

# CONFIDENTIALITY & PRIVACY POLICY

<b>Policy Number</b>	25-11-14-2 EN	
Developed by :	Policies and procedures committee	Approved on November 5 <sup>th</sup> 2014
	Board of director	Ratified on November 25 <sup>th</sup> 2014

## Introduction

CBDC Madawaska is committed to maintaining the security, confidentiality and privacy of personal information delivered to it by stakeholders, including clients and employees. Respect for confidentiality is a core value of CBDC Madawaska. This Confidentiality & Privacy Policy documents our commitment to this value and has been developed to ensure compliance with applicable privacy legislation.

## Purpose

For the purposes of this Confidentiality & Privacy Policy, a client is an individual or a personal representative (officer, director, or employee) of a corporate client. This Policy is intended to protect the confidentiality of clients who do business with CBDC Madawaska to ensure the fair handling of personal information that is made available in the course of conducting business with CBDC Madawaska. CBDC Madawaska requires that its employees, officers and directors observe the highest standards of business and personal ethics in the conduct of their duties and responsibilities. They are obligated to fulfill their responsibilities honestly and with integrity and must comply with all applicable laws and regulations.

## Policy

CBDC Madawaska recognizes the importance of privacy and the sensitivity of personal information. We have an obligation to keep confidential all information by which a client can be identified. We are committed to protecting any personal information we hold. This Privacy Policy outlines how we manage personal information provided to us by a client and safeguard client privacy.

All businesses engaged in commercial activities must comply with the Personal Information Protection and Electronic Documents Act (the “Act”), and the Canadian Standards Association Model Code for the Protection of Personal Information, which it incorporates. The Act sets out rules for the collection, use and disclosure of a client’s personal information, and requires safeguards to protect the confidentiality of that information in the course of conducting business. To ensure that it complies with the Act, CBDC Madawaska has developed this Policy, and trained its directors and staff about the requirements of this Policy. CBDC Madawaska also requires that its directors and employees sign a confidentiality agreement annually.

## **Why Does CBDC Madawaska Need Personal Information**

CBDC Madawaska provides services and products to a wide range of clients. CBDC Madawaska collects only that personal information required to assess a prospective applicant's eligibility for financial assistance or other services offered by CBDC Madawaska, as well as to report to Atlantic Canada Opportunities Agency, the federal agency that provides funding to CBDC Madawaska. CBDC Madawaska may also use personal information to communicate with clients, and in so doing, may from time to time distribute materials concerning its services and developments that may be relevant to a client's business.

## **What personal information is collected?**

Personal information is any information that identifies an individual, or by which an individual's identity could be deduced. This information includes name, address, telephone number, social insurance number, and date of birth. It can also include, but is not limited to, other information relating to identity such as nationality, gender, marital status, financial information and credit history.

## **How is personal information collected?**

Information is collected only by lawful and fair means and not in an unreasonably intrusive way. At the time of completing an application for financial assistance or other services, the express written consent of the prospective client will be sought for the collection, use, retention and disclose of their personal information for the purposes set out in this Policy. Wherever possible personal information is collected directly from the client, beginning with the application for a loan and continuing throughout the life of the loan if it is approved.

## **With a client's consent, information can be obtained about the client from other sources which may include:**

- a bank or credit union;
- an insurance company;
- a real estate agent in a property transaction;
- government agencies or registries;
- credit bureaus or consumer reporting agencies;
- a client's employer;
- a client's lawyer;
- a client's accountant.

By signing an application for a loan, a client consents to the CBDC collecting, using and disclosing the information referred to in the Application. Normally, consent in writing is requested, but in some circumstances, a client's oral consent is accepted. Sometimes, consent may be implied through a client's conduct with us.

## **Use of Information**

Personal information is used to provide advice and services to clients, and to include clients in any direct marketing activities. If a client no longer has a loan with the CBDC, on a client's request, the client will be removed from the mailing list.

## **Disclosure of Personal Information**

CBDC Madawaska does not disclose client personal information to any third party to enable them to market their products and services. CBDC Madawaska uses and retains personal information for only those purposes to which the client has consented. Personal information will be disclosed only to those CBDC Madawaska employees, volunteer members of committees and/or Board of Directors that need to know the information for the purposes set out in this Policy. However, CBDC Madawaska is required to disclose information to certain government organizations, including Atlantic Canada Opportunities Agency (ACOA). In addition, CBDC Madawaska will disclose a client's personal information when:

- required or authorized by law to do so;
- a client has consented to the disclosure;
- it is necessary in order to establish or collect sums owing to us;
- we engage a third party to provide administrative services to us (like computer back-up services or archival file storage);
- the information is already publicly known.

In addition, a client's personal information will be disclosed to third parties in order to facilitate the granting of a loan. Examples of those third parties include lawyers acting in connection with the loan and the security being taken to support it. In those instances, a client's consent will be implied, and we will release the information unless the client tells us otherwise.

## **Retention of Personal Information**

CBDC Madawaska receives funding from the Atlantic Canada Opportunities Agency (ACOA) and certain other government organizations. The terms of our agreements with those organizations require that we maintain the information that we collect for a period of not less than 8 years from the date that an application is rejected or the loan, if granted, is repaid.

