

## **Protection of Personal Information at the CBC**

The CBC Privacy Coordinator is accountable for the CBC's policies and practices, with respect to the management of personal information, and is the individual to whom complaints and inquiries can be forwarded.

Stéphanie Duquette  
Privacy Coordinator  
Canadian Broadcasting Corporation  
1400 Rene Levesque East,  
Montreal, QC  
H2L 2M2

### **Mailing Address**

CBC Head Office  
P.O. Box 3220, Station C  
Ottawa, Ontario K1Y 1E4  
Tel. (613) 288-6165  
Fax. (613) 288-6279

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## **Statement of Policy**

It is the policy of CBC/Radio-Canada to control the collection, use, and disclosure of personal information in accordance with all requirements set out in the Privacy Act. The Privacy Act does not apply to personal information that CBC/Radio-Canada collects, uses, or discloses only for journalistic, artistic or literary purposes.

### **1.1 Requirements**

The following requirements shall be met by CBC/Radio-Canada unless exempted by the Privacy Act.

#### **Collection of Personal Information**

Unless otherwise authorized by the Privacy Act:

1. No personal information shall be collected by CBC/Radio-Canada unless it relates directly to an operating program or activity of CBC/Radio-Canada.
2. CBC/Radio-Canada shall, wherever possible, collect personal information that is intended to be used for an administrative purpose directly from the individual to whom it relates except where the individual authorizes otherwise.
3. CBC/Radio Canada shall inform any individual from whom it collects personal information of the purpose for which the information is being collected.

#### **Retention of Personal Information**

Personal information that has been used by CBC/Radio-Canada for an administrative purpose shall be retained for such period of time after it is so used as may be prescribed by regulation in order to ensure that the individual to whom it relates has a reasonable opportunity to obtain access to the information.

#### **Accuracy of Personal Information**

CBC/Radio-Canada shall take all reasonable steps to ensure that personal information that is used for an administrative purpose is as accurate, up-to-date and complete as possible.

## **Disposition of Personal Information**

CBC/Radio-Canada shall dispose of personal information under its control in accordance with the regulations and with any directives or guidelines issued by the designated minister in relation to the disposal of that information and with its corporate retention schedule.

## **Use and Disclosure of Personal Information**

Personal information under the control of CBC/Radio-Canada shall not, without the consent of the individual to whom it relates, be used or disclosed by CBC/Radio-Canada except for the purpose for which the information was obtained or compiled or for a use consistent with that purpose unless otherwise authorized by the Privacy Act. In certain circumstances personal information subject to the Privacy Act may be used, or disclosed without the knowledge or consent of the individual concerned. Such circumstances include, but are not limited to personal information used or disclosed:

1. for the purpose for which the information was obtained or compiled by CBC/Radio-Canada or for a use consistent with that purpose;
2. for the purpose of complying with a subpoena or warrant issued or order made by a court, person or body with jurisdiction to compel the production of information or for the purpose of complying with rules of court relating to the production of information;
3. to an investigative body specified in the regulations for the purpose of enforcing any laws or carrying out a lawful investigation;
4. to officers or employees of CBC/Radio-Canada for internal audit purpose;
5. to the Library and Archives of Canada for archival purposes;
6. where disclosure would clearly benefit the individual to whom the information relates.

## **Record of Disclosures**

CBC/Radio-Canada shall retain a record of any use of personal information contained in a personal information bank or any use or purpose for which that information is disclosed where the use or purpose is not included in the statements of uses in the personal information index published by the designated minister and shall attach the record to the personal information.

## **Personal Information Banks**

1. CBC/Radio-Canada shall include in personal information banks all personal information under its control that
2. has been used, is being used or is available for use for an administrative purpose; or
3. is organized or intended to be retrieved by the name of an individual or by an identifying number, symbol or other particular assigned to an individual.

## **Access to Personal Information**

Upon receipt of a written request, CBC/Radio-Canada shall provide a right of access to personal information subject to the Privacy Act to:

1. any personal information about the individual requestor contained in a personal information bank; and
2. any other personal information about the individual requestor under the control of a CBC/Radio-Canada with respect to which the individual is able to provide sufficiently specific information on the location of the information as to render it reasonably retrievable.

Individuals who are given access to their personal information may:

1. request correction of the personal information where the individual believes there is an error or omission therein;
2. require that a notation be attached to the information reflecting any correction requested but not made;
3. require that any person or body to whom that information has been disclosed for use for an administrative purpose within two years prior to the time a correction is requested or a notation is required under this subsection in respect of that information

4. be notified of the correction or notation; and
5. where the disclosure is to a government institution, the institution make the correction or notation on any copy of the information under its control.

