

Personal Information and Privacy Protection



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**Policy
2015-82**


	AUTHORIZED BY	səx ^w k ^w ulm̓ k̓l̓ γɜayɜat/Director of Operations
	EFFECTIVE DATE	2024-04-29
	DEPARTMENT	Council Secretariat
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2018-03-12	2015-82.01	Policy 2015-82 Personal Information and Privacy Protection approved and signed by the Director of Operations.	
2018-08-22	2015-82.02	Minor Revision approved by the Council Secretariat.	
2024-04-29	2015-82.03	Policy 2015-82 Personal Information and Privacy Protection approved and signed by the Acting Director of Operations.	

1. Policy

stqá?tk^w+niwt sqilx^w/Westbank First Nation (WFN) recognizes that effective governance relies on the appropriate handling of information and the maintaining of confidentiality in certain defined circumstances. In accordance with its Freedom of Information and Protection of Privacy Law and related legislation and governance instruments (Privacy Legislation), WFN uses Personal Information held by WFN solely for the purpose(s) for which it is collected and protects it from unauthorized access.

2. Purpose

This Policy outlines the requirements for the Collection, Use, Disclosure, retention, and protection of Personal Information obtained and held by WFN, in accordance with Privacy Legislation and appropriate privacy practices.

3. Scope

This Policy applies to səx^wk^wu^lm/Workers, including yí səx^wk^wínma?m/Council, and to individuals wishing to request access or correction to Personal Information held by WFN or to submit a concern about the handling of Personal Information by WFN.

- a) WFN is responsible for Personal Information in its custody and control and has designated a Privacy Officer to oversee and ensure compliance with Privacy Legislation and appropriate privacy practices.
- b) Through its governance instruments and processes related to the management of Personal Information, WFN strives to assure səx^wk^wu^lm, i? sqilx^w t^l stqá?tk^w+niwt/Members, and community members that their privacy is of the utmost importance to WFN.
- c) WFN collects, uses, and discloses Personal Information to enable WFN to provide programs and services to səx^wk^wu^lm, Members, and community members.
- d) WFN seeks Consent and Personal Information in various ways, depending on the circumstances and the type of information collected, which may include, but are not limited to, application forms, check boxes, and verbal Collection of Consent or Personal Information.

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- e) WFN forms which request Personal Information must include a statement that identifies the purpose for which the Personal Information will be collected, used, or disclosed (Privacy Statement).
- f) WFN limits the amount and type of Personal Information collected to that which is necessary to fulfill the purpose(s) identified either through a Privacy Statement or through verbal communication outlining why Personal Information is being collected. The type of Personal Information collected and maintained may include, but is not limited to, an individual's name, mailing and property address, email address, telephone number, social insurance number, date of birth, credit history, Indian Registry number, and driver's licence number.
- g) Notwithstanding Sections 3.e) and f) of this Policy, Privacy Legislation sets out specific circumstances under which WFN may collect, use, or disclose Personal Information without the knowledge or Consent of an individual.
- h) Individuals may withdraw Consent at any time on reasonable notice, subject to legal and contractual requirements. Upon receipt of a request to withdraw Consent, WFN must inform the individual of the implications of such withdrawal, which in some cases may be an inability for WFN to provide programs or services to the individual.
- i) WFN limits the Use and Disclosure of Personal Information to the purposes for which it was collected, unless the individual who provided the Personal Information provides Consent for its Use and Disclosure for other purposes, or unless the alternate Use or Disclosure is permitted or required by law.
- j) Unless an individual has provided explicit Consent, WFN will not sell, rent, or lease Personal Information to third parties.
- k) WFN endeavours to keep Personal Information in its custody and control accurate, complete, and up-to-date, to enable WFN to provide the best program and services to səx^wk^wuim, Members, and community members.
- l) WFN has implemented protections against loss, theft, unauthorized access, Collection, Disclosure, copying, Use, or modification, which are appropriate to the sensitivity of the Personal Information being collected, the amount, distribution, format of the Personal information, and the method of storage

utilized to protect Personal Information, regardless of the format in which it is held.

- m) WFN retains Personal Information in accordance with the timeframes outlined in Privacy Legislation, Policy 2015-05 Records and Information Management, and related governance instruments.
- n) Individuals wishing to request access or correction to their Personal Information in the custody and control of WFN must do so in accordance with Procedure 2017-36 Making and Processing Information Requests, which also governs the timelines in which the Privacy Officer must respond to those requests.
- o) Individuals wishing to submit a concern about the handling of Personal Information by WFN must do so in accordance with Procedure 2017-39 Privacy Incident Management.

