Centre with the Act with delegated authority from the Head under the Act.

Informed Consent. Consent given freely in a prescribed manner and with full knowledge of the Personal Information to be provided and the use to be made of such information.

Members of the Banff Centre Community. Those persons involved in conducting Banff Centre affairs including all registered participants, faculty, employees, volunteers, contractors, Directors and Governors.

Notification Statement. A statement that informs the individual as to the purpose for which the information is collected; the legal authority for the collection; and the contact information of an employee that can answer questions about the collection.

Personal Information. Information about an identifiable individual including, but not limited to: name, home address, social insurance number, gender, race, ethnicity, nationality, religion, political beliefs, income and family status.

Third Party. A person, group of persons, or an organization other than the individual the information is about. An employee of Banff Centre acting in the employee's official capacity is not considered a third party.

5. ASSOCIATED POLICY / PROCEDURE

- Access to Information and Protection of Privacy Policy

6. RELATED POLICIES, FORMS, AND OTHER DOCUMENTS

- *Freedom of Information and Protection of Privacy Act (Alberta)*
- Records Management Policy and Procedure

7. APPROVAL AUTHORITY

President and Chief Executive Officer

8. ACCOUNTABILITY

General Counsel

9. POLICY HISTORY

- 9.1. Approved:** **May 13, 2024**
- 9.2. Effective:** **February 15, 2024**
- 9.3. Review Frequency:** **Three (3) Years**
- 9.4. Next Review:** **May 2027**

9.5. Modification History

Date	Modification
February 15, 2024	Replace existing Privacy Policy procedures.