

## ADR INSTITUTE OF CANADA

### PRIVACY POLICY

#### 1. PURPOSE

The ADR Institute of Canada (“**ADRIC**”) is federally incorporated, not-for-profit organization.

It is consistent with the core values of ADRIC, and thus constitutes the policy of ADRIC, to protect the Personal Information of its employees, clients, customers and members and other individuals whose Personal Information it handles (collectively, “**individuals**”). ADRIC recognizes that effective systems and measures to protect such Personal Information are important to safeguarding the interests of individuals who share their information with ADRIC. The purpose of this privacy policy (the “**Policy**”) is to establish common rules to govern the collection, use and disclosure of Personal Information by ADRIC, in a manner that balances an Individual’s right to privacy with the need of ADRIC to collect, use or disclose Personal Information for purposes that a reasonable person would consider appropriate in the circumstances, in accordance with applicable privacy laws (“**Privacy Laws**”).

ADRIC is engaged in the development, promotion and administration of dispute resolution services in Canada, the provision of information and skill building tools and services for practitioners and users of ADR services, development and implementation of national standards, a code of ethics and complaint procedures for ADR professionals, training and trainers, national accreditation for mediators and arbitrators, course approval and training and special benefits to members. .

Each of ADRIC’s seven regional affiliates has a separate privacy policy - please contact your affiliate for more information.

#### SCOPE

This Policy is the core privacy policy for ADRIC.

#### PRIVACY OFFICER

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### Other Scope Issues

- (a) ADRIC will continue to review and revise the Policy from time to time to ensure that it is relevant and remains current with changing laws, regulations and technologies.
- (b) Individuals whose Personal Information has been provided to ADRIC shall be able to address a challenge concerning compliance with the principles expressed herein to the Privacy Officer and their designate accountable for ADRIC's compliance with the Policy.
- (c) The Policy applies to Personal Information provided to ADRIC that is collected, used, or disclosed by ADRIC.
- (d) The Policy applies to the management of Personal Information in any form whether oral, electronic or written.
- (e) The Policy does not impose any limits on the collection, use or disclosure of:
  - (i) the business contact information of an individual (including the individual's name, position/title, business address, business telephone number, business fax number or business email address) that ADRIC collects, uses or discloses solely for the purpose of communicating or facilitating communication with the individual in relation to their employment, business or profession; and ;
  - (ii) personal information that is publicly available and specified by the *Regulations Specifying Publicly Available Information*, SOR/2001-7.

## **2. DEFINITIONS**

**"Act"** means the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c.5.

**"ADRIC Website"** means the website of the ADR Institute of Canada.

**"collection"** - the act of gathering, acquiring, recording, or obtaining Personal Information from any source, including sources other than the individual to whom the Personal Information belongs, by any means.

**"Consent"** - voluntary agreement to the collection, use or disclosure of Personal Information for defined purposes. Express consent can be given orally, electronically or in writing, but is always unequivocal and does not require any inference on the part of ADRIC. **"disclosure"** - making Personal Information available outside ADRIC.

**"identified purposes"** - means the purposes identified to the individual whose Personal Information is used by ADRIC.

**"Individual"** - any person who directly or indirectly provides their Personal Information to ADRIC

**"Personal Information"** – means any information about an identifiable individual, including where there is a serious possibility that the information may identify a person, either alone or in combination with other information. .

**“Privacy Officer”** - means the privacy officer of ADRIC as set out on page one.

**“Purposes”** - means the purposes identified to the individual whose Personal Information is used by ADRIC.

**“use”** - the treatment, handling, management and retention of Personal Information.

### **3. SUMMARY - PRIVACY PRINCIPLES**

#### **Accountability**

ADRIC is responsible for Personal Information under its control and has designated a Privacy Officer who is accountable for assisting ADRIC in being compliant with this policy and the Act.

#### **Identifying Purposes**

ADRIC identifies the purposes for which it collects Personal Information at or before the time of collection from an individual, and in any case, prior to use or disclosure of the Personal Information for the identified purposes.