4. Responsibilities

- a) WFN is responsible for protecting Personal Information under its custody and control, in accordance with legislative requirements.
- b) The Director of Operations is responsible for supporting the Privacy Officer in the fulfillment of their responsibilities.
- c) The Privacy Officer is responsible for;
 - i. Developing, maintaining, and publishing governance instruments related to the management of Personal Information within WFN, and ensuring they comply with the WFN Freedom of Information and Protection of Privacy Law and related legislation,
 - ii. Providing expert advice, guidance, training, and awareness on information privacy and protection matters within WFN and ensuring that Council, *səxʷkʷuɫm*, and WFN activities comply with Privacy Legislation and generally accepted privacy principles,
 - iii. Ensuring that *səxʷkʷuɫm*, Members, and community members are aware of their rights as they relate to privacy, including their right of access to, and the right to request the correction of, their Personal Information under the custody and control of WFN,

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- iv. Responding to Access to or Correction of Information Requests (Appendix A) in accordance with the provisions under Privacy Legislation, including Procedure 2017-36 Making and Processing Information Requests.
 - v. Conducting periodic reviews of WFN's activities involving the Collection, Use, Disclosure, retention, and protection of Personal Information; and
 - vi. Investigating and responding to concerns regarding the Collection, creation, accuracy, Use, sharing, Disclosure, protection, retention, and destruction of Personal Information and to issues raised by Privacy Incident Investigation Requests (Appendix B), reporting to appropriate parties, and recommending changes to governance instruments and practices within WFN, as appropriate, in accordance with Privacy Legislation, including Procedure 2017-39 Privacy Incident Management.
- d) *səx^wk^wu^lm*/Directors are responsible for;
- i. Ensuring the necessary requirements for maintaining compliance with this Policy and related governance instruments are incorporated into the contracts for contractors engaged by their departments; and
 - ii. Cooperating with the Privacy Officer on investigations occurring within their departments, including ensuring that appropriate corrective actions are implemented, where necessary.
- e) Supervisors are responsible for ensuring that *səx^wk^wu^lm* under their supervision understand and comply with this Policy and related governance instruments.
- f) *səx^wk^wu^lm* are responsible for;
- i. Abiding by their Oath of Confidentiality and ensuring that appropriate security measures are observed for maintaining records containing Personal Information to prevent unauthorized Use or Disclosure,
 - ii. Using caution to ensure Personal Information is not transmitted verbally if conversations can be overheard or intercepted,
 - iii. Accessing Personal Information solely on a "need to know" basis; and
 - iv. Immediately reporting Privacy Incidents to their Supervisor and the Privacy Officer.

- g) Individuals wishing to request access or correction to their Personal Information or express concern with the handling of information by WFN must do so in accordance with the provisions of this Policy.

5. Monitoring and Reporting

The Privacy Officer monitors for compliance with Privacy Legislation and prevention strategies and practices implemented as a result of Privacy Incident investigations conducted under Section 4.c)vi. of this Policy.

6. Definitions

“Collection” means the act of gathering, acquiring, recording, or obtaining Personal Information from any source, including sources other than the individual to whom the Personal Information belongs, and by any means.

“Consent” means voluntary agreement to the Collection, Use, or Disclosure of Personal Information for defined purposes.

“Disclosure” means making Personal Information available outside WFN.

“Personal Information” means information about an identifiable individual not including information that cannot be associated with a specific individual. In addition to the common basic elements used to identify and interact with an individual such as the individual's name, gender, physical characteristics, address, contact information, identification, and file numbers, also included are criminal, medical, financial, family, and educational history as well as other details specific to the individual's life.

“Privacy Incident” means unauthorized access to or unauthorized Collection, Use, Disclosure, or disposal of Personal Information. Privacy Incidents include, but are not limited to;

- a) Misdirected communications such as, but not limited to, mail, email and facsimile,
- b) Lost or stolen records,
- c) Lost or stolen devices, whether encrypted or unencrypted,
- d) Records or devices stolen or otherwise removed from a vehicle,
- e) Unsecured storage, transportation, or transmission of Personal Information,

- f) Records located in a public place,
- g) Inadequate safeguards,
- h) Inappropriate access, whether accidental or deliberate,
- i) Sharing Personal Information for unauthorized purposes,
- j) Inappropriate disclosure to unauthorized individuals,
- k) Inappropriate disclosure via social media, texting, or email,
- l) Inappropriate Use of photography or recordings,
- m) Inappropriate Collection or over-Collection of Personal Information; and
- n) Network attacks, hacking, phishing, and malware.

“Use” means the treatment, handling, management, and retention of Personal Information.

“Worker” (**səx^wk^wu^