

PABINEAU FIRST NATION
PRIVACY AND PROTECTION OF PERSONAL INFORMATION POLICY

Effective Date: This Policy comes into effect on October 9 , 2009 as authorized by Band Council Resolution.

Purpose

The Pabineau First Nation will take all reasonable steps to control the collection, use, and disclosure of personal information in accordance with the Canadian *Privacy Act*.

Application and Scope

The Canadian *Privacy Act* is legislation which:

“...extends the present laws of Canada that protect the privacy of individuals with a right of access to personal information about themselves”

In this Policy:

1. “First Nation” means the Pabineau First Nation.
2. “personal information” means information held by the First Nation about an:
 - a. Pabineau member;
 - b. an immediate family member of an Pabineau member;
 - c. an Pabineau employee

that is recorded in any form. Specific exceptions for the purposes of *Access to Information Act* requests may apply.

Requirements

The following requirements will be met by the First Nation, unless exempted by the *Privacy Act*:

1 Collection of Personal Information

No personal information shall be collected by the First Nation unless it relates directly to an operating program, service or activity, or, rights based claims of the First Nation.

Personal information required to be obtained by the First Nation for administrative purposes will, when possible, be obtained directly from the individual concerned.

The First Nation shall inform any person from whom it collects personal information of the purpose for which the information is being collected.

2 Retention of Personal Information

Personal information that has been used by the First Nation for an administrative purpose shall be retained for such period of time after it is used, so as to allow the person from whom it was gathered, a reasonable opportunity to obtain access to the information.

3 Accuracy of Personal Information

The First Nation shall take all reasonable steps to ensure that personal information which is used for an administrative purpose is as accurate, current and complete as possible.

4 Disclosure of Personal Information

Personal information controlled by the First Nation shall not, without the consent of the person to whom it relates, be used or disclosed by the First Nation except for the purpose for which the information was obtained, unless otherwise authorized by the *Privacy Act*. Exceptions may occur in circumstances where:

1. the information is disclosed in compliance with a subpoena or warrant issued or order made by a court or body with the authority to compel the production of information;
2. the information is disclosed to an investigatory organization for the purpose of enforcing the law or carrying out a lawful investigation;
3. the information is disclosed for internal First Nation audit purposes; or
4. disclosure would clearly benefit the individual to whom the information relates.

5 Personal Information Banks

The First Nation shall include in personal information banks all personal information under its control that:

1. has been used, is being used or is available for use for an administrative purpose; or
2. is organized or intended to be retrieved by the name of an individual.

6 Access to Personal Information

The First Nation shall provide a right of access to personal information, upon written request by the person to whom it pertains.

1. The person shall have access to any information about them contained in the personal information bank;
2. Employees who are given access to their personal information may:
 - a. request correction of the personal information where the employee feels one is necessary;
 - b. require a notation be added to the information reflecting any correction requested, but not made; or
 - c. require that any person or body to whom the information has been disclosed within two years prior to the correction or notation, be notified of the correction or notation or, where the information was disclosed to a government body, that body make the correction or notation on any copy of the information under its control.

7 Refusal of Access to Personal Information

The First Nation may refuse and application by a person access to his or her personal information protected by the *Privacy Act* in circumstances where the information:

1. Is subject to solicitor-client privilege;
2. Is part of, or relating to, a lawful investigation conducted pursuant to a law of Canada; or
3. May jeopardize the safety of another person or persons.