#### **Consent**

The knowledge and Consent of the individual are required for the collection, use, or disclosure of Personal Information, except where the collection, use or disclosure of Personal Information without such knowledge and Consent is permitted by law or a recognized authority.

#### **Limiting collection**

ADRIC limits the collection of Personal Information to that which is necessary for the purposes that it has identified. Such information is collected by fair and lawful means.

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

Personal Information is not used or disclosed for purposes other than the identified purposes, except with the Consent of the individual or as otherwise permitted by law. Personal Information is retained only as long as is set out in ADRIC’s retention policy.

#### **Accuracy**

ADRIC keeps the Personal Information as accurate, complete, and up-to-date as is necessary for the identified purposes.

#### **Safeguards**

ADRIC adopts security safeguards appropriate to the sensitivity of the Personal Information to protect such Personal Information.

#### **Openness**

ADRIC makes readily available to individuals specific information about its Policy, and other policies and practices relating to the management of Personal Information.

### **Individual Access**

Upon written request, ADRIC will inform an individual of the existence, use, and disclosure of his or her Personal Information, will provide such individual with access to that information, and will permit the individual to challenge the accuracy and completeness of the Personal Information.

### **Challenging Compliance**

An individual shall be able to address a concern regarding ADRIC's compliance with the principles expressed herein to the ADRIC Privacy Officer.

## **3.1 ADRIC'S ACCOUNTABILITY FOR COMPLIANCE**

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**Accountability.** ADRIC is responsible for Personal Information under its possession or control, including any Personal Information transferred to third parties for processing. ADRIC has established policies and practices to give effect to this privacy statement and has designated a Chief Privacy Officer who is accountable for assisting ADRIC in being compliant with this policy and the Act.

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- (a) ADRIC is responsible for Personal Information under its control and has designated one person as its Privacy Officer (see contact information on page one of this document), who is generally accountable and responsible for ADRIC's compliance with this Policy, and for ensuring that the Policy complies with the Act.
- (b) This privacy notice does not cover the links within this site linking to other websites. Those sites are not governed by this Privacy Policy, and if you have questions about how a site uses your information, you'll need to check that site's privacy statement.
- (c) Comments and questions regarding this Policy or its administration should be forwarded to the Privacy Officer's attention.
- (d) ADRIC is responsible for Personal Information in its possession or custody, including information that has been transferred to a third party for processing. In order to provide a comparable level of protection while a third party is processing the information, ADRIC ensures that through contractual means, each non-ADRIC third party receiving such Personal Information is bound to protect such information.
- (e) The ADRIC Privacy Officer will review on a periodic basis (and if necessary amend) this Policy, and review other issues in connection with same.
- (f) Other individuals within ADRIC may be designated to act on behalf of the Privacy Officer from time to time.
- (g) All inquiries should be in writing and addressed to the Privacy Officer, as set out on page one.

- (h) Individuals making a request in respect of Personal Information held by ADRIC, or making any inquiry as to the procedure for making such request should be as specific as possible with respect to what information is requested.

### 3.2 IDENTIFYING PURPOSES FOR COLLECTION OF PERSONAL INFORMATION

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**Identifying Purposes.** ADRIC identifies the purposes for which it collects Personal Information at or before the time of collection from an individual, and in any case, prior to use or disclosure of the Personal Information for the identified purposes.

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- (a) ADRIC identifies the purposes, through either direct explanation or use of other notification means for which it collects Personal Information at or before the time of collection from an individual, and collects only that information necessary for such identified purposes.
  - (i) determining and documenting an applicant's eligibility for membership, certification, or inclusion on mailings;
  - (ii) advertising the members' services, areas of expertise, contact information on ADR Connect online public database;
  - (iii) understanding, and administering products and services that meet member, client or customer ADR needs;
  - (iv) understanding more about the demographics of the general membership to help identify any arbitrary barriers to entry and advancement and to assist our organizations in promoting inclusion;
  - (v) processing any payments made by clients for ADRIC products and services; collecting any amounts owing by members or clients under any goods or services transactions; and investigating, pursuing and adjudicating any collections and/or damages claims relating to members, clients or customers;
  - (vi) communicating with members, clients or customers in connection with the foregoing purposes;
  - (vii) offering members, clients and customers new products and services that may be of interest to them (provided that members and clients have not opted out of receiving such offers); and
  - (viii) investigating complaints.
- (b) When ADRIC wishes to use or disclose the Personal Information for a purpose other than an identified purpose, it will identify the new purpose prior to such use or disclosure. The individual whose Personal Information is at issue must consent before

ADRIC can use or disclose the information for this new purpose, unless such use or disclosure without consent is permitted by law.

