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## CONFIDENTIALITY POLICY OF THE MUNICIPALITY OF THE TOWNSHIP OF WENTWORTH

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### CHAPTER I — APPLICATION AND INTERPRETATION

#### 1. DEFINITIONS

For the purposes of this policy, the following expressions or terms shall have the meaning below:

**CAI:** Refers to the « Commission d'accès à l'information » created under the *Act respecting access*;

**Council:** Refers to the Municipal Council of the Municipality of the Township of Wentworth;

**Employee:** Refers to an elected official, manager or employee, full-time or part-time, permanent, seasonal or contract;

**Life cycle:** Refers to all the stages in the existence of information held by the Municipality, and more specifically its creation, modification, transfer, consultation, transmission, safekeeping, archiving, anonymization or destruction;

**Act respecting access:** Refers to the *Act respecting access to documents held by public bodies and the protection of personal information*, RLRQ c. A -2,1;

**Person concerned:** Refers to any individual for whom the Municipality collects, holds, communicates to a third party, destroys or anonymizes personal information;

**Related party:** Refers to a natural person in a relationship with the Municipality in the course of its activities and, without limiting the generality of the foregoing, an employee or supplier;

**PPI Governance Policy:** Refers to the administrative policy concerning the Municipality's rules of governance with respect to the protection of personal information;

**PPI :** Refers to the protection of personal information;

**Personal information (or PI)** : Refers to any information concerning a natural person that enables that person to be identified directly or indirectly, such as a postal address, telephone number, e-mail address or bank account number, whether the data is personal or professional;

**Sensitive personal information (or SPI)**: Refers to any personal information that raises a high reasonable expectation of privacy for any individual, particularly because of the potential prejudice to the individual in the event of a confidentiality incident, such as financial information, medical information, biometric data, social insurance number, driver's license number or sexual orientation;

**Responsible for access to documents (or RAD)** : Refers to the person in charge who, in accordance with the *Act respecting access*, performs this function and responds to requests for access to the Municipality's documents;

**Responsible for the protection of personal information (or RPPI)** : Refers to the person in charge who, in accordance with the *Act respecting access*, performs this function and ensures the protection of personal information held by the Municipality.

## 2. OBJECTIVES

The Confidentiality Policy has the following objectives:

- Set out the orientations and guiding principles intended to effectively ensure the confidentiality of any PI collected by any technological means;
- To protect the confidentiality of any PI collected by the Municipality throughout its life cycle;
- Indicate the technological means used to collect any PI, the purposes for which it is collected and its processing within the Municipality;
- Ensure public confidence in the Municipality, demonstrate transparency regarding the processing of PI and the PPI measures applied by the Municipality, and provide access when required.

## CHAPTER II — COLLECTION OF PERSONAL INFORMATION AND CONSENT

### 3. CONFIDENTIALITY

- 3.1. The Municipality shall keep confidential all PI collected and shall make it accessible only to employees who require it in the performance of their duties.
- 3.2. The Municipality specifies its confidentiality practice when obtaining any consent from the person concerned to the collection of any PI.
- 3.3. The Municipality applies equivalent security measures, regardless of the sensitivity of the PI held, in order to prevent breaches of confidentiality and integrity, subject to the exceptions provided for in the *Act respecting access*.

### 4. TYPES OF PERSONAL INFORMATION COLLECTED BY THE SERVICES

The Municipality determines, on a regular basis and at least every year, the type of PI collected, the category of the Municipality's employees who have access to this PI and the means by which it is collected, and compiles it in accordance with the table in Annex I of this Policy.

### 5. CONSENT TO THE COLLECTION OF PERSONAL INFORMATION

- 5.1. The Municipality does not collect and store any PI without the consent of the person concerned, subject to the exceptions provided for in the *Act respecting Access*.
- 5.2. It is agreed that consent is given for **specific purposes**, for a **necessary period of time** to achieve the purposes for which it is requested, and must be:
  - a) **Manifest**: meaning that it is obvious and certain;
  - b) **Free**: meaning that it must be free of constraints;
  - c) **Enlightened**: meaning that it is made with full knowledge of the facts.
- 5.3. Except in the circumstances permitted by the *Act respecting access*, the Municipality does not transfer to a third party a PI concerning a person concerned without the specific consent of this person to such transfer.

