



Privacy Policy- BC One Call Ltd.

Revision Period: Annually or As Required
Latest Revision: November 16, 2017.

The Law:

On October 23, 2003, BC enacted the *Personal Information Protection Act* (PIPA) came into force.

“The purpose of this Act is to govern the collection, use and disclosure of personal information by organizations in a manner that recognizes both the right of individuals to protect their personal information and the need of organizations to collect, use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.”

PIPA regulates the way private sector organizations and businesses within BC collect, use and disclose Personal Information.

"**personal information**" means information about an identifiable individual and includes employee personal information but does not include

- (a) contact information, or
- (b) work product information;

"**contact information**" means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.

(from the ACT)

Purpose & Application:

The purpose of this policy is to set out practices and procedures with respect to the privacy rights of individuals and the Personal Information concerning individuals that may be collected, used or disclosed by BC One-Call in the course of its operations.

This policy applies to the collection, use and disclosure of Personal Information related to all individuals where such information is in the custody or control of BC One-Call.

Use and Disclosure of Personal Information By BC One Call Ltd:

To be able to carry out its activities, we, or those authorized to carry out duties on behalf of BC One Call, have and will have the need to collect, use and disclose Personal Information. The mission of BC One-Call is to prevent damage to buried facilities through education, advocacy, public awareness and dependable, cost-effective communication and exchange of information between members and those intending to disturb the ground.

BC One-Call provides a communication service that allows anyone who plans to disturb the ground in BC to notify our members of that intent to disturb the ground and to request that those members whose buried facilities could be in conflict with the proposed ground disturbance identify and mark the locations of those buried facilities before the proposed ground disturbance begins. This process is commonly referred to as placing a locate request.

This service is provided, at no charge to the person placing a locate request, in the interests of worker safety, public safety, protection of the environment and preservation of the integrity of the underground infrastructure that provides goods and services essential to today's society.

BC One-Call's members are organizations that own or operate buried facilities in BC. A complete list of BC One-Call's members is posted on our website, www.bconecall.bc.ca

Those intending to disturb the ground could be, for example, homeowners, landowners, tenants, contractors, service providers, owners of buried facilities, government departments or agents acting on their behalf.

In order to provide this service, information is collected that may concern individuals and may be Personal Information, including:

- the location of a proposed ground disturbance, which may, for example, be a residential address;
- the name of the person requesting the service, which may, in the case of an owner or tenant of property or land, be residential information;

- the name of the person for whom the proposed ground disturbance is being undertaken, which may, if the owner or tenant of property or land, be residential information;
- telephone numbers and other contact information, which may be residential information;
- the purpose or purposes for the proposed ground disturbance;
- the date by which the locations of the buried facilities need to be marked; and
- other Personal Information, including information related to any incidents involving buried facilities.

Such information, although mainly incidental to our activities, will necessarily include Personal Information concerning individuals.

As part of the service we provide, this information is passed on to our members or their agents on behalf of the person proposing to disturb the ground. It is the member's responsibility to identify and mark the locations of their buried facilities that may be in conflict with a proposed ground disturbance. They may choose to do this themselves or use an agent to do it on their behalf.

Members that do not have buried facilities in the area of the proposed ground disturbance are not notified.

The person placing a locate request is advised of which members will be notified on their behalf.

Collection of Personal Information

It is our policy to collect Personal Information about individuals in accordance with the provisions and requirements of PIPA.

Where practical, we will collect Personal Information directly from the person to whom the information pertains, however it is typical for us to be contacted by contractors or other service providers on behalf of the owners or tenants of property or land in circumstances where it is not practical for us to collect information, including personal information, directly from the individual property or land owner or tenant concerned.

Unless it is unreasonable or inappropriate to do so, we will consider that contractors or other service providers act as agents of the owners or tenants of the property or land in question and have consent to disclose Personal Information to us. We will collect only the Personal Information required to provide our service from such contractors, service providers or other similar sources. Such information will be collected only for the purposes identified in this policy, or as otherwise provided to the individual in question, or as required by law.

PIPA provides that an individual is deemed to consent to the collection, use or disclosure of Personal Information about that individual for a particular purpose if the individual voluntarily provides the information for that purpose and it is reasonable that a person would voluntarily provide that information.

We will rely on such deemed consent and the authority of a contractor or other service provider in circumstances where it is reasonable to so do.

When we collect Personal Information about individuals directly from them, except when their consent to the collection is deemed to have been given or is not required by PIPA, we will inform them or their agent of the purpose for which the information is collected and the name of a person who can answer questions about the collection.

PIPA also permits us to collect, use or disclose Personal Information about an individual in some circumstances without the individual's consent. Such circumstances include, but are not limited to, where:

- the collection, use or disclosure is clearly in the interests of the individual and consent cannot be obtained in a timely manner;
- the collection, use or disclosure is reasonable for the purposes of an investigation or legal proceeding;
- the Personal Information is available to the public from a commonly available source; or
- the collection, use or disclosure is required or authorized by provincial or federal regulation or statute.

Use and Disclosure of Personal Information

Personal Information will be used and disclosed only for the stated purposes as set out in this policy, or as otherwise communicated to the individual in question at or before the collection of Personal Information. In the event that new purposes for use or disclosure of Personal Information previously collected are identified, unless otherwise required or allowed by PIPA or other applicable law, we will seek further consent from the individual before proceeding to use or disclose the Personal Information for the new purpose or purposes.

