

# **MANITOBA CANOLA GROWERS ASSOCIATION INC.**

## **OUR PRIVACY POLICY**

### **BACKGROUND**

We want to make sure that we comply with the legal obligations imposed by the federal government's *Personal Information Protection and Electronic Documents Act* (“**PIPEDA**”) regarding the collection, use and disclosure of personal information in commercial activities.

That is why we have developed this Privacy Policy. We want you to know what principles and guidelines we have adopted for the collection, use, disclosure and retention of personal information. In this regard, we have adopted as the foundation of our Privacy Policy the 10 Principles that are set out in the National Standard of Canada entitled “*Model Code for the Protection of Personal Information*” and that form part of PIPEDA by being attached as Schedule 1 to PIPEDA. Our objective is to promote responsible and transparent personal information management practices.

Against this background, the following principles guide us in the collection, use, disclosure and retention of personal information. Since we regularly review all of our policies and procedures, and since privacy law can be expected to evolve in Canada as the Office of the Privacy Commissioner and the courts provide guidance as to the application of PIPEDA to specific fact situations, as PIPEDA may itself be amended and as other provincial privacy laws are enacted, we may change our Privacy Policy at any time or from time to time.

### **SCOPE AND APPLICATION**

The scope and application of our Privacy Policy is as follows:

1. The 10 Principles that form the basis of our Privacy Policy are interrelated, and we will strive to adhere to them as a whole.
2. Our Privacy Policy applies to personal information that we collect, use or disclose about individual producers, the directors, officers and employees of corporate producers, the organizations which purchase canola from producers, and other individuals in the industry (including suppliers and independent contractors) with whom we interact (collectively, the “***Producers and other Stakeholders***”).

3. Personal information is any information, recorded or unrecorded, that can be used to identify, distinguish or contact a specific individual. As a result, PIPEDA applies to producers who are sole proprietors and to individuals carrying on business as a partnership. PIPEDA does not apply to producers who are incorporated.

Personal information that we would typically collect regarding a producer would include that producer's name, contact information, address and canola marketing activities. Depending upon the circumstances, we may need to collect additional personal information.

4. Our Privacy Policy applies to the management of personal information in any form, whether written, oral or electronic.
5. Our Privacy Policy does not impose any limits on our collection, use or disclosure of any of the following information:
  - (a) an individual's name, address and telephone number that appears in a telephone directory that is available to the public, where the individual can refuse to have his or her personal information appear in such a directory;
  - (b) the name, title, business address or telephone number of an employee of an organization; or
  - (c) other information about an individual that is publicly available or that is specified by regulation pursuant to PIPEDA.
6. The application of our Privacy Policy is subject to the requirements and provisions of PIPEDA and the regulations enacted thereunder, and any other applicable legislation, regulation, court order or other lawful authority.
7. Our Privacy Policy does not apply to information that does not relate to an identifiable individual (for example, corporate information or information that has been aggregated or anonymized).

## GOVERNING PRINCIPLES

### Principle 1 – Accountability

*We are responsible for personal information in our possession or under our control.*

- 1.1 Responsibility for compliance with the provisions of our Privacy Policy rests with our Privacy Officer, who can be reached by using the contact information at the end of this Privacy Policy. Other individuals within our organization may be delegated to act on behalf of our Privacy Officer or to take responsibility for the day-to-day collection and processing of personal information.
- 1.2 We will implement policies and procedures to give effect to our Privacy Policy, including:
  - (a) implementing procedures to protect personal information and to oversee our compliance with our Privacy Policy;
  - (b) developing information materials to explain our policies and procedures;
  - (c) training our employees about our policies and procedures; and
  - (d) establishing procedures to receive and respond to inquiries or complaints.