- 5.4. Subject to the obligations of any law or regulation, a person concerned may refuse to consent to the collection of personal information and still receive services from the Municipality.
- 5.5. In order to express his/her refusal to the collection, use and holding of PI concerning him/her, the person concerned must:
  - After listening to a telephone message indicating the recording of his/her conversation, by addressing the Municipality employee who answered the call, indicating his/her refusal to the said recording and to the collection, use and possession of personal information disclosed during the said conversation;
  - Following the receipt of a form from the Municipality or any other document containing a request for consent to the collection of personal information, by indicating his/her refusal by not signing the form and notifying the Municipality's employee who sent the form;
  - When using the Municipality's website to take advantage of any service provided by the Municipality, by following the instructions in the space provided to indicate your refusal;
- 5.6. A person concerned may be denied access to various municipal services if he/she does not consent to the collection and holding of any PI.
- 5.7. Notwithstanding the foregoing, a person concerned will be denied access to any service of the Municipality in the following circumstances:
  - Refusal by a candidate employee to collect any PI for the purpose of evaluating his/her candidacy for any job offered by the Municipality
  - Refusal by the owner of any immovable subject to a property assessment to collect any PI by the Municipality's property assessment department;
  - Refusal by any owner of a building subject to a permit application to collect any PI by the Urbanism Department;
  - Refusal by any person before the Commissioner of Oaths to collect any PI;
- 5.8. Consent to the collection of any PI by means of a voice or visual recording includes the right for the Municipality to reproduce or broadcast any such recording, if justified in terms of the purposes for which it was collected. Each reproduction is subject to the same rules for the protection of personal information.

### **CHAPTER III – RIGHT OF ACCESS AND RECTIFICATION**

#### **6. RIGHT OF ACCESS**

- 6.1. Any person has the right to be informed of the existence of any PI concerning him/her and held in a PI file, subject to the exceptions provided for in the *Act respecting access*;
- 6.2. Subject to the exceptions provided for in the *Act respecting access*, any person concerned has the right to receive information relating to any PI held by the Municipality concerning him/her;

- 6.3. The Municipality provides access to information relating to any PI of the person concerned, by allowing him/her to view it remotely or at the Municipality's offices during regular business hours, i.e. from 9 a.m. to 4:30 p.m., Monday to Friday, and to obtain a copy;
- 6.4. Where the person concerned is disabled, the Municipality shall take reasonable accommodation measures to enable him/her to exercise the right of access provided for in the present article 6. To this end, the Municipality takes into account the policy established under section 26.5 of the *Act to secure the exercise of the rights of handicapped persons with a view to their educational, occupational and social integration* (RLRQ c. E-20.1);
- 6.5. Access by a person concerned to any PI concerning him/her is free of charge. However, a fee not exceeding the cost of transcribing, reproducing and transmitting the PI may be charged to the person concerned. The Municipality establishes the amount and terms of payment of these fees in accordance with the provisions of the *Act respecting fees payable for the transcription, reproduction and transmission of documents and personal information*, RLRQ c A-2.1, r 3;
- 6.6. When the Municipality intends to charge a fee, it must inform the person concerned of the approximate amount to be charged, before proceeding with the transcription, reproduction or transmission of the document.

## **7. RIGHT OF RECTIFICATION RIGHT**

- 7.1. Any person concerned who receives confirmation of the existence in a file of any PI concerning him/her may, if it is inaccurate, incomplete or equivocal, demand that the file be rectified. The same applies if its collection, communication or holding is not authorized by the *Act respecting Access*;
- 7.2. When the Municipality refuses, in whole or in part, to comply with a request for rectification of a file, the person concerned may demand that the request be recorded;
- 7.3. When the Municipality accepts a request for rectification of a file containing any PI, it issues, free of charge, a copy of any PI modified or added, or, as the case may be, an attestation of its removal, to the person concerned making the request.

## **8. ACCESS OR RECTIFICATION PROCEDURE**

- 8.1. A request for communication or rectification can only be considered if it is made in writing by a natural person justifying his/her identity as the person concerned, or as the representative, heir or successor, or as the liquidator of the estate, or as the beneficiary of life insurance or death benefit thereunder, or as the holder of parental authority even if the minor child is deceased.
- 8.2. Such a request is addressed to the Municipality's RPPI.
- 8.3. The RPPI notifies the applicant in writing of the date of receipt to the application.
- 8.4. This notice of receipt indicates the time limits for responding to the request and the effect that the Act respecting access gives to failure by the person in charge to meet them. The said notice also informs the applicant of the review procedure provided for in Section III of Chapter IV of the *Act respecting access*.

