

1. PURPOSE

- 1.1 The Regional District of Nanaimo (“**RDN**”) is committed to protecting the privacy of any Personal Information provided to RDN.
- 1.2 This policy documents how the RDN collects, uses, and discloses Personal Information for its functions, programs, and activities. The privacy practices set out in this policy have been developed to comply with the [Freedom of Information and Protection Privacy Act](#) (“**FOIPPA**”).
- 1.3 The following principles guide this policy:
- (a) the RDN will only collect, use, and disclose Personal Information for purposes that a reasonable person would consider appropriate;
 - (b) the RDN will only collect, use, and disclose the data that is strictly necessary for the services being provided; and
 - (c) Personal Information is collected, used, and disclosed in a transparent, confidential, and secure manner.
- 1.4 The RDN maintains a Privacy Management Program supported by this policy and related policies, procedures, and practices. These include processes for conducting privacy impact assessments and establishing information-sharing arrangements, responding to privacy complaints and breaches, privacy awareness and education activities for employees, measures addressing service provider privacy requirements, and periodic review of the program to support ongoing compliance with the *Freedom of Information and Protection of Privacy Act*.

2. DEFINITIONS

“**Board**” means the Regional District of Nanaimo Board of Directors.

“**Business Contact Information**” means any information that enables someone to be contacted at their place of business (e.g., name, business telephone number, business address, business email or business fax number).

“**CAO**” means the Chief Administrative Officer.

“**FOI Head**” means the person designated as the Head under the Regional District of Nanaimo Freedom of Information and Protection of Privacy Bylaw No. 1695, 2014, as may be amended or replaced from time to time.

“**FOIPPA**” means British Columbia’s [Freedom of Information and Protection of Privacy Act](#).

“**Personal Information**” means any type of recorded information that allows the RDN to identify an individual, either directly (e.g., name, image, home phone number) or in combination with other information (e.g., license plate number, IP address). Personal Information does not include Business Contact Information, or anonymous or aggregate information that cannot identify an individual.

“**Privacy Officer**” means the person, or persons designated by the FOI Head, who is responsible for the administration of the RDN Privacy Management Program.

“**RDN**” means the Regional District of Nanaimo.

3. SCOPE

3.1 This policy applies to all employees of the RDN with respect to the collection, use, and disclosure of Personal Information from individuals when carrying out the RDN’s functions, programs, activities, and services. Individuals may include but are not limited to:

- (a) Residents and property owners of the RDN;
- (b) RDN customers;
- (c) Parks and Recreation Facility permit holders;
- (d) Program participants;
- (e) Donors;
- (f) Job applicants;
- (g) RDN volunteers and instructors;
- (h) RDN dignitaries;
- (i) Election candidates; and
- (j) Elected officials/officers.

3.2 This policy sets out:

- (a) what Personal Information the RDN is collecting;
- (b) how and when the RDN will ask for consent to collect, use, and disclose Personal Information;
- (c) the purposes for which the RDN collects and uses Personal Information;
- (d) the organizations that the RDN may disclose Personal Information to and the purpose of such disclosure;
- (e) how long the RDN retains Personal Information for;
- (f) how the RDN secures Personal Information;
- (g) who to contact and how to request access, correction, or erasure of Personal Information;
- (h) how individuals can review the RDN’s compliance of this policy; and
- (i) what happens if the RDN makes any change to this policy.

4. RESPONSIBILITY

- 4.1 The RDN and its employees are responsible for the collection, use, and disclosure of Personal Information when carrying out the RDN's functions, programs, activities, and services in accordance with this policy.
- 4.2 RDN will advise individuals on how their Personal Information is used and the choices they have over their Personal Information if clarification is requested by that individual.

5. POLICY

5.1 Collection of Personal Information

5.1.1. The RDN collects Personal Information provided by individuals to the RDN directly, such as when an individual:

- (a) submits an application to the RDN (e.g., related to a Development Approval, Park Use Permit, appearing as a delegation at an RDN meeting);
- (b) registers for an RDN-operated program or activity (e.g., programs run by the RDN's Recreation Services, transportation services provided by the RDN);
- (c) receives services from the RDN (e.g., Utility Billing accounts);
- (d) attends a public event or meeting operated by the RDN;
- (e) registers as a user for the RDN's online platforms (e.g., Get Involved);
- (f) applies to work at the RDN as an employee, volunteer, or program instructor;
- (g) makes a request directly to the RDN (e.g., an information request); or
- (h) makes a complaint to the RDN (e.g., related to Bylaw Enforcement).