### Principle 2 – Identifying Purposes for Collection of Personal Information

*We will identify the purposes for which personal information is collected at or before the time the information is collected.*

- 2.1 We collect personal information only for the following purposes:
  - (a) to effectively stimulate, increase and improve the production and marketing of canola and canola products in Manitoba;
  - (b) to administer the democratic control system established under our General By-law, including the holding of meetings and the conduct of elections;
  - (c) to collect fees payable by producers pursuant to the Manitoba Canola Growers Association Designation Regulation (the “**Designation Regulation**”) made under The Agricultural Producers’ Organization Funding Act (Manitoba) (the “**Funding Act**”);
  - (d) to meet obligations imposed on us under the Funding Act and the Designation Regulation;
  - (e) to participate in cooperative programs operated in conjunction with other provincial or federal regulatory or supervisory authorities;
  - (f) to comply with legal and regulatory requirements established pursuant to the Designation Regulation;
  - (g) to assist provincial and/or federal authorities in the event of an emergency such as a disease outbreak;
  - (h) to identify Producers and other Stakeholders;
  - (i) to establish and maintain responsible relationships with Producers and other Stakeholders;

- (j) to otherwise know Producers and other Stakeholders, so that we can better discharge our responsibilities under the Funding Act and the Designation Regulation; and
  - (k) to protect Producers and other Stakeholders, other organizations and us against error and fraud.
- 2.2 We will use our best efforts to specify, in writing, orally or electronically, the identified purposes to Producers and other Stakeholders at or before the time personal information is collected. Upon request, individuals collecting personal information on our behalf will explain these identified purposes or refer the individual to a designated person within our office who will explain the purposes.
- 2.3 When personal information that has been collected is to be used or disclosed for a purpose not previously identified, the new purpose will be identified prior to use. Unless the new purpose is permitted or required by law, consent will be required before the personal information will be used or disclosed for the new purpose.

### **Principle 3 – Obtaining Consent for Collection, Use or Disclosure of Personal Information**

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

- 3.1 In obtaining consent, we will use reasonable efforts to ensure that an individual is advised of the identified purposes for which personal information is being collected and will be used or disclosed. Purposes will be stated in a manner that can be reasonably understood by that individual.
- 3.2 Generally, we will seek consent to use and disclose personal information at the same time as we collect the information. However, we may seek consent to use and disclose personal information after it has been collected, but before it is used or disclosed for a new purpose.
- 3.3 In determining the appropriate form of consent, we will take into account the sensitivity of the personal information and the reasonable expectations of the individual to whom the personal information relates. Consent can be express or implied. Express consent is provided when the individual agrees, in writing or verbally, to some specific collection, use and/or disclosure of his or her personal information. Implied consent occurs when we can reasonably conclude that an individual has provided us with consent to collect, use and/or disclose his or her personal information by some action he or she has taken or when he or she decides not to take action.
- 3.4 We will only seek the consent of Producers and other Stakeholders to the collection, use and/or disclosure of personal information as a condition of the supply or acquisition of a product and/or service if such collection, use and/or

disclosure is reasonably required to fulfill the explicitly specified and legitimate purposes.

- 3.5 Subject to reasonable notice an individual may withdraw consent at any time, but such withdrawal would not be effective if we are required by law to collect, use or disclose such individual's personal information or if such collection, use or disclosure is a term of any agreement or understanding we have with that individual in achieving our purposes. Individuals may contact us for more information regarding the implications of withdrawing consent.
- 3.6 In certain circumstances, personal information can be collected, used or disclosed without the knowledge and consent of the individual. For example:
- (a) if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is seriously ill or mentally incapacitated;
  - (b) if seeking the consent of the individual might defeat the purpose for collecting the information, such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law, or that of a foreign jurisdiction;
  - (c) if there is an emergency where the life, health or security of an individual, the general public and/or where canola crops are threatened by a disease outbreak or otherwise; or
  - (d) if disclosure is to a lawyer representing us, to comply with a subpoena, warrant or other court order, or is otherwise required or authorized by law.
- 3.7 In certain circumstances, we may have to collect, use or disclose an individual's personal information in order to achieve our purpose in stimulating, increasing and improving the production and marketing of canola and canola products in Manitoba. Our responsibilities may also require us to disclose personal information to purchasers and potential purchasers of canola crops with respect to the producer(s) of that canola crop. Collection, use and disclosure of personal information may also occur when we are collecting fees or providing reports required under the Funding Act or Designation Regulation or when we are cooperating with other provincial or federal regulatory or supervisory authorities.

