

## **Privacy Management Policy (PMP)**

### **1. Purpose**

The Village of Clive is committed to protecting the privacy of individuals and managing personal information responsibly and in accordance with Alberta's *Protection of Privacy Act* (POPA), its regulations and other applicable legislation.

The purpose of this Privacy Management Policy is to establish a consistent framework for the collection, use, disclosure, access, protection, retention and disposition of personal information in the custody or under the control of the Village.

Through this Policy, the Village will:

- support compliance with POPA and other applicable legislation;
- establish appropriate practices and safeguards to protect personal information throughout its lifecycle;
- promote accountability and transparency in the management of personal information;
- establish roles and responsibilities for privacy management; and
- promote privacy awareness throughout the organization.

### **2. Scope**

This Policy applies to personal information in the custody or under the control of the Village, regardless of format.

It applies to Village employees, members of Council, contractors, consultants, volunteers, members of Village boards and committees, and other individuals authorized to access or manage personal information on behalf of the Village.

Where the Village engages a third party to provide a program or service involving personal information in the custody or under the control of the Village, appropriate privacy and security requirements will be incorporated into the arrangement, where applicable.

### **3. Collection of Personal Information**

The Village will collect personal information only where authorized by law and necessary for a Village program, service, activity or other lawful municipal purpose. The Village will collect only the personal information reasonably necessary for the identified purpose and will collect information directly from the individual where

required by legislation. Consent will be obtained where consent is the appropriate legal authority.

Personal information will not be collected for an unspecified or unrelated purpose. Any subsequent collection or use for another purpose must be authorized by legislation or appropriate consent.

### **3.1 Notice of Collection**

When collecting personal information directly from an individual, the Village will provide notice as required by POPA, identifying:

1. the specific legal authority for the collection;
2. the purpose for which the information is being collected;
3. the title and contact information of a Village employee who can answer questions regarding the collection; and
4. the Village's intention, if any, to input the personal information into an automated system to generate content or make decisions, recommendations or predictions.

Notice will be incorporated into forms, applications, online services or other collection methods where practical and may be provided verbally where written notice is not practical.

### **3.2 Consent**

Where the Village relies on consent to collect, use or disclose personal information, the consent will meet the requirements of POPA and be appropriate to the nature and sensitivity of the information.

Consent may be express or implied where permitted by legislation and appropriate in the circumstances.

## **4. Use and Disclosure of Personal Information**

The Village will use and disclose personal information only as authorized by POPA, its regulations, another enactment, or with the consent of the individual where consent provides the appropriate authority.

Personal information will only be accessed, used or disclosed to the extent reasonably necessary for the authorized purpose.

### **4.1 Use**

Personal information may be used:

- for the purpose for which it was collected or compiled;
- for a use consistent with that purpose;
- for another purpose authorized by legislation; or

- with the individual's consent where permitted and appropriate.

Access will be limited to authorized individuals who require the information to perform their duties.

Where personal information is used to make a decision directly affecting an individual, the Village will make reasonable efforts to ensure the information is accurate and complete as required by POPA.

#### **4.2 Disclosure**

Personal information will only be disclosed where authorized by legislation or appropriate consent.

Before disclosure, the Village will take reasonable steps to confirm the authority for the disclosure, disclose only the information reasonably necessary and use a secure method appropriate to the nature and sensitivity of the information.

Where there is uncertainty regarding whether disclosure is authorized, the matter will be referred to the Privacy Officer.

#### **4.3 Third-Party Service Providers**

Where a third party collects, accesses, uses, stores or otherwise manages personal information in the custody or under the control of the Village, the Village will take reasonable steps to ensure the information remains appropriately protected.

Agreements will address applicable privacy, confidentiality, security, access, incident reporting, retention and disposition requirements where appropriate.

### **5. Protection and Safeguards**

The Village will take reasonable measures to protect personal information against unauthorized access, collection, use, disclosure, modification, loss, destruction or disposal.

Administrative, physical and technical safeguards will be appropriate to the nature and sensitivity of the information and the risks associated with unauthorized access or disclosure.

Access to personal information will be limited according to operational requirements and removed or modified when no longer required.

Safeguards may include access controls, confidentiality requirements, secure physical and electronic storage, secure transmission and disposal methods, system security measures, privacy training and contractual requirements.

## **5.1 Security Classification**

The Village will establish and maintain a security classification system for personal information, data derived from personal information and non-personal data in accordance with POPA and its regulations.

Information and data will be classified having regard to their nature, sensitivity and the potential consequences of unauthorized access, use, disclosure, loss or destruction. Safeguards will be applied having regard to the applicable security classification.

