

## **FCSA PRIVACY OF PERSONAL INFORMATION #1.4**

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**SUBJECT: PRIVACY OF PERSONAL INFORMATION**

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### **PURPOSE:**

The purpose of this policy is to outline the safeguards to be taken by FCSA in the collection, the use and the disclosure of “personal information” about individuals whether they be FCSA employees, FCSA member companies’ representatives, or FCSA’s Board of Directors in order to ensure that the requirements of the new federal privacy legislation, the Personal Information Protection and Electronic Documents Act (PIPEDA) are satisfied. PIPEDA was created to ensure that every Canadian’s basic right to privacy is upheld. Effective January 1, 2004, the Government of Canada implemented the last phase of PIPEDA hereinafter referred to as “The Act”.

### **BACKGROUND**

The Act applies to "personal information", that is information about an “identifiable individual”, but does not include the name, title, business address or phone number of an employee of an organization, nor does it apply to information about corporations. FCSA does not have any external clients per se, as it provides its service solely to its member companies. The only information which FCSA gathers relative to its Board of Directors and member companies’ representatives is their name, title, work address, employer, work telephone number, work facsimile number, and work e-mail address. This data is distributed to other member company contact personnel as well as to certain third party contact individuals external to FCSA’s membership who have a need to contact any given FCSA member company representative for the necessary purpose of conducting radio frequency coordination activities. In the case of FCSA’s Board of Directors, this information is collected and distributed in order to allow them to fulfill their responsibilities as Board members. As a result, the Act does apply to FCSA with respect to the information which FCSA collects from the member companies’ representatives and its Board of Directors.

PIPEDA governs the employer-employee relationship for federally regulated industries. However for constitutional reasons, PIPEDA does not apply to the personal information of employees in Ontario collected by an employer:

1. that is in a non-federally regulated industry; and
2. does not engage in the collection, use or disclosure of this information in the course of a commercial activity (i.e. sells the information).

Notwithstanding the above, from a “best practices” standpoint, FCSA has developed this privacy policy to protect its employees’ “personal information” in the same way that PIPEDA governs the employer-employee relationship of a federally regulated entity.

The Act states that if an organization uses “personal information” in the course of its “commercial activities”, it must comply with the Act. A “commercial activity” is defined as “... any particular transaction, action or conduct or any regular course of conduct that is of a

commercial character.” It specifically includes the selling, bartering or leasing of donor, membership or other fundraising lists. Activities that would be considered as “commercial activities” include, but not limited to, the provision of services, meals, transportation, accommodation and annual conferences.

FCSA collects “personal information” only for the following purposes:

- To establish and maintain a reasonable relationship with its member companies and to provide its members with an ongoing microwave radio frequency coordination service.
- To understand its members' needs and to develop and recommend suitable solutions and services for its members.
- To manage and develop FCSA's business and operations.
- To establish, manage or terminate an employer-employee relationship
- To meet legal and regulatory requirements.

## **POLICY**

### **Introduction**

The protection of “personal information” is important to FCSA and this policy dealing with the protection of privacy. Any questions about this policy can be directed to our Privacy Officer.

Employees play an important role in protecting “personal information”. Our employees are required to adhere to this policy and take all reasonable steps to ensure that “personal information” is protected from unauthorized access.

FCSA does not provide or sell its members’ list to any outside party for use in marketing or solicitation.

FCSA is not responsible for the content or the privacy policies of its supplier or consulting organizations with whom FCSA conducts business. Similarly FCSA is not responsible for the content or the privacy policies of other web sites to which FCSA’s web site ([www.fcsa.ca](http://www.fcsa.ca)) may be linked.

### **Collection, Use and Disclosure of Personal Information**

FCSA does not usually collect “personal information” from its member companies’ representatives (other than business contact information). In the event that FCSA may in the future collect “personal information” from its member companies’ representatives, that information will only be used by FCSA to administer its microwave radio frequency coordination activities, and prior consent will be obtained.