- 8.5. The person in charge shall respond to a request for communication or rectification promptly and at the latest within twenty (20) days of the date of receipt.
- 8.6. If it appears impossible to process the request within the timeframe stipulated in this policy without interfering with the normal operation of the Municipality, the RPPI may, before the expiry of this timeframe, extend it for a period not exceeding ten (10) days and notify the applicant by any means of communication that enables the person concerned to be reached.
- 8.7. The RPPI must give reasons for any refusal to grant a request and indicate the provision of the *Act respecting access* on which the refusal is based.
- 8.8. The RPPI renders its decision in writing and forwards a copy to the applicant. The decision is accompanied by the text of the provision on which the refusal is based, if applicable, and a notice informing the applicant of the right to appeal to the CAI under Section III of Chapter IV of the *Act respecting access* and the time limit for doing so.
- 8.9. The RPPI ensures that the information that is the subject of the request is kept for the time required to allow the applicant to exhaust the recourses provided for in the *Act respecting access*.

## **9. SAFEKEEPING AND PROTECTION OF PERSONAL INFORMATION**

- 9.1. The Municipality stores and processes all collected PI in Quebec.
- 9.2. When the Municipality, in certain circumstances, entrusts the collection, holding or processing of any PI, by a service provider in Quebec or outside Quebec, it takes the best possible measures to ensure that the rights of the persons concerned provided for in this policy are respected by this provider. The laws of jurisdictions outside Québec may affect the rights of persons concerned.

## **10. TRANSFER OF PERSONAL INFORMATION OUTSIDE THE MUNICIPALITY**

- 10.1. Except as authorized by the *Act respecting access* or with the specific consent of the person concerned, the Municipality does not transfer any PI to a third party outside the Municipality.
- 10.2. When any PI is transferred to a third party through a technological means, the privacy policy of a third party organization, if any, will apply to such PI henceforth.

## **11. RIGHT OF ACCESS TO A MUNICIPAL DOCUMENT**

- 11.1. The *Act respecting access* to documents applies to all documents held by the Municipality, whether they are held by the Municipality itself or by a third party.
- 11.2. The law also applies to all documents, whatever their form: written, graphic, audio, visual, computerized or other.
- 11.3. Any person who makes a written request has the right to access the Municipality's documents, subject to the exceptions set out in the provisions of the *Act respecting access*. The right of access applies only to documents whose communication does not require calculations or comparisons of information or special preparation.
- 11.4. To be admissible, a request for access to a document must be sufficiently precise to enable it to be found.
- 11.5. The RAD must respond to a request for access no later than twenty (20) days from the date of receipt. If it appears impossible to process the request within this timeframe without interfering with the normal operation of the Municipality, the person responsible for access to information may extend the timeframe by a maximum of ten (10) days. The RAD must then notify the applicant, by any means of communication enabling the person concerned to be reached, within the first twenty (20) days following receipt of the access request.
- 11.6. The person making the request may obtain a copy of the document, by any means of communication enabling him/her to be reached, unless its reproduction would be detrimental to its preservation or would raise serious practical difficulties due to its form. The right of access to a document may also be exercised by on-site consultation during the Municipality's normal working hours, or by remote consultation.
- 11.7. The right of access is free of charge. However, fees not exceeding the cost of transcription, reproduction or transmission may be charged to the applicant in accordance with the *Act respecting fees payable for the transcription, reproduction and transmission of documents and personal information* (RLRQ c. A-2.1, r. 3).
- 11.8. If the person making the request is disabled, the Municipality will, at his/her request, take reasonable accommodation measures to enable him or her to exercise the right of access provided for in this Section 8. To this end, the Municipality shall take into account the policy established under Section 26.5 of the *Act to ensure the exercise of the rights of handicapped persons with a view to their educational, occupational and social integration* (RLRQ c. E 20.1).
- 11.9. The person in charge must give reasons for any refusal to grant a request and indicate the provision of the *Act respecting access* on which the refusal is based.

