

Construction and Specialized Workers' Medical and Benefit Plan of BC

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CSW MEDICAL & BENEFIT PLAN OF BC PRIVACY POLICY

1. Introduction

The CSW Medical & Benefit Plan of BC (the "**Plan**") provides extended health benefits, dental benefits, life insurance and accidental death and dismemberment and wage indemnity benefits to its members and their eligible dependents. The Plan is administered by a Board of Trustees (the "**Board**").

The administration of the Plan requires the collection, use and disclosure of Personal Information about members and their eligible dependents.

The Board has always been - and will remain - committed to respecting and protecting the privacy of our members. We will only collect, use and disclose personal information in accordance with the *Personal Information Protection Act* (British Columbia) ("**PIPA**").

The Board has approved this Policy and is responsible for monitoring its application. References in this policy to "us", "we" and "our" refer to the Board and its administrative staff to who it has delegated certain administrative responsibilities.

2. Scope of this Policy

This Policy applies to the Plan, the Board and the Board's employees.

This Policy informs Plan members, Board employees, service providers and others of the Board's privacy practices including the steps the Board takes to comply with PIPA and any other applicable legislation ("**Applicable Law**"). This Policy explains why personal information will be collected, used and disclosed in respect of the Plan, the principles that govern such collection, use and disclosure and the steps that will be followed when personal information protection issues arise.

The Board has the sole discretion to interpret and apply this Policy and may amend its terms at any time. In no event will this Policy affect or alter the interpretation of the Plan. If there is a conflict between this Policy and the text of the Plan or between this Policy and the Trust Agreement for the Plan, the text of the Plan or the Trust Agreement will prevail as applicable.

Nothing in this Policy detracts from other applicable statutes including the *Income Tax Act* (Canada) which creates personal information collection, use and disclosure obligations for the Board.

3. What is Personal Information?

"**Personal Information**" is information about an identifiable individual. Personal Information does not include work contact information, statistical information or information in the aggregate that does not identify a particular individual.

4. What Personal Information do we collect?

Our job is to administer the Plan, including providing eligible individuals with benefits. To do so we need to collect, use and disclose Personal Information including:

- name;
- home address and telephone number;
- gender;
- date of birth;
- social insurance number;
- member number;
- work history, including the number of hours worked;
- information relating to an individual's eligible dependents;
- banking information.

The Board's need to collect, use and disclose Personal Information continues during an individual's participation in the Plan and after termination of membership.

5. Why do we collect Personal Information?

As noted above, the Board collects, uses and discloses Personal Information for a wide variety of purposes related to the administration of the Plan. For example, the Board needs Personal Information to:

- establish a member's identity and entitlement to participate in the Plan;
- communicate with members;
- protect both the Plan and its members from error and fraud;
- determine an individual's entitlement to benefits under the Plan;
- administer and pay Plan benefits; and
- comply with Applicable Law including issuing tax related forms arising from participation in the Plan.

The Board only collects, uses and discloses Personal Information to the extent that it is reasonably necessary to administer the Plan (unless otherwise permitted by applicable law). The Board will endeavor to expressly identify the purposes for which that Personal Information is collected, used and disclosed when that personal information is collected.

6. Consent

We rely upon your express and implied consent to collect, use and disclose your Personal Information, except where we are authorized or required by Applicable Law to do so without consent.

Upon request, we will inform you about the purpose for which we are collecting, using or disclosing your Personal Information. If we want to use or disclose your Personal Information for a purpose other than for which it was collected and such other use or disclosure is not permitted by Applicable Law, we will first obtain your consent to do so.

We obtain consent either orally or in writing and your consent may be implied or express. Refusal to provide consent may have an effect on your entitlement to participate in the Plan.

7. **Withdrawing consent**

You can withdraw consent at any time, provided you give reasonable notice and there are no legal or contractual impediments to the withdrawal of consent. If you withdraw your consent, there may be consequences for you, including a limit to our ability to provide benefits and services to you.

