

PRIVACY STATEMENT

I PURPOSE

This document provides a statement of the privacy principles important to ECBC and consistent with the principles embodied in Part I of the *Personal Information Protection and Electronic Documents Act* ("the Act"). The policy statement sets out ECBC's obligations governing the collection, use and disclosure of personal information; and recognizes the individual's right of privacy with respect to their personal information. ECBC supports the spirit and intent of Part I of the new Act, which came into effect on January 1, 2001.

II ECBC'S PRIVACY PRINCIPLES

ECBC is committed to protecting the privacy of all individual's personal information that it collects and maintains in the course of carrying out its business and accordingly shall comply with the following principles in the collection, use, and disclosure of such information:

1. Accountability

ECBC is responsible for all personal information under its control and shall designate a Privacy Officer to ensure ECBC's compliance with the principles outlined in this Privacy Statement and contained in the *Personal Information Protection and Electronic Documents Act*.

2. Limiting Collection

The collection of personal information shall be limited to that which is necessary for ECBC to carry out its business, which includes compliance with the laws and regulations established by Canadian governments and government agencies.

3. Identifying Purposes

The general business purpose or application requiring ECBC's collection, use or disclosure of personal information will be identified.

4. Consent

The individual's knowledge and consent is required when attempts are made to obtain information from a third party.

5. Limiting Use, Disclosure and Retention

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as permitted by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

6. Accuracy

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it was collected. ECBC records will be promptly modified upon receiving notification of any change in personal information previously provided.

7. Safeguards

Security safeguards appropriate to the sensitivity of the information shall protect personal information. Only ECBC employees with a specific need to know will have access to an individual's personal information.

8. Openness

ECBC shall make readily available to individuals and organizations information about its policies and practices relating to the management of personal information.

9. Individual Access

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information, except where limited by law. An individual shall be able to review the accuracy and completeness of the information and have it amended as appropriate.

10. Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to ECBC's Privacy Officer who will investigate and, if appropriate, initiate amendments to ECBC's policies and/or practices.

III EXCEPTIONS TO THE CONSENT REQUIREMENT:

In certain circumstances personal information may be collected, used, or disclosed without the knowledge and consent of the individual. Such circumstances include, but are not limited to:

1. Emergency medical or security reasons,

2. The detection and prevention of fraud or for law enforcement,
3. The investigation of a breach of an agreement or other contravention of law,
4. The collection of a debt owed to ECBC, or ACOA,
5. Statistical or scholarly study or research,
6. The information is publicly available,
7. Other circumstances as required or permitted by law, and
8. Use of personal information for aggregate, statistical or analytical purposes where such information has all personal identifiers removed.

IV RESPONSIBILITY

1. All ECBC employees, who collect, maintain and/or use or disclose personal information, are responsible for ensuring that the collection, use and disclosure of personal information is carried out in accordance with this document, relevant policies and operating instructions.
2. ECBC managers/directors/director generals are responsible for supervising compliance with the principles outlined in this document, guidelines and operating instructions, as may apply. Also, managers/directors/director generals are responsible for developing compliant operating instructions and implementing practices specific to their unit.
3. The Privacy Officer is responsible for ECBC's compliance with the principles contained herein and with ECBC's policies and operating instructions as well as acting as the ECBC ombudsman for privacy concerns. Questions or challenges may be addressed to:

Mail: *Sherri MacArthur*
 ECBC Privacy Officer
 Enterprise Cape Breton Corporation
 P.O. Box 1750
 15 Dorchester Street
 Sydney, Nova Scotia
 Canada, B1P 6T7

Email: *sherri.macarthur@ecbc.ca*

Phone: *902-564-3619*

V DEFINITIONS

In this statement:

Access refers to providing an individual with an opportunity to review his or her own personal information.

Collection is the gathering, compiling or keeping of personal information relating to employees and members of the public.

Consent refers to an individual's voluntary agreement for the collection, use, and disclosure of personal information. Consent may be express or implied. *Express consent* is stated unequivocal and does not require any further inference on the part of ECBC. *Implied consent* arises where consent may reasonably be inferred from the action or inaction of the individual.

Disclosure refers to providing personal information to a third party.

Personal information includes any factual or subjective information, recorded or not, about an identifiable individual; it does not include the name, title, business address or telephone number of an employee of an organization.

Safeguards are methods used to protect personal information.

Use refers to the purpose for which the personal information is relied upon, assessed, analyzed or managed by ECBC.

VI REFERENCES

Personal Information Protection and Electronic Documents Act, Part I "Protection of Personal Information in the Private Sector"

At: http://www.privcom.gc.ca/legislation/02_06_01_01_e.asp

ECBC Privacy Policy