## **12. RESPONSIBLE FOR THE PROTECTION OF PERSONAL INFORMATION**

12.1. Any request for access to a document of the Municipality to a document or file containing any PI must be addressed in writing to the person responsible for access to information and protection of personal information at the following coordinates:

Natalie Black  
General Manager, Clerk-Treasurer  
Town Hall  
175 Louisa road  
Wentworth, QC J8H 0C7

12.2. Any person may formulate a question concerning the Municipality's present Confidentiality Policy.

## **CHAPTER IV — ADMINISTRATIVE PROCEDURES**

### **13. COMPLAINTS**

13.1. Any person who feels aggrieved by the manner in which the Municipality manages the protection of a PI may lodge a complaint by following the provisions of the Administrative Policy concerning the rules of governance with respect to the protection of personal information of the Municipality of the Township of Wentworth published on the Municipality's website.

13.2. When a written request for access to a municipal document has been refused in whole or in part by the person responsible for access to information, or when the timeframe for responding has expired, any person requesting access may ask the Commission d'accès à l'information to review the decision. The request for review must be made in writing within thirty (30) days of the date of the decision or the expiry of the timeframe granted to the person responsible for access to information. It may briefly set out the reasons why the decision should be reviewed.

### **14. FINAL PROVISIONS**

14.1. The present Confidentiality Policy must be published on the Municipality's website in a section dedicated to it.

14.2. This Confidentiality Policy and any amendments thereto shall come into force upon adoption by the Council of the Municipality.

14.3. Any amendment to this policy must be the subject of consultation with the RPPI and must be preceded by a 15-day notice of amendment published on the Municipality's website.



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Jason Morrison  
Mayor

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Natalie Black  
General Manager, Clerk-Treasurer

Adoption of the Policy: October 2<sup>nd</sup>, 2023

### ANNEX I – Privacy Policy (Article 4)

Service	Description of PI collected	Purposed for which PI are collected	Persons with access to PI	Methods of collecting PI
<b>General Management</b>	Name, first name, e-mail, street address and tel. no.	Various correspondence	Municipal employees	In person, telephone, e-mail, form, website
<b>Clerk's Department</b>	Name, first name, date of birth, e-mail, street address, tel. no., ID, banking information, social insurance number, gender, signature	Obligation of a law, to render the requested service, necessary for the exercise of the Municipality's attributions	General Manager, Clerk-Treasurer, Assistant General Manager, Clerk-Treasurer Secretary-Treasurer, Director of Urbanism	In person, telephone, e-mail, form, website
<b>Treasury / Payroll Department</b>	Name, first name, date of birth, e-mail address, street address, phone number, banking information, social insurance number, employment conditions	Taxation, accounts receivable, accounts payable, payroll	General Manager, Clerk-Treasurer, Assistant General Manager, Clerk-Treasurer Secretary-Treasurer, Director of Urbanism, Secretary-receptionist	In person, telephone, e-mail, form
<b>Urban Planning / Assessment</b>	Name, e-mail address, street address, phone number, banking information, work done, photos, complaint, inspection report, statement of offence, signature	Permit application, CCU file or Demolition Committee	General Manager, Clerk-Treasurer, Assistant General Manager, Clerk-Treasurer Secretary-Treasurer, Director of Urbanism, Inspector, CCU Committee, Demolition Committee	In person, telephone, e-mail, form, website

<b>Human Resources Department</b>	Name, first name, date of birth, e-mail, street address, phone number, banking information, identification, signature, social insurance number, conditions of employment, beneficiaries, medical file, disciplinary file, termination file	Recruitment process, employee files, health and safety files	General Manager, Clerk-Treasurer, Assistant General Manager, Clerk-Treasurer Director of Urbanism Director of Fire Department Responsible of Public Works	In person, telephone, e-mail, form
<b>Leisure Services</b>	Name, first name, date of birth, e-mail address, phone no., signature	Registrations	General Manager, Clerk-Treasurer, Assistant General Manager, Clerk-Treasurer Secretary-Treasurer, Secretary-receptionist	In person, telephone, e-mail, form
<b>Library</b>	Name, first name, date of birth, e-mail, street address, phone no.	Registrations	General Manager, Clerk-Treasurer, Assistant General Manager, Clerk-Treasurer Secretary-Treasurer, Secretary-receptionist Library of City of Lachute	In person, form
<b>Fire Department</b>	Name, first name, e-mail, street address, tel. no., photos, complaint	Inspection report, Intervention report Emergency measures	General Manager, Clerk-Treasurer, Assistant General Manager, Clerk-Treasurer Director of Urbanism Director of Fire Department	In person, telephone, e-mail, form, website

<b>Public Works</b>	Name, first name, e-mail, street address, tel. no., employees on call lists, complaint, request for intervention	Intervention requests, complaints	Municipal employees	In person, telephone, e-mail, form
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