5.1.2. The type of Personal Information that the RDN collects will depend on which RDN programs, activities, or services an individual is using, and may include but is not limited to information such as:

- (a) profile and demographic information, such as name, contact information, or date of birth;
- (b) health information, such as allergies listed on an Emergency Contact form;
- (c) job application-related information, such as reference checks or Criminal Record Checks;
- (d) employment-related information, such as education and employment history;
- (e) economic information, such as information relating to economic and financial circumstances;
- (f) transaction and payment information, such as information on billing and account payments; and
- (g) user content information, such as usernames or encrypted passwords used to access the RDN's sites or applications.

5.1.3. The RDN may collect Personal Information from external sources, including publicly accessible sources, if it is relevant information for providing that individual with certain services or for specific purposes with consent or when permitted by law.

5.2 **Consent for Personal Information**

5.2.1. The RDN may obtain consent from individuals, whether express or implied, to collect, use or disclose Personal Information. There are also certain circumstances where the RDN is authorized by law to collect, use, or disclose Personal Information without an individual's consent. The RDN will determine the appropriate form of consent by considering the sensitivity of the Personal Information and the individual's reasonable expectations.

Express Consent

5.2.2. Express consent is considered to have been given by the individual if it is provided:

- (a) voluntarily in writing;
- (b) the RDN has advised the individual of the purpose for collecting their Personal Information prior to the individual providing their consent; and
- (c) the individual takes some type of affirmative action to confirm that the individual agrees to the collection of their Personal Information (e.g., a signature or checkbox).

5.2.3. The RDN will ask for an individual's express consent in certain circumstances including but not limited to:

- (a) taking an individual's photograph during their participation in an RDN program for possible use in future promotional or communication activities;
- (b) the collection of Personal information when an individual registers for an RDN program online via the RDN's Get Involved page or ActiveNet platform; and
- (c) the disclosure of Personal Information by an individual's medical practitioner to BC Transit, as may be relevant to an individual's application for transportation services through the RDN's handyDART service.

Implied Consent

5.2.4. Implied consent is considered to have been given by the individual if it is provided:

- (a) voluntarily for a reasonable purpose that the individual considers appropriate (e.g. providing an email address for a verification code); and
- (b) if the RDN provides notice and a reasonable opportunity to opt out of the collection of Personal Information, and the individual does not opt out (e.g., being advised a call is being recorded for business purposes and choosing not to opt out).

5.2.5. An individual is considered to have given their implied consent in certain circumstances, including but not limited to:

- (a) reporting a safety concern within RDN parks and trails;
- (b) making a bylaw enforcement complaint; and
- (c) requesting access to RDN records under FOIPPA.

5.2.6. The RDN does not require an individual's consent to collect, use, or disclose their Personal Information where it is permitted by legislation, including but not limited to the following circumstances:

- (a) it is permitted under FOIPPA, the *Local Government Act*, or the *Financial Disclosure Act*;
- (b) the individual has authorized the collection from another source;
- (c) in an emergency that threatens an individual's life, health, or personal security;
- (d) when Personal Information is available from a public source (e.g., a telephone directory);
- (e) when the RDN requires legal advice from a lawyer;
- (f) for the purposes of the RDN collecting a debt or fine;
- (g) to protect the RDN from fraud;
- (h) for law enforcement purposes including the enforcement of RDN bylaws;
- (i) when the disclosure is carried out in the context of a business transaction or in deciding on a proposed business transaction or prospective party; or
- (j) to investigate an anticipated breach of an agreement or a contravention of the law.

5.3 **Purpose for Collection, Use, and Disclosure of Information**

5.3.1. The RDN collects, uses, and discloses Personal Information only for the specific purposes for which it was collected and only to the extent necessary to fulfill those purposes. Unless required by law or under exceptions set out in applicable legislation, the RDN will not use or disclose the Personal Information of an individual for any new purpose without that individual's consent.