### **Refusal of Access to Personal Information**

CBC/Radio-Canada may refuse access to personal information as provided by the Privacy Act where such information, among other circumstances:

1. is subject to solicitor client privilege
2. is part of or relates to an investigative record where disclosure could be injurious to the enforcement of a law of Canada or a province or the conduct of investigation.
3. Where disclosure threatens the safety of individuals.

### **1.2 Responsibility**

All CBC/Radio-Canada employees, who collect, maintain and/or use personal information, are responsible for insuring that the collection, use and disclosure of this information is carried out in accordance with this policy and relevant procedures.

The Corporate Secretariat is the department responsible for supervising compliance with the legislation and for initiating procedures, guidelines and schedules that will be developed to effect this policy.

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### **Privacy on the Internet**

This privacy statement is applicable to all CBC web-sites.

CBC respects the privacy of its Internet users and will protect that privacy as vigorously as possible.

CBC does not collect information that personally identifies individuals except when individuals provide such specific information on a voluntary basis. There may be occasions where specific personal information is requested before an individual can enter certain sections of a CBC site. For example, registration is needed to enter the Fantasy Pool of the Hockey Night in Canada site or to participate in any CBC online forum. This kind of registration helps us to ensure that content standards on these sections of the site are rigorously upheld or that contact can be made with prize winners. Information requested in order to personalize the CBC.ca homepage or any other CBC site section would be a similar example.

In all such cases, CBC will collect only information that is voluntarily provided by the user and undertakes that such information will be kept strictly confidential. Individual information provided to CBC to gain access to any CBC site will not be sold or made available to a third party. Notwithstanding the foregoing, CBC may provide and share personal information to third party service providers which collect data on behalf of CBC and/or provide data to CBC.

CBC does reserve the right, however, to perform statistical analyses of user behaviour and characteristics, in order to measure interest in and use of the various sections of its sites so as to improve design and navigation and to gather marketing information. Only aggregated data from these analyses, not individual data, will be used for this purpose.

As well, users should be aware that certain non-personal information and data may be automatically collected by CBC through the operation of what are called "cookies". "Cookies" are small text files that identify an individual computer's browser entering a web site. They allow the site to track that browser's movement through the site over several sessions. Through cookies, a web site can recognize repeat users, facilitate the user's access to and use of the site and allow a site to track usage behaviour that will allow content improvements. CBC uses cookies only for the above-mentioned purposes and will not use them to identify users or to track non-CBC usage.

If you do not want a cookie placed on your computer by CBC, you may disable cookies altogether by modifying the Preferences section of your Netscape or Internet Explorer browser (under Edit/Preferences/Advanced). Note that it is possible that some aspects of CBC sites may be unavailable to you if you choose this option.

If you have no problem accepting cookies, but wish to be informed of their appearance, you may turn on a warning prompt by modifying the cookie warning section in Edit/Preferences/Advanced.

## References

Personal Information Protection and Electronic Documents Act Corporate Records and Information Management Procedures Corporate Retention Schedules.

## Operating Principles

All questions related to the interpretation and application of this policy should be directed to the Privacy Coordinator, Stephanie Duquette in Montreal at 514-597-5439.

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## Definitions

The **Privacy Act** is described as:

*An Act to extend the present laws of Canada that protect the privacy of individuals and that provide individuals with a right of access to personal information about themselves.*

The term **personal information** is defined as information about an identifiable individual that is recorded in any form with some specific exceptions for the purposes of Access to Information Act requests.

## Privacy Standards

CBC's privacy provisions are based on the CSA International's Model Code for the Protection of Personal Information, recognized as a national standard in 1996. The standard addresses the ways in which organizations collect, use and disclose personal information. It also addresses the rights of individuals to have access to their personal information and to have it corrected if necessary.

The code's 10 principles are:

### Accountability

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with these principles.

### Identifying Purposes

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

## **Consent**

The knowledge and consent of the individual are required for the collection, use or disclosure of personal information, except where inappropriate.

## **Limiting Collection**

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

## **Limiting Use, Disclosure, and Retention**

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of these purposes.

## **Accuracy**

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

## **Safeguards**

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

## **Openness**

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

## **Individual Access**

Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

## **Challenging Compliance**

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.