If you are considering withdrawing your consent, please contact the Board's Privacy Officer (see Section 12 for contact information). The Privacy Officer will explain the likely consequences of your withdrawal so that you can make a fully informed decision.

8. **How Personal Information is disclosed?**

We will disclose Personal Information when reasonably necessary to fulfill the purposes identified and when permitted by Applicable Law. For greater clarity Personal Information may be disclosed when an individual has provided express consent or where consent to disclose is deemed to have been given or is implied.

An individual is deemed to have consented to the disclosure of Personal Information if the disclosure is to serve a purpose that would have been obvious to a reasonable member at the time that Personal Information is provided by a member and that Personal Information is provided voluntarily. For example, an individual will complete a form when making a claim under the Plan. That form will collect that individual's Personal Information about the nature of the claim and may even include medical information about the individual. The form may not specify every use or disclosure that will be made of the individual's Personal Information, but if such use or disclosure would have been obvious to a reasonable member, the individual will be deemed to have consented.

Generally speaking, consent to disclose Personal Information will not be required if the disclosure is:

- to the Board's legal counsel;
- necessary to collect a debt owed to the Plan or to repay money owed to an individual; or
- for the purpose of complying with a subpoena, warrant or order issued or made by an entity with jurisdiction to compel the disclosure.

We will generally use or disclose Personal Information only when such disclosure fulfills the purposes for which that Personal Information was collected.

From time to time we may share your Personal Information with the Construction and Specialized Workers' Union ("**Union**") or the administrator of the BC Labourers' Pension Plan ("**Pension Plan**").

For example, we may provide your Personal Information to the Union to:

- update your contact information or to enable the Union to update your contact information;
- provide employer remittance information to the Union that relates to the Union's representation of its members and its oversight of the collective agreements;
- allocate Union dues that are received by the Plan from your employer.

We may also provide your Personal Information to the administrator of the Pension Plan to:

- update your contact information or to enable the Benefit Plan to update your contact information;
- provide the Pension Plan with information about employer remittances paid to the Plan;
- respond to inquiries from the Pension Plan administrator about membership issues.

From time to time proper administration of the Plan requires that we disclose your Personal Information to other, external third parties. For example, we may disclose your Personal Information to:

- a financial institution in order to process payments to you;
- the administrator of another benefit plan if there is a reciprocity agreement in place and you are working in another jurisdiction;
- a service provider retained by the Plan;
- your employer if such disclosure is needed to resolve an issue in respect of the hours you worked for that employer.

We will also disclose information as directed by you. For example, you may appoint an authorized representative to receive Personal Information about you.

9. Care of Personal Information

We are committed to ensuring the security of Personal Information to protect it from unauthorized access, collection, use, disclosure, copying, modification or disposal. For example:

- all employees of the Plan are provided with a copy of this Policy;
- the physical office is secure during the day and when the office is closed;
- employees are encouraged to keep member information (contained in files for example) inaccessible when not in use and the Plan provides cabinets to all of its employees for this purpose;
- employees are provided with guidance on the issue of protecting personal information and the steps they are to take to help ensure the Plan's compliance with this Policy and Applicable Law;
- access to our computers requires passwords;
- special care is taken when sensitive Personal Information is disclosed electronically. For example, emails containing sensitive Personal Information are encrypted when delivered to help protect that Personal Information.

We will keep your Personal Information for as long as necessary to fulfill the identified purposes, for as long as required for legal or business purposes, and/or for as long as necessary to allow you to exhaust any recourse that you may have under Applicable Law.

When we no longer need to keep your Personal Information, it is disposed of in a way that maintains its confidentiality.

10. Access, Information and Correction

Subject to some exceptions, you have the following rights in respect of your Personal Information:

- To access your Personal Information;
- To information about how we have used or disclosed your Personal Information;
- To request that we correct your Personal Information under our control to ensure its accuracy and completeness.