- (c) When collecting Personal Information directly from an individual, ADRIC personnel explains the identified purposes to the applicable individual.
- (d) When collecting Personal Information, other than from an individual, i.e. from a third party, and doing so without the direct consent of the individual, ADRIC shall:
  - (i) provide the disclosing organization with sufficient information regarding the purpose of the collection to allow the disclosing organization to determine whether the disclosure would be in accordance with the Act; and
  - (ii) obtain representation from the third party that it has obtained the consent of the Individual for the collection, use and disclosure of the Personal Information by ADRIC for that purpose.
- (e) ADRIC ensures that the purposes for which it collects Personal Information are only purposes that a reasonable person would consider appropriate in the circumstances.

### **3.3 OBTAINING CONSENT TO COLLECT, USE AND DISCLOSE PERSONAL INFORMATION**

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**Obtaining Consent.** ADRIC will make a reasonable effort to advise an individual as to how Personal Information will be used or communicated or disclosed by ADRIC. Generally, ADRIC will obtain an individual's consent to the collection, use and communication or disclosure of Personal Information for the Purposes before or at the time it collects the information.

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- (a) The knowledge and Consent of the individual are required for the collection, use, or disclosure of Personal Information by ADRIC, except where the collection, use or disclosure of Personal Information without such knowledge and Consent is permitted or required by law.
- (b) ADRIC uses reasonable efforts to ensure that individuals are advised of the purposes for which their Personal Information will be used. For example, if Personal Information is collected in writing, the purposes will be identified on the application form, or if Personal Information is collected orally, such purposes will be listed on the script to be used by persons collecting Personal Information. To make the Consent meaningful, the purposes are stated in such a manner that the individual can reasonably understand how the Personal Information will be used or disclosed.
- (c) Typically, ADRIC seeks Consent for the use or disclosure of information at the time of its collection. In certain circumstances, Consent for the use or disclosure may be sought after the information has been collected, but before it is so used or disclosed (for example, when ADRIC wants to use Personal Information for a purpose not previously identified).

- (d) ADRIC does not, as a condition of the supply of information or services, require an Individual to Consent to the collection, use, or disclosure of Personal Information beyond that required to fulfill the explicitly specified and legitimate identified purposes.
- (e) In obtaining Consent, ADRIC also takes into account the reasonable expectations of the individual.
- (f) ADRIC may seek Consent in various ways, depending on the circumstances and the type of information collected, including, for example, using an application form and/or a check-off box, or collecting oral consent - in particular, when information is collected over the telephone.
- (g) An individual may withdraw Consent at anytime, subject to legal or contractual restrictions and reasonable notice. ADRIC will inform the individual of the implications of such withdrawal. For example, where an individual withdraws Consent to the uses of their Personal Information, such withdrawal may result in ADRIC being unable to market services to such individual.
- (h) An individual may withdraw or vary his or her consent on reasonable notice to ADRIC, subject to legal or contractual restrictions. ADRIC will generally be able to give effect to such withdrawal or variation on thirty (30) days' notice, and will, if it has not already done so, advise the individual of the implications of his or her withdrawal or variation.

### 3.4 LIMITS ON THE COLLECTION OF PERSONAL INFORMATION

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**Limiting collection.** ADRIC limits the collection of Personal Information to that which is necessary for the purposes that it has identified. Such information is collected by fair and lawful means. ADRIC will not collect Personal Information from any third party without an individual's consent unless the collection is clearly in the individual's interest and ADRIC is unable to obtain consent in a timely way, or as otherwise permitted by law.