It is our policy to otherwise not disclose Personal Information except as required by law or as permitted by a specific exemption in PIPA.

Accuracy and Completeness of Personal Information

When we collect, use or disclose Personal Information, we will make reasonable efforts to ensure that it is accurate, up to date and complete, particularly where the information is used to make a decision about an individual.

Security of Personal Information

We recognize and accept our legal obligations to protect confidential information and Personal Information, in our custody or control, during the course of carrying on our business. Therefore we have made, and will continue to make, reasonable arrangements to secure against the unauthorized access, collection, use, disclosure, copying, modification, disposal or destruction of Personal Information.

Retention and Destruction of Personal Information

PIPA allows us, for legal or business purposes, to retain Personal Information for as long as is reasonable. Upon expiry of an appropriate retention period, bearing in mind reasonable legal and business requirements, Personal Information will either be destroyed in a secure manner or made anonymous.

Should any legally required consent to our collection, use, disclosure or retention of Personal Information be revoked, PIPA allows us to continue to retain the Personal Information for as long as is reasonable for legal or business purposes. In the event that revocation of consent may have consequences to the individual concerned, we will advise the individual of the consequences of revoking his or her consent where it is reasonable in the circumstances to do so.

Requests for Access to Personal Information

PIPA permits individuals to submit written requests to us to provide them with:

- their Personal Information under our custody or control;
- information about the purposes for which their Personal Information under our custody or control has been and is being used by us; and
- the names of persons to whom, and the circumstances in which, their Personal Information has been and is being disclosed by us.

Where such Personal Information is subject to PIPA, we will respond to such requests within the time allowed by PIPA and will make a reasonable effort to assist applicants and to respond as accurately and as completely as is reasonably possible.

All requests may be subject to any fees and disbursements the law permits us to charge. Where appropriate to do so, we may require advance payment of a deposit or the entire costs of responding to a request for access to personal information.

An individual's ability to access his or her Personal Information under our custody or control is not absolute.

PIPA provides that we are not permitted to disclose Personal Information where:

- the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
- the disclosure would reveal Personal Information about another individual; or
- the disclosure would reveal the identity of an individual who has, in confidence, provided us with an opinion about another individual and the individual who provided the opinion does not consent to the disclosure of his or her identity.

PIPA further provides that we may choose to not disclose Personal Information where:

- the Personal Information is protected by any legal privilege, as determined by the established rules concerning legal privilege;
- the disclosure of the Personal Information would reveal confidential commercial information and it would not be unreasonable to withhold that information;
- the Personal Information was collected by or on behalf of BC One Call for an investigation or legal proceeding;
- the disclosure of the Personal Information might result in similar information's no longer being provided to us when it is reasonable that it would be provided;
- the Personal Information was collected or created by a mediator or arbitrator in the conduct of a mediation or arbitration for which he or she was appointed to act
 - under an agreement,
 - under an enactment, or
 - by a court; or
- the Personal Information relates to or may be used in the exercise of prosecutorial discretion.

PIPA provides that it is not to be applied so as to affect any legal privilege so communications between BC One Call and its legal counsel and other records and documents subject to legal privilege will generally not be subject to disclosure.

Responses to Requests for Access to Personal Information

Our responses to requests for access to Personal Information will be in writing and will confirm whether we are providing all or part of the requested information, whether or not we are allowing access or providing copies and, if access is being provided, when that will be given.

If access to information or copies are refused by BC One-Call, we will provide written reasons for such refusal and the section of PIPA on which that refusal is based, if applicable, along with the name of our Privacy Officer who can answer questions about the refusal and provide information on how the requesting individual can ask the Information and Privacy Commissioner for BC to review our decision.

Requests for Correction of Personal Information

PIPA permits individuals to submit written requests to BC One-Call to correct errors or omissions in their Personal Information that is in our custody or control. We reserve the right to require sufficient information and detail from the individual in question in order to properly locate the specific information and provide a response.

In the event that an individual alleges errors or omissions in the Personal Information under our custody or control we will either;

- correct the personal information and, if reasonable to do so, and not contrary to any legal privilege or other exclusion or exemption, send correction notifications to any other organizations to whom we have disclosed the incorrect information; or

- decide to not correct the Personal Information but to annotate the Personal Information to the effect that a correction was requested but not made.

Corrections or amendments will generally not be made to opinions, including expert or professional opinions, as opposed to factual information.

Point of Contact with BC One Call Ltd.

If any individual has any questions with respect to this policy and our practices and procedures concerning the handling of Personal Information, or if any individual wishes to request access to or correction of his or her Personal Information under our custody or control, he or she should contact our Privacy Officer:

Privacy Officer
BC One Call Ltd.
Suite 130 4299 Canada Way,
Burnaby, BC, V5G 1H3
Phone 1-800-474-6886
Email info@bconecall.ca

If any individual is dissatisfied with the manner in which we handle his or her Personal Information, he or she may contact our Privacy Officer in writing, setting out the reasons for the dissatisfaction.

If any individual remains dissatisfied after our Privacy Officer has reviewed and responded to the expressed concern, he or she has the right to contact:

Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038 Stn. Prov. Govt.
Victoria B.C. V8W 9A4
Phone (250) 387-5629
Vancouver: (604) 660-2421
Elsewhere in BC: (800) 663-7867

Amendment of Policy

We reserve the right to amend this policy from time to time as required and without notice to better meet our obligations under PIPA.