# **Privacy Law and Your Parishes: What You Need to Know**

**Marché Riley, Diocesan Privacy Officer**

## **Warden and Treasurers Day 2019 – April 27 2019**

In essence, this handout is about how you and your parishes can best comply with provincial privacy legislation and thus avoid violating said law and becoming liable for having violated it.

To start off:

**BC Personal Information Protection Act (BC PIPA)**

* First instituted in 2004, this is the provincial privacy legislation applying to all private organizations – which the Diocese and all parishes in the Diocese legally qualify as.
* **You *must* comply with this legislation. It is *NOT* optional.**
* BC PIPA gives individuals the right to privacy in the collection, use, and disclosure of their personal information.
* The law also gives individuals the right to see and ask for corrections to information an organization may have collected about them.
* The intent of the legislation is to prohibit the use of personal information for commercial purposes and to safeguard against identity theft.
* Consequences of breaching the Act:
  + Your parish can be investigated by the B.C. Privacy Commissioner’s Office if a violation is suspected by/reported to them (s.36)
  + If found to be in violation, the Privacy Commissioner can hand down an order for your parish to follow due to having breached the legislation (s.36)
  + If the Privacy Commissioner has issued an order to your parish, and it has been rendered final, your parish can be sued for damages by the individual/s affected by the respective violation/breach of the Act (s. 57)

**Personal Information**

What counts? The legislation says “information about an identifiable individual.” This is just as broad as it seems. A list of examples can be found in the associated handout.

Personal information does not include your job title, telephone number or address, anything that might appear on your business card, or can be found through publicly available information such as the telephone book or website.

**How This All Affects You**

* All parish registers, membership rolls, financial records and correspondence are subject to the Act.
* Parishes are legally bound to protect the information and thus must:
  + obtain consent to collect, use or disclose personal information
  + not share or leave exposed any personal information
  + have a privacy policy and contact person
* As a result:
  + Each Parish must have a Privacy Officer. The legislation requires that each private organization, as recognized under BC PIPA, have an officer who is responsible for ensuring the organization (in this case, your parish) complies with the Act (s. 4(3))
  + Your parish also must make available to the public the position name or title of your Privacy Officer, in addition to their Contact information (s. 4(5(a-b))) )

**Who Can Request Access to Personal Information?**

* ***ONLY*** the person to whom the information pertains to (ex/ a baptismal record can only be requested by the person who was baptized). There are statutorily-defined exceptions to this.
* If the person who is the subject of the record is deceased, there are statutorily-defined exceptions to that, laid out in the BC PIPA Regulations (located here: <http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_473_2003> ). For more information, feel absolutely free to give me a call to have a chat over any questions you may have.

**Guide to BC PIPA**

The BC Privacy Commissioner’s Office’s official guide to BC PIPA – a must-read, I’d say. Link here: <https://www.oipc.bc.ca/guidance-documents/1438>

**CONTACT INFORMATION – Diocesan Privacy Officer**

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**OFFICE HRS:** TUES-WED-THURS 8:30AM-4:30PM

**P.S.** I do not typically answer emails outside of work hours. If I do at any point, that is the exception, not the rule. 😊