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- (a) ADRIC limits the collection of Personal Information to that which is necessary for the identified purposes. ADRIC collects the Personal Information by fair and lawful means. The Personal Information collected by ADRIC includes Name, Business Name, Address, Telephone Numbers, Email Addresses, Credentials, Occupation, Languages Spoken, Areas of Expertise, Services Provided, Biography, Conflict Resolution Training, Employment History, Disciplinary Actions, Resume, Internship Program Participation, Social Media ID,
- (b) ADRIC does not collect Personal Information at random without regard to an identified purpose or in a misleading manner. Both the amount and the type of information collected is limited to that which is necessary to fulfill the identified purposes. ADRIC specifies the type of information collected as part of its information-handling policies and practices.

### **3.5 LIMIT ON THE USE, COMMUNICATION OR DISCLOSURE AND RETENTION OF PERSONAL INFORMATION**

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**Limits on the use, communication or disclosure and retention.** ADRIC will only use, communicate or disclose and retain Personal Information for the purposes identified in this policy. ADRIC will identify any third parties to whom Personal Information will be communicated or disclosed at the time of collection and obtain an individual's consent to such communication or disclosure.

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- (a) ADRIC will keep a record of each individual's Personal Information in an electronic file/profile specific to him or her. ADRIC will use, communicate or disclose and retain Personal Information only for as long as is necessary to fulfil the purposes or as otherwise permitted or required by law. ADRIC has established minimum and maximum retention periods and procedures for retaining and destroying Personal Information.
- (b) ADRIC does not use or disclose Personal Information for purposes other than those identified purposes for which it was collected, except with the Consent of the individual or as necessary for the fulfillment of those purposes, or as permitted by applicable law.
- (c) Only ADRIC personnel with an organizational "need-to-know", or whose duties reasonably so require, in order to fulfill the identified purposes, are granted access to Personal Information.
- (d) ADRIC keeps Personal Information only as long as it remains necessary or relevant for the identified purposes, or as required or permitted by law.
- (e) Where the Personal Information has been used to make a decision about an individual, it will be retained long enough to allow the individual access to the information for a reasonable period of time after the decision has been made, pursuant to the ADRIC Document Retention Policy;
- (f) Where the Personal Information is the subject of a request from an individual, it will be retained for as long as is necessary to allow the individual to exhaust any recourse under the Act generally.
- (g) ADRIC destroys or erases Personal Information that is no longer to be retained pursuant to (d), (e) and (f) above.

### **3.6 ACCURACY OF PERSONAL INFORMATION**

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**Accuracy.** ADRIC will use reasonable efforts to keep Personal Information as accurate, complete and up-to-date as necessary for the purposes of its policy. ADRIC will not routinely update Personal Information unless necessary. ADRIC expects individuals from time to time, to update their Personal Information themselves, using the “Update Your Profile” feature of this Website.

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- (a) ADRIC keeps Personal Information as accurate, complete, and up-to-date as is necessary for the identified Purposes.
- (b) Personal Information used by ADRIC is kept accurate, complete, and as up-to-date as possible to minimize the possibility that inappropriate information could be used to make a decision about the individual. To ensure the foregoing with respect to Personal Information, ADRIC requires each individual to ensure that the Personal Information, which he or she has provided to ADRIC, is accurate and remains current.
- (c) ADRIC does not routinely update Personal Information, unless such a process is necessary to fulfill the purposes for which the information was collected (for example, the periodic updates set out in (b) above).
- (d) Personal Information that is used continually, including information that is disclosed to third parties, is generally kept accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

### 3.7 SAFEGUARDING PERSONAL INFORMATION

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**Safeguards.** ADRIC is committed to protecting the security of Personal Information. ADRIC uses security safeguards appropriate to the sensitivity of Personal Information to protect it from loss or theft, as well as unauthorized access, disclosure, copying, use or modification.