If you want to access your Personal Information, have a question about how your Personal Information is used or disclosed or request a correction, please write to the Privacy Officer (see Section 12 for contact information).

In your request, please provide the following information:

- your contact information (name, address, telephone number and member number if you know it);
- the nature of your request (whether you want to access your Personal Information, want information about our use or disclosure of it, or want to correct it);
- the particular Personal Information to which your request relates.

Prior to responding to your request, we may ask you to verify your identity. If you need help putting your request in writing or need any other assistance in relation to your request, you may telephone the Privacy Officer who will have someone contact you to assist you.

We will try to respond as promptly as reasonably possible and within the time limits set by Applicable Law, usually about 30 days. We will respond to your request as accurately and completely as reasonably possible. If we refuse your request, we will give you reasons for our refusal.

If your request is for the correction of your Personal Information and you demonstrate to us that your Personal Information is inaccurate or incomplete, as soon as reasonably possible, we will correct the information as required and send the corrected information to any organization to which we disclosed the Personal Information in the previous year. If we do not make the correction, we will annotate your Personal Information with the correction that was requested but not made.

We may charge a fee for access to your Personal Information, but before charging you, we will give you a written estimate of the fee. We may require a deposit or the whole fee before releasing the requested information to you.

11. Privacy-related inquiries or complaints

If you want to make a complaint about our collection, use or disclosure of your Personal Information, you must put it in writing and provide enough detail so that the Privacy Officer will be able to identify you and the Personal Information at issue, and to understand your complaint. Your complaint should also include your contact information (name, address, telephone number and member number if you know it) and the date you mailed it or dropped it off at our office. We will stamp your complaint with the date we receive it and will promptly acknowledge receipt. We may contact you to clarify your complaint or request.

If you need help putting your complaint in writing or need any other assistance in relation to your complaint, you may telephone the Privacy Officer who will have someone contact you to assist you.

The Privacy Officer will investigate all complaints and the investigation will be fair, impartial and confidential. The Privacy Officer will respond to your complaint in writing. If the Privacy Officer finds your complaint justified, they will advise you of the measures we will take to correct the problem. If the Privacy Officer does not find your complaint justified, they will tell you why in writing.

If you are not satisfied with the response you receive from the Privacy Officer, you have a statutory right to file a complaint or ask for a review by Information and Privacy Commissioner for British Columbia at:

Information and Privacy Commissioner for BC
Office of the Information and Privacy Commissioner for British Columbia
PO Box 9038, Stn. Prov. Govt.
Victoria, B.C. V5W 9A4
Phone: (250) 387-5629

Note that there are short time limits by which you must contact the Commissioner and information about the process may be found online (<https://www.oipc.bc.ca/for-the-public/>) or by calling Enquiry BC (Vancouver: 604-660-2421 and elsewhere in BC: 1-800-663-7867) and asking to be connected to the Information and Privacy Commissioner for BC.

12. Privacy Officer

The Privacy Officer is responsible for ensuring the Plan complies with this Policy and Applicable Law. If you have a question, you may call, email or write to the Privacy Officer. The Privacy Officer may be contacted at:

Privacy Officer
CSW Medical & Benefit Plan of BC
#100-19092 26th Avenue
Surrey, BC V3Z 3V7
Phone: 604-538-6640
Toll-Free: 1-800-964-3666
Fax: 604-538-6680
Email: inquiry@lmppbc.ca

13. Changes to Privacy Policy

We may change this Policy from time to time to ensure that it continues to provide for the protection of our members' privacy and to ensure that it continues to comply with Applicable Law. You may obtain a copy of our current Policy by contacting our Privacy Officer. This Policy is subject to Applicable Law and if there are any inconsistencies between it and any Applicable Law, this Policy will be deemed to be amended as necessary to comply with Applicable Law.

Approved July 28, 2020