5.3.2. Examples of when the RDN may collect information include but are not limited to:

- (a) where another law allows the RDN to do so;
- (b) to verify an individual's identity, provide them with RDN services, to understand their needs and preferences, and to communicate with them about any RDN services they have engaged with;
- (c) to manage an individual's registration in RDN programs or activities;
- (d) to process and manage an individual's complaint, application, or claim to RDN;
- (e) to process an individual's rebate or payment for RDN products and/or services;
- (f) to meet the RDN's legal obligations;
- (g) to ensure a high standard of service to the RDN's residents and prospective residents;
- (h) to understand the service needs of the RDN's residents and prospective residents;

- (i) to develop and manage programs and services to meet the needs of the RDN's residents and non-residents;
 - (j) to evaluate an individual's application to work with the RDN as a volunteer or program instructor;
 - (k) to evaluate an individual's application for employment with the RDN;
 - (l) to administer general local elections; and
 - (m) as otherwise permitted or required under Part 3 of FOIPPA.
- 5.3.3. The RDN may disclose Personal Information for the purpose it was collected or for a purpose consistent with why it was collected.
- 5.3.4. The RDN will not sell any Personal Information to third parties for marketing, or to any other parties for commercial purposes. In certain circumstances, the RDN may disclose Personal Information to the following third parties:
- (a) external organizations or public bodies;
 - (b) police authorities;
 - (c) judicial or administrative authorities at all levels, if it is required or authorized by law to cooperate with law enforcement for the reporting of, or investigation of, improper or unlawful activities; and
 - (d) certain authorities to comply with court orders.
- 5.3.5. The RDN's vendors may collect, use, or disclose Personal Information on behalf of the RDN for certain purposes, such as registering individuals in RDN programs or facilitating an individual's use of RDN services, securing service payments, or preventing fraud. Vendors must treat Personal Information with the same level of privacy and security as the RDN is committed to providing and may not be used for any purposes other than those which the RDN authorizes.
- 5.3.6. Information disclosed in open meetings of the Board or committees is considered public information. Any Personal Information provided or disclosed by an individual for the purpose of an open meeting will be:
- (a) deemed as consent to that information being made publicly available, including on the website or open meeting webcast; and
 - (b) considered part of the public record, and it cannot be removed or changed.
- 5.3.7. If the RDN receives a submission from an individual prior to a meeting that contains Personal Information, the RDN may notify the individual to ensure that they are aware that the Personal Information will be made publicly available, and the RDN may withhold that Personal Information from disclosure if it is deemed necessary to protect the privacy of that individual or their immediate family members.

5.4 Retention of Personal Information Timelines

- 5.4.1. The RDN will retain Personal Information for as long as it remains reasonably necessary or relevant for the identified purposes, or as otherwise required by law.
- 5.4.2. The RDN will follow its record retention policies to securely destroy, erase, or anonymize Personal Information that is no longer necessary or relevant for the purposes it was collected or no longer required to be retained by law.
- 5.4.3. If the RDN uses Personal Information to make decisions that directly affect an individual, the RDN will retain that Personal Information for at least one year, as required by FOIPPA.

5.5 Security of Personal Information

5.5.1. The RDN will take all reasonable precautions to:

- (a) preserve the security of Personal Information;
- (b) protect the Personal Information from alteration and damage; and
- (c) protect the Personal Information from unauthorized access.

5.5.2. The RDN protects Personal Information against alteration, accidental or unlawful loss, use, disclosure, or unauthorized access by using physical, organizational, and technical safeguard measures including, but not limited, to:

- (a) the creation of a unit dedicated to the security of information systems;
- (b) raising awareness of the confidentiality requirements among RDN employees who have access to Personal Information;
- (c) securing and maintaining access to the RDN's premises and IT platforms; and
- (d) firewalls, anti-virus, strong passwords, and software solutions for technical security.

5.5.3. In the event of an incident involving Personal Information, the RDN will:

- (a) contain the incident and investigate in accordance with the RDN's Breach Management Policy;
- (b) assess the risks related to that incident, including whether the incident could result in significant harm to any individuals;
- (c) if appropriate, notify any affected individuals and the Office of the Information and Privacy Commissioner for British Columbia ("OIPC") of the incident and include what Personal Information was affected; and
- (d) if appropriate, notify other external organizations (e.g., law enforcement authorities, technology suppliers or other regulatory bodies).