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- (a) ADRIC has implemented security safeguards to protect Personal Information, regardless of the format in which it is held, against loss or theft, unauthorized access, collection, disclosure, copying, use, or modification, through safeguards which are appropriate to the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. A higher level of protection is used to safeguard more sensitive information.
- (b) The methods of protection used include:
  - (i) physical measures, for example, locked filing cabinets and restricted access to offices;
  - (ii) organizational measures, for example, limiting access on a “need-to-know” basis and confidentiality agreements; and
  - (iii) technological measures, for example, the use of passwords and encryption.

- (c) ADRIC protects Personal Information disclosed to non-ADRIC third parties, by contractual agreements stipulating the confidentiality of the Personal Information and the purposes for which it may be used and disclosed.
- (d) ADRIC's staff is made aware, through orientation and refresher training programs, of the importance of maintaining the confidentiality of Personal Information. ADRIC conducts periodic internal and independent audits of its security safeguards and any breach of ADRIC's security safeguards is a disciplinary matter. ADRIC's security safeguards extend to the destruction of Personal Information.
- (a) ADRIC uses care in disposing of or destroying Personal Information to prevent unauthorized parties from gaining access to the information.
- (b) We have put in place procedures to deal with any suspected Personal Data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

### **3.8 AVAILABILITY OF INFORMATION ABOUT ADRIC'S POLICIES AND PRACTICES**

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**Openness.** ADRIC is open about the policies and practices it uses to manage Personal Information. This privacy statement is intended to provide individuals with specific information about such policies and practices; however, ADRIC will provide individuals with additional information upon request.

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- (a) ADRIC makes readily available to individuals specific information about this Policy and other policies and practices relating to the management of Personal Information.

### **3.9 ACCESS TO PERSONAL INFORMATION**

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**Individual access.** Upon written request, ADRIC will inform an individual of the existence, use, and disclosure of his or her Personal Information, will provide such individual with access to that information, and will permit the individual to challenge the accuracy and completeness of the Personal Information.

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- (a) ADRIC shall, upon the written request of an individual:
  - (i) inform such individual of the existence (including the source of the Personal Information), use, and disclosure (including a list of the organizations to which ADRIC has, or may have, disclosed such individual's Personal Information) of his or her Personal Information, except as set out in (e) and (f) below;
  - (ii) provide such individual with access to that information except as set out in (e) and (f) below; and

- (iii) provide such Individual with a process to be able to express a concern regarding the accuracy and completeness of the Personal Information and where an individual successfully demonstrates the inaccuracy or incompleteness of Personal Information, ADRIC will amend the Personal Information as required as soon as reasonably possible. Where reasonably appropriate, ADRIC will transmit the amended information to third parties having access to the Personal Information in question.
- (b) ADRIC will respond to each such individual and Employee request not later than thirty (30) days after receipt of a written request. Notwithstanding the foregoing, where:
- (i) a large amount of Personal Information is requested and meeting the time limit would unreasonably interfere with the activities of ADRIC; or
  - (ii) the time required to undertake any consultations necessary to respond to the request would make the time limit impracticable to meet;
- then ADRIC shall within such thirty (30) day period send a notice to the individual, advising them of the new time limit (which shall be no more than an additional thirty (30) day period, the reasons for extending the time limit and their right to make a complaint to the federal Privacy Commissioner or other applicable Privacy Law authority in respect of the extension. Where ADRIC extends the time limit for responding to a request by the maximum additional thirty (30) day period, ADRIC may charge a minimal cost for such request in accordance with (c) below.
- (c) ADRIC will respond to each such request, under ordinary circumstances, at no cost to the individual for access.
- (d) Where ADRIC is making the requested information available, the information shall be in a form that is generally understandable, including explaining any abbreviations or codes.
- (e) Notwithstanding the foregoing, ADRIC may not provide access to the Personal Information only if the information:
- (i) is protected by solicitor-client privilege;
  - (ii) would reveal confidential information about ADRIC;
  - (iii) was collected without the knowledge and consent of the individual (as to do otherwise would have compromised the availability or the accuracy of the Personal Information, and the collection was reasonable for purposes relating to investigating the breach of an agreement or a contravention of the laws of Canada or a province); or
  - (iv) was generated in the course of a formal dispute resolution process, including without limitation such a process between (A) ADRIC and (B) the individual; provided that where the Personal Information requested by the individual is needed because the life, health or security of an individual (who may or may not

be the requesting individual) is threatened, then ADRIC will provide such Personal Information.