## **6. Access to and Correction of Personal Information**

The Village recognizes an individual's right to request access to their own personal information and to request correction where they believe the information contains an error or omission, subject to applicable legislation.

### **6.1 Access**

Where appropriate, the Village may provide access through routine or informal processes. Where this is not appropriate, an individual may be required to submit a formal request in accordance with ATIA.

The Village will take reasonable steps to verify identity before providing access and will protect information concerning other individuals as required by law.

### **6.2 Correction**

An individual may request correction of personal information in the custody or under the control of the Village in accordance with applicable legislation.

Where a correction is not made, the Village will annotate or otherwise record the requested correction where required. The Village will take any further action concerning previously disclosed information required by applicable legislation.

## **7. Retention and Secure Disposition**

Personal information will be retained only for as long as required for its authorized purpose, operational or legal requirements, or the Village's approved records retention and disposition requirements.

Where personal information is used to make a decision directly affecting an individual, the Village will retain the information for at least one year after it is used, unless a shorter retention period is agreed to in writing in accordance with POPA.

Information subject to an access request, investigation, legal proceeding, audit, litigation hold or other requirement preventing disposition will not be destroyed until that requirement has been satisfied.

When authorized for disposition, personal information will be securely destroyed or otherwise disposed of using methods appropriate to its format and sensitivity and in a manner that prevents unauthorized access, recovery or reconstruction.

The Village will maintain appropriate documentation of records disposition.

## **8. Privacy Impact Assessments and Risk Management**

The Village will identify and assess privacy risks associated with programs, services, systems, technologies and initiatives involving personal information.

A Privacy Impact Assessment (PIA) will be completed where required by POPA and its regulations and may also be completed where the Privacy Officer determines that an initiative presents privacy risks warranting formal assessment.

The Privacy Officer will oversee the PIA process. Village departments and employees must notify the Privacy Officer as early as reasonably possible when developing or significantly changing a program, service, system or initiative involving personal information.

Where required by legislation, a completed PIA will be submitted to the Office of the Information and Privacy Commissioner of Alberta in the prescribed manner.

Identified privacy risks will be eliminated, reduced or otherwise appropriately managed through safeguards proportionate to the nature and sensitivity of the information and the potential consequences of unauthorized handling.

## **9. Privacy Incidents and Breach Response**

Suspected or actual privacy incidents must be reported promptly to the Privacy Officer. The Village will take reasonable steps to contain, assess, investigate and document privacy incidents and prevent further unauthorized access, use, disclosure, loss or compromise of personal information.

The Privacy Officer will assess the circumstances of the incident, including the nature and sensitivity of the information, individuals affected, safeguards in place, potential for misuse or harm, and whether the incident has been contained.

Where an incident involving the loss of, unauthorized access to or unauthorized disclosure of personal information creates a real risk of significant harm to an individual, the Village will provide notification, without unreasonable delay, to the affected

individual, the Commissioner and the Minister in accordance with POPA and its regulations.

Notification and reporting decisions, containment measures, findings and corrective actions will be appropriately documented.

Following an incident, the Village will take reasonable corrective or preventative measures where necessary to reduce the likelihood of recurrence.

## **10. Privacy Complaints and Concerns**

An individual who believes the Village has managed personal information contrary to POPA, its regulations or this Policy may submit a complaint or concern verbally or in writing to the Privacy Officer.

The Privacy Officer will oversee the review of privacy complaints and may review relevant records, practices, systems and legal authorities and obtain additional information necessary to assess the matter.

Where the Village responds to a complaint made under POPA regarding the collection, use or disclosure of personal information, the Village will provide its response in writing within 30 business days after receiving the complaint, in accordance with POPA. Where a complaint identifies a deficiency, reasonable corrective or preventative measures will be taken.

An individual who believes the Village has collected, used or disclosed their personal information in contravention of POPA may request a review by the Office of the Information and Privacy Commissioner of Alberta in accordance with POPA. Before requesting a review of such a matter, the individual must first make a complaint to the Village as required by POPA.

The Village will maintain appropriate documentation of privacy complaints and their resolution.

## **11. Privacy Training and Awareness**

The Village will provide privacy training and awareness appropriate to the roles, responsibilities and access levels of individuals who collect, access, use, disclose or otherwise manage personal information on behalf of the Village.

Training will address applicable privacy responsibilities, safeguards, appropriate information handling, privacy incident reporting and other matters relevant to an individual's duties.

Privacy awareness will be maintained through periodic training, communications or guidance and updated where changes to legislation, duties, systems, technologies, incidents or identified risks warrant additional training.