## **Correcting Errors**

CBDC Madawaska endeavours to ensure that all personal information in active files is accurate, complete and current. If the CBDC Madawaska holds information about a client and the client can establish that it is not accurate, complete and up-to-date, CBDC Madawaska will take reasonable steps to correct it. Information contained in closed files is not updated.

## **Safeguards**

CBDC Madawaska takes all reasonable precautions to ensure that a clients' personal information is kept safe from loss, unauthorized access, modification or disclosure. Among the steps taken to protect personal information are:

- premises security;
- restricted access to personal information;
- deploying technological safeguards like security software and firewalls to prevent hacking or unauthorized computer access;
- internal password and security policies.

## **Access to Personal Information**

A client may ask for access to any personal information that is held about that client. Requests should be in writing to the attention of the Executive Director or Board Chair. Reimbursement for copying charges may be requested if copies are required of the information held in our files.

A client's right to access personal information is not absolute. Access may be denied when:

- denial of access is required or authorized by law;
- granting access would have an unreasonable impact on other people's privacy;
- to protect the CBDC's rights and property;
- the request is frivolous or vexatious.

If a request for access is denied, or a request to correct information is refused, an explanation is offered by CBDC.

## **Disposal of Information**

Fair information practices suggest that personal information should only be retained for as long as necessary for the fulfilment of the purposes for which it is collected, but when information is used to make a decision about someone, it should be retained long enough for the individual to be able to access it, and appeal any denial of access. When personal information is no longer needed to fulfil those identified purposes, it should be destroyed, erased or anonymized according to the suggested procedures below.

Disposal of personal information should be carried out in a secure manner and should follow the approved records retention schedule and process for CBDC Madawaska and the classification of records under consideration. Whether CBDC records assigned for disposal consist of paper or electronic records, disks, hard drives, or surveillance tapes, CBDCs have a responsibility to ensure that their practices and measures to properly dispose of personal information in their custody meet the safeguard obligations under personal information protection laws. CBDC Madawaska hires a paper disposal company to securely shred its records and receives confirmation that shredding was completed. As for the disposal of disks and diskettes, CBDCs

must ensure a complete wipe or destruction of personal information. Any hardware components must have all data removed; where this is not possible, the hardware must be disposed of in accordance with CBDC safeguard policies and procedures.

1. Ensure material for shredding is a record that has completed its scheduled retention; or is a non-record or transitory record containing sensitive information.
2. Confirm that there is no active Legal Investigation/Audit relating to the records you are planning to dispose.
3. Complete and retain a certificate of disposition for all records in accordance with approved retention and disposal schedules.

### **Electronic Communications**

Notwithstanding the technological safeguards implemented by CBDC Madawaska, all Internet transmissions are susceptible to possible loss, misrouting, interception and misuse. For this reason, as part of the application that a client signs consenting to their personal information being collected, used, retained, and disclosed, CBDC Madawaska obtains the client's consent to communicate via the Internet unless notified to the contrary.

### **Complaints**

Any concern or issue about the personal information handling practices of CBDC Madawaska may be made in writing to:

Micheline Lavoie, Executive Director  
24 St. François Street  
Edmundston, N.-B.  
E3V 1E3  
Phone: (506) 737-8925  
Fax: (506) 737-892

The complaint will be investigated promptly and a written report will be provided to the complainant. If the complainant is dissatisfied with the report, or thinks that the corrective action taken by CBDC Madawaska is insufficient, the complainant may direct a complaint to the Federal Privacy Commissioner in writing. The address of the Federal Privacy Commissioner is:

Office of the Privacy Commissioner of Canada  
112 Kent Street  
Place de Ville, Tower B, 3rd Floor  
Ottawa, ON K1A 1H3  
Fax: 613-947-6850  
Inquiries: 1-800-282-1376 (toll-free)

## Protection of Confidential Information

Any non-public information involving CBDC Madawaska, its investments, its policies, or its projects with respect to placements, and all non-public information obtained during research or in view of deciding upon an actual or future investment, or for any other reason, must remain secret. A Director may not use or reveal non-public information other than in the exercise of his functions with CBDC Madawaska.

## Leak of confidential information

A director who is aware of an impending improper use of confidential information must immediately notify the Chair of Board of Directors or the Executive Director.

## Third-Party Communication

The Directors do not discuss with third parties, an issue pertaining to the Board of Directors, nor an issue concerning CBDC Madawaska, including an investment of CBDC Madawaska.

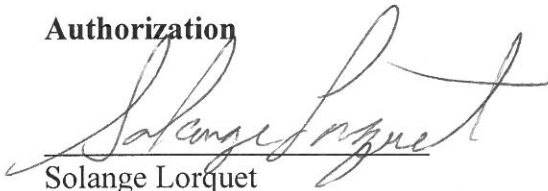
## Changes to this Privacy Policy

Since CBDC Madawaska regularly reviews all of its policies and procedures, we may change this Policy from time to time. A copy of the current Policy will always be available at: [www.madawaskacbdc.ca](http://www.madawaskacbdc.ca) ??

## Related Documents

- Conflict of Interest Policy
- Complaint Resolution Policy

### Authorization



Solange Lorquet  
President  
CBDC Madawaska inc.



Mark Landry  
Secretary  
CBDC Madawaska inc.