- (f) Under no circumstances shall ADRIC provide access to the Personal Information if:
- (i) the information could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
  - (ii) the information could reasonably be expected to cause immediate or grave harm to the safety or physical or mental health of the individual who made the request; or
  - (iii) the information would reveal the identity of an individual who has provided Personal Information about another individual and the individual providing the Personal Information does not consent to the disclosure of his or her identity.<sup>1</sup>
- (g) Notwithstanding (e) and (f) above, if ADRIC is able to remove the information listed in (e)(ii) and (f)(i), (ii) and (iii) from a document that contains Personal Information about the individual who requested it, ADRIC must provide the individual with access to the Personal Information after the information referred to above is removed.
- (h) Where access to the Personal Information would likely reveal Personal Information about a third party:
- (i) ADRIC shall not provide access to such Personal Information, provided that if the Personal Information of the third party is severable from the Personal Information of the requesting individual, ADRIC shall sever such third party Personal Information and shall provide the requesting individual with their remaining Personal Information; but
  - (ii) notwithstanding (h)(i) above, ADRIC shall provide such access, and need not sever third party Personal Information, where such third party consents or where the Personal Information requested by the individual is needed by the individual because the life, health or security of an individual (who may or may not be the requesting individual) is threatened.
- (i) In addition, in the case of sensitive medical information, ADRIC may refer the individual to the individual's physician to disclose such Personal Information to the individual.
- (j) Where ADRIC refuses a request from an individual under this Section of the Policy within the thirty (30) day response period, ADRIC will identify (i) the reasons for refusing the request, (ii) the recourse for the individual under the Act generally, and (iii) the contact information of the Privacy Officer who can answer any questions about the refusal to provide access to the information, as set out on page one.

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<sup>1</sup> For example, if an ADRIC board member provides an opinion on an individual's application for certification as an arbitrator or mediator that an individual is not fit to be certified, and disclosing this opinion would reveal the identity of the member who does not consent to such disclosure, ADRIC may not disclose such information.

- (k) If an individual makes a written request to ADIC to inform him or her about any disclosure of their Personal Information to a government institution, the Privacy Officer shall be informed, and ADIC shall not respond to such request until the Privacy Officer has determined whether ADIC must notify the government institution and otherwise comply with the procedures set out in Section 9(2.1) to 9(2.4) of the Act.

### **3.10 HANDLING COMPLAINTS AND QUESTIONS**

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**Complaints And Questions.** An individual may challenge ADIC's compliance with this privacy statement. All complaints or inquiries should be in writing, include the individual's name, contact information and a brief description of the complaint, and be directed to ADIC's Privacy Officer.

Prior to making a complaint to the Chief Privacy Officer, or if a complaint is not resolved to the individual's satisfaction, the individual may also make a complaint to the applicable Privacy Commissioner.

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- (a) An individual can submit a complaint in writing to the Privacy Officer concerning ADIC's compliance with the above principles.
- (b) ADIC has put procedures in place to receive and respond to inquiries or concerns/complaints about its policies and practices relating to the handling of Personal Information. ADIC informs individuals who make inquiries or lodge concerns/complaints of the existence of relevant complaint procedures.
- (c) ADIC investigates all concerns/complaints pursuant to its complaint procedures. If it concludes that a complaint is justified, ADIC will take appropriate measures, including, if necessary, amending its policies and practices. ADIC will inform each individual of the outcome of the investigation regarding his or her challenge/complaint.
- (d) When a concern /complaint is not resolved to the satisfaction of the individual, ADIC records the substance of the unresolved concern/complaint, and where appropriate transmits the existence of the unresolved concern/complaint to third parties having access to the Personal Information in question.

*Revised February 1, 2019*