5.6 Access to Personal Information

- 5.6.1. Individuals may request access to their Personal Information, including but not limited to the ways in which their Personal Information is being, or has been, used; and the names of the individuals and organizations to which their Personal Information has been disclosed. This right of access does not extend to information that may be excepted from disclosure under Part 2 of FOIPPA.
- 5.6.2. Individuals must submit their request for access to their Personal Information in writing, either by submitting an informal Freedom of Information (“FOI”) request or by making a formal FOI request to FOI@rdn.bc.ca. Although it is not required to make a formal FOI request, individuals may choose to use the RDN’s Request for Access to Records application form on the RDN’s FOI webpage.
- 5.6.3. Individuals may deliver, mail, fax or email their FOI request to the attention of the Legislative Services and FOIPP Coordinator at the RDN’s business address.
- 5.6.4. If an individual’s Personal Information is stored in an electronic format, the RDN will provide them with the option of receiving a copy of the Personal Information in either electronic or paper form.
- 5.6.5. If access can be provided, the RDN will make the requested Personal Information available within 30 business days, or as otherwise required under FOIPPA. If a time extension is required to fulfill the individual’s request, the RDN will provide written notice to the individual pursuant to the provisions of FOIPPA.
- 5.6.6. Individuals may be required to verify their identity before the RDN provides them with access.
- 5.6.7. If the RDN is authorized or required by FOIPPA to refuse access or give access to a limited amount of Personal Information, the RDN will inform the individual in writing. The RDN will state the reasons for its refusal and outline further steps that are available to the individual. Circumstances where this may apply include instances where the requested Personal Information is protected by solicitor-client privilege, or it would reveal policy advice or recommendations that are currently before the Board of Directors.

5.7 Correcting or Deleting Personal Information

- 5.7.1. Individuals may request that the RDN correct any Personal Information that it holds about them.
- 5.7.2. If an individual wishes to have any of their Personal Information removed from the RDN’s databases, or they no longer want the RDN to send any further communications to them, they can send an email to privacyoffice@rdn.bc.ca. The RDN will review the request and

depending on the nature of the request, may accommodate the removal of such Personal Information. If the Personal Information cannot be removed, the RDN will notify that individual.

5.7.3. If an individual decides they no longer want the RDN to send them further communications, the RDN may still contact that individual for administrative purposes, such as notifying the individual of a change to the RDN's website, Privacy Policy, or if there is an interruption to the RDN's services.

5.7.4. The RDN may be required by law to maintain certain Personal Information. For instance, when Personal Information has been used to make a decision about an individual, the RDN will retain the information for a reasonably sufficient period of time after the decision has been made, with a minimum retention period of one year.

5.7.5. If a correction, deletion, or annotation is requested by an individual, the Head will notify any other public body or any third party to whom Personal Information has been disclosed during the one-year period before the correction was requested.

5.8 Reviewing RDN's Policy Compliance

5.8.1. The RDN's Privacy Officer is responsible for the creation, oversight, and implementation of the RDN's privacy management program and procedures to protect Personal Information, including procedures that address and respond to all inquiries and complaints individuals may have about the RDN's handling of Personal Information. Any complaint about a privacy-related matter under this policy or under FOIPPA, or about this policy, must be made to the RDN in writing. Individuals may contact the RDN's Privacy Officer at privacyoffice@rdn.bc.ca.

5.8.2. The RDN will investigate all complaints concerning compliance with this policy in a timely manner. If a complaint is found to be justified, the RDN will take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures.

5.8.3. If the RDN is unable to resolve the concern, individuals may write to:

Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038 Stn. Prov. Govt.
Victoria B.C. V8W 9A4

5.9 Updates to this Policy

5.9.1. The RDN may update this policy to reflect changes to its information practices.

5.9.2. The RDN will post any changes to its website and, if the changes are significant, the RDN will provide additional notice. The RDN will also keep prior versions of this policy in an

archive for review. The RDN encourages individuals to periodically review its policy for the latest information on the RDN’s privacy practices and to contact the RDN if they have any questions or concerns.

5.10 External Communications and Notification

5.10.1. The RDN will contact an individual in the following circumstances:

- (a) to give notice of collection of their Personal Information, where applicable;
- (b) if individuals request access to their Personal Information or access to records where someone else’s Personal Information is involved;
- (c) when responding to requests for correction of Personal Information;
- (d) when Personal Information is disclosed without consent for compelling health or safety reasons; and
- (e) when the RDN intends to give access to Personal Information in response to an FOI request.

6. COMPLIANCE

- 6.1 Breaches of this policy by employees who are subject to collective agreements will be managed through existing collective agreements, including identified grievance and arbitration processes. These mechanisms include the ability for the RDN to take appropriate disciplinary action up to and including dismissal.
- 6.2 Breaches of this policy by exempt employees will be managed through existing processes and in accordance with current employment law. The CAO reviews alleged breaches, makes any necessary inquiries, and determines appropriate disciplinary action.
- 6.3 The consequences for a breach of this policy by contract employees will be governed by the terms and conditions of the contract.

Department	Legislative Services	Approval Date	May 22, 2026
CAO Signature	Original Signed	Amendment Date(s)	
		Next Scheduled Review Date	