## **Principle 4 – Limiting Collection of Personal Information**

*We will limit the collection of personal information to that which is necessary for the purposes that we have identified. We will collect personal information by fair and lawful means.*

- 4.1 Generally, we will collect personal information from the individual to whom it relates.
- 4.2 We may also collect personal information from other sources including purchasers of any canola crops or credit agencies, or other third parties who represent that they have the right to disclose the information.

## **Principle 5 – Limiting Use, Disclosure, and Retention of Personal Information**

*We will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law. We will retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected.*

- 5.1 We may disclose an individual's personal information to:
  - (a) a third party where a Producer or other Stakeholder has consented to such disclosure; or
  - (b) a third party where such disclosure is required or permitted by law; or
  - (c) a person who, in our reasonable judgment, is seeking the information as an agent of that individual. For example, we may provide information about an individual's fees to that individual's legal, accounting or financial advisors if we are satisfied that an advisor is requesting the information on behalf of that individual; or
  - (d) a public authority or agent of a public authority if, in our reasonable judgment, it appears that there is imminent danger to life or property and/or an imminent threat to the life, health or security of an individual, or the general public and/or canola crops as a result of a disease outbreak or otherwise which could be avoided or minimized by the disclosure of the information; or
  - (e) a third party that is involved in communicating with that individual on behalf of the Association or performing a function on our behalf; or
  - (f) a third party where such disclosure is required in order for us to effectively promote the marketing of the canola crops, and to otherwise achieve the purposes set out in the Funding Act and the Designation Regulation; or
  - (g) the Agricultural Producers' Organization Certification Agency as part of the exercise of its supervisory function; or

- (h) a third party where such disclosure is required in order for us to comply with any Order or Regulation made under the Funding Act, including disclosure to an Inspector under the Act, and to Manitoba Justice as part of the enforcement of any such Order or Regulation; or
- (i) a third party where such disclosure is required in order for us to effectively administer the democratic control system established under our General By-law; or
- (j) a third party where such disclosure is required in order for us to meet obligations imposed on us under the Funding Act or Designation Regulation; or
- (k) a third party where such disclosure is required in order for us to participate in cooperative programs operated in conjunction with other provincial or federal regulatory or supervisory authorities; or
- (l) a third party which is a not-for-profit organization and whose mandate includes advancing the interests of persons who are producers and/or the industry that the producers are a part of; or
- (m) a third party where such disclosure is required in order to monitor the production or marketing of any canola crops; or
- (n) a third party where such disclosure is required in order to deal with any application initiated by the individual; or
- (o) a financial institution or to an insurer of the individual where such disclosure is made in response to a request from that financial institution or that insurer for information about that individual; or
- (p) a third party where such disclosure is required in connection with any quality assurance, disease, or health concerns impacting on the industry; or
- (q) a third party who requires such information in order to assist us in our general administration and/or business operations (which includes record keeping and fee collection); or
- (r) a third party who requires such information in order to assist us in providing services to any Producer or other Stakeholder; or
- (s) a third party who requires such information and who is affiliated with or otherwise related to us; or
- (t) a public authority or agent of a public authority if, in our reasonable judgment, it appears that there is imminent danger to life or property and/or an imminent threat to the life, health or security of an individual, or the general public and/or canola crops as a result of a disease outbreak or otherwise which could be avoided or minimized by the disclosure of the information.

5.2 Only our employees with a business need to know, or whose duties or services reasonably so require, are granted access to personal information about Producers and other Stakeholders.

- 5.3 We will keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about an individual, we will retain, for a period of time that is reasonably sufficient to allow for access by that individual, either the actual information or the rationale for making the decision.
- 5.4 We will maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information will be destroyed, erased or made anonymous.

### **Principle 6 – Accuracy of Personal Information**

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

- 6.1 Personal information used by us will be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about an individual.
- 6.2 We will update personal information about an individual as necessary to fulfill the identified purposes or upon notification by that individual.
- 6.3 Despite our best efforts, errors may occur in the accuracy, completeness or currency of an individual's personal information. Should an individual make us aware of inaccurate, incomplete or out-of-date personal information, we will make the proper changes and provide that individual with a copy of the corrected information. Where appropriate, we will also communicate these changes to third parties who may have unintentionally received inaccurate, incomplete or out-of-date information from us.