The Privacy Officer is responsible for overseeing the Village's privacy training and awareness program. Appropriate records of training will be maintained where required.

## **12. Roles and Responsibilities**

Protecting personal information is a shared responsibility of all individuals acting on behalf of the Village.

### **12.1 Privacy Officer**

The Chief Administrative Officer or designate is designated as the Privacy Officer and is responsible for overseeing the Village's compliance with POPA, its regulations and this Privacy Management Program.

The Privacy Officer is responsible for:

- providing privacy leadership, advice and guidance;
- overseeing privacy policies, procedures and practices;
- overseeing PIAs and privacy risk assessments;
- overseeing privacy incidents and complaints;
- determining applicable notification and reporting requirements;
- overseeing privacy training and awareness;
- supporting appropriate safeguards and information-management practices;
- monitoring legislative changes and compliance; and
- reporting significant privacy matters to Council where appropriate and subject to applicable confidentiality requirements.

### **12.2 Employees and Other Representatives**

Employees and other individuals acting on behalf of the Village are responsible for:

- accessing and managing personal information only for authorized purposes;
- protecting personal information using appropriate safeguards;
- complying with applicable privacy requirements;
- promptly reporting suspected or actual privacy incidents;
- participating in required privacy training; and
- seeking guidance where uncertain about the appropriate handling of personal information.

Personal information must not be accessed out of curiosity, for personal purposes or for any purpose unrelated to authorized duties.

Managers and supervisors are responsible for supporting compliance within their areas of responsibility.

Members of Council, contractors, consultants, volunteers, board or committee members and service providers must protect personal information accessed in the course of their duties and comply with applicable legislative, policy, contractual and confidentiality requirements.

### **13. Monitoring, Review and Maintenance**

The Privacy Management Program will be formally reviewed at least once every three years and as necessary following significant legislative, operational or technological changes or significant privacy incidents.

The Privacy Officer is responsible for overseeing the review and maintenance of the Program.

Reviews will consider the effectiveness of applicable privacy practices, safeguards, training, incident management, PIAs and other measures used to protect personal information. Identified deficiencies or opportunities for improvement will be addressed as appropriate.

### **14.0 Additional Privacy Management Requirements**

#### **14.1 Data Matching and Data**

Where the Village undertakes data matching or creates, uses, discloses, retains or disposes of data derived from personal information or non-personal data, it will do so in accordance with POPA and its regulations.

Reasonable safeguards will be applied, and data matching or related activities involving personal information will be authorized and managed in accordance with applicable legislative requirements.

#### **14.2 Personal Information Bank Directory**

The Village will maintain and make publicly accessible a directory of its personal information banks in accordance with POPA.

The directory will contain the information required by POPA, will be kept as current as reasonably practicable and will be maintained under the oversight of the Privacy Officer.

#### **14.3 Availability of the Privacy Management Program**

Upon request, the Village will provide a copy of the Privacy Management Program, or directions for accessing it, within 30 business days after receiving the request.

Information may be withheld from the publicly available version where authorized by POPA, including technical information that could compromise the security of personal information in the custody or under the control of the Village.

## 15.0 Definitions

For the purposes of this Policy:

**“Act” or “POPA”** means Alberta's *Protection of Privacy Act*, as amended from time to time, including its applicable regulations.

**“ATIA”** means Alberta's *Access to Information Act*, as amended from time to time, including its applicable regulations.

**“Data Derived from Personal Information”** means data created from personal information in accordance with POPA and its regulations.

**“Employee”** means an individual employed by the Village and includes any other individual considered an employee for the purposes of POPA and its regulations.

**“Non-Personal Data”** means data that is not personal information, as defined or described under POPA and its regulations.

**“Personal Information Bank”** means a collection of personal information organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual, as defined by POPA.

**“Personal Information”** means recorded information about an identifiable individual as defined by POPA.

**“Privacy Incident”** means a suspected or actual event involving unauthorized collection, access, use, disclosure, modification, loss, destruction or disposal of personal information, or another circumstance that may compromise the privacy or security of personal information.

**“Privacy Impact Assessment (PIA)”** means an assessment used to identify and evaluate privacy risks associated with a proposed or existing program, service, system, technology or initiative involving personal information.

**“Privacy Officer”** means the Chief Administrative Officer or designate responsible for overseeing the Village's compliance with POPA and this Privacy Management Program.

**“Village”** means the Village of Clive.

Unless otherwise defined in this Policy, words and terms have the meanings assigned to them under POPA, ATIA and their applicable regulations.

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