



## County of Peterborough Policy Manual

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<b>Department:</b>	Corporate
<b>Policy No.:</b>	CORP-15
<b>Subject:</b>	Privacy Policy
<b>Approved by Leadership Team:</b>	June 25, 2020
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### **Background:**

The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) provides a right of access to information under the control of institutions. It also works to protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to that information.

Sections 31 and 32 of MFIPPA outline when an institution can use and/or disclose personal information in its custody or under its control. When the use or disclosure of personal information or records containing personal information violates sections 31 or 32 or other applicable legislations, a privacy breach occurs.

### **Purpose:**

The Corporation of the County of Peterborough is committed to protecting personal information in the control or custody of the municipality and comply with the privacy protection requirements as mandated by MFIPPA. The purpose of this policy is to ensure that all County of Peterborough employees, members of Council, volunteers, contractors, and agents comply at all times with privacy protection requirements.

This policy confirms the County of Peterborough's obligation to protect personal information in the control or custody of the institution. Privacy breaches undermine public

trust in an institution and may result in significant harm to the County and to those whose personal information is collected, used or disclosed inappropriately.

This policy outlines the steps that shall be followed when an alleged privacy breach is reported to ensure that it is quickly contained and investigated to mitigate the potential for further dissemination of personal information.

**Scope:**

This policy applies to all County of Peterborough employees, volunteers, contractors, agents, and members of Council. A Procedure has been created and approved by Leadership Team and is numbered **PR-CORP-01**.

This policy does not apply to Custodians of personal health information regulated under the Personal Health Information Protection Act. The Peterborough County-City Paramedics have a Procedure in place regarding Privacy and Information Practices.

**Definitions:**

“Council” means members of the Council of The Corporation of the County of Peterborough.

“County” means The Corporation of the County of Peterborough.

“Employee” means any employee, contractors, sub-contractor and volunteer of the County engaged in County business, whether on a full-time, part-time, temporary or casual basis.

“Personal Information” means recorded information about an identifiable individual, including:

- a) Information relating to the education or the medical, psychiatric, psychological, employment or criminal history of the individual or information relating to financial transactions in which the individual has been involved;
- b) Information relating to the race, national or ethnic origin, colour, age, religion, sex, sexual orientation or marital or family status of the individual;
- c) The telephone number, address, fingerprints or blood type of the individual;
- d) Any identifying number, symbol or other particular assigned to the individual;

- e) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- f) The personal opinions or views of the individual except if they relate to another individual;
- g) The views or opinions of another individual about the individual; and
- h) The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

“Privacy Breach” means an incident involving unauthorized collection, use, disclosure and disposal of personal information, including it being stolen, lost, or accessed by, or disclosed to, unauthorized persons (including employee snooping or inadvertent disclosure through human error) that is not in accordance with MFIPPA.

**Policy:**

**Protection of Privacy and Personal Information Guiding Principles**

The County is required to protect privacy and personal information to meet its legislative and corporate obligations. Protecting privacy, including the proper stewardship of the personal information and only requesting necessary personal information, is fundamental to maintaining the public's trust and confidence.

**Collecting and Maintaining Personal Information**

The County will:

- collect only personal information that is relevant to and necessary for a particular purpose and will provide notice that the information is being collected. The notice shall state: the legal authority for the collection; the reason for the collection; how the institution plans to use the information; and, who to contact for more information;
- ensure all personal information collected is maintained in a secure manner;
- collect and process personal information fairly and lawfully; and
- keep personal information accurate, complete and up-to-date'
- The Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), section 34(1) requires the County of Peterborough to keep an updated [Personal Information Bank Register](#) and make it available to the public.

### **Appropriate Measures for Availability and Access**

The County will:

- make personal information available internally and externally only in appropriate circumstances (required by law or for a law enforcement purpose) or when consent by the individual has been obtained. When required by law, the County will refer to the Information and Privacy Commissioner of Ontario's ("IPC") fact sheet, "Disclosure of Personal Information to Law Enforcement" attached hereto as Appendix A;
- only use the personal information collected for the purpose for which it was collected or for consistent purpose;
- only disclose personal information if it is permitted for the purpose of complying with law;
- provide individuals with appropriate access to personal information about themselves by providing a Freedom of Information request to the Clerk; and
- make corrections to an individual's personal information upon request to the Clerk.

### **Retention**

The County will:

- retain personal information for one year after it is used unless authorized under another retention period in the County's Records Retention By-law;
- retain all personal information, whether in paper or electronic form, in a safe and secure manner.

### **Safeguarding Information and Privacy Breaches**

The County will:

- implement appropriate measures to safeguard personal information and instruct third parties processing personal information on behalf of the County to process it only in a manner that is consistent with County procedures;
- ensure that privacy protection measures are included in any contracts or agreements with third parties;
- identify and report all privacy breaches as set out in this policy;

- when writing letters, reports, etc. try to avoid names and instead refer to “complainant” or “caller” and will refer to residential properties by address and not the owner’s name;
- educate employees in privacy awareness to reduce the risk for a breach or invasion of personal information.

### **Protection**

Employees will protect personal information from unauthorized access, loss, theft, or inadvertent destruction or damage by implementing safeguards such as:

- clean desk practices;
- lock away personal information when unattended;
- lock computer when unattended;
- lock desks and cabinets containing personal information;
- coded file labels rather than descriptive text;
- circulate personal information internally on a need to know basis; and
- security provisions in contracts with external providers of storage or disposal of records.

### **Roles and Responsibilities:**

#### **Clerk**

The Clerk or designate shall handle all inquiries with respect to privacy breaches and the actions of the County in response to an alleged or confirmed breach. The Clerk or designate will determine if other authorities or organizations, such as law enforcement, privacy commissioner’s office, and/or professional/regulatory bodies should be informed of the breach.

#### **Directors and Managers**

Directors and Managers shall be responsible for becoming familiar with this policy and providing training to their staff and new hires. Directors and Managers shall ensure compliance with this policy, address non-compliance and report any suspected privacy breach to the Clerk.

#### **Employees**

Employees shall:

- collect only personal information that is relevant to and necessary for a particular purpose (as outlined in the Personal Information Bank register);
- familiarize and comply with this policy, and related policies and procedures; and
- alert a Director, Manager or Clerk of a suspected privacy breach.

**Procedure:**

Privacy breach procedures (PR-CORP-01) have been created by Leadership Team and provided to all County of Peterborough employees, volunteers, contractors, agents and members of Council.

**Review Cycle:**

This Policy and corresponding procedure (PR-CORP-01) will be reviewed at a minimum of once a term of Council.