### **Principle 7 – Security Safeguards**

*We will protect personal information through the use of security safeguards appropriate to the sensitivity of the information.*

- 7.1 We will use appropriate security measures to protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, regardless of the format in which it is held.

For example:

- (a) electronic files are kept in a highly secure environment with restricted access; and
  - (b) paper-based files are stored in locked filing cabinets.
- 7.2 Each of our employees is responsible for maintaining the confidentiality of all personal information to which he or she has access. As a condition of employment, each employee is required to comply with the provisions of our Privacy Policy.
- 7.3 We will protect personal information disclosed to third parties by contractual or other means stipulating the purposes for which it is to be used and the necessity to provide a comparable level of protection.

### **Principle 8 – Openness Concerning Policies and Procedures**

*We will make readily available to Producers and other Stakeholders specific information about our policies and procedures relating to our management of personal information.*

- 8.1 We will make available to Producers and other Stakeholders information to help them understand our collection, use and disclosure of their personal information.

### **Principle 9 – Access to Personal Information**

*We will inform an individual of the existence, use and disclosure of his or her personal information upon request, and will give the individual access to that information. An individual will be able to challenge the accuracy and completeness of the information and request to have it amended as appropriate.*

- 9.1 Upon request, we will provide a Producer or other Stakeholder with a reasonable opportunity to review the personal information in the individual's file. Personal information will be provided in an understandable form within a reasonable time and at minimal or no cost to the individual.
- 9.2 In certain situations we may not be able to provide access to all of the personal information we hold about an individual. In such a case, we will provide the reasons for denying access upon request. For example:
- (a) if doing so would likely reveal personal information about another individual or could reasonably be expected to threaten the life or security of another individual;
  - (b) if doing so would reveal any of our confidential information;
  - (c) if the information is protected by solicitor-client privilege;
  - (d) if the information was generated in the course of a formal dispute resolution process; or
  - (e) if the information was collected in relation to the investigation of a breach of an agreement, or an Order or Regulation made under the Funding Act

or a contravention of a federal or provincial law, or that of a foreign jurisdiction.

- 9.3 Upon request, we will provide an account of the use and disclosure of personal information and, where reasonably possible, will state the source of the information. In providing an account of disclosure, we will provide a list of organizations to which we may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, an individual may be required to provide sufficient identification information to permit us to account for the existence, use and disclosure of personal information and to authorize access to a particular file. Any such information will be used only for this purpose.
- 9.5 We will promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness will be noted in the individual's file. Where appropriate, we will transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- 9.6 Individuals can obtain information or seek access to their personal information by contacting our Privacy Officer during our office hours.

#### **Principle 10 – Challenging Compliance**

*An individual will be able to address a challenge concerning compliance with the above principles to our Privacy Officer.*

- 10.1 We will maintain procedures for addressing and responding to all inquiries or complaints from any Producer or other Stakeholder about our handling of personal information.
- 10.2 We will inform Producers and other Stakeholders about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 Our Privacy Officer may seek external advice where appropriate before providing a final response to individual complaints.

- 10.4 We will investigate all complaints concerning compliance with our Privacy Policy.

Resolving such complaints and any concerns related to them is important to us. Even before we became subject to PIPEDA, we were committed to treating Producers and other Stakeholders with the greatest respect and consideration. That commitment continues, and now extends to compliance with our Privacy Policy and with PIPEDA. Accordingly,

if a complaint is found to be justified, we will take appropriate measures to resolve the complaint including, if necessary, amending our policies and procedures. An individual will be informed of the outcome of the investigation regarding his or her complaint.

### **ADDITIONAL INFORMATION**

For more information regarding our Privacy Project, please contact our Privacy Officer by:

1. telephone: (204) 982-2122
2. mail: 400-167 Lombard Avenue  
Winnipeg, MB R3B 0T6  
  
Attention: Bill Ross
3. e-mail: rossb@mcgacanola.org

For a copy of PIPEDA or to contact the Privacy Commissioner of Canada, please visit the Office of the Privacy Commissioner of Canada's web site at: [www.privcom.gc.ca](http://www.privcom.gc.ca)

ADOPTED by the Board of Directors the 15<sup>th</sup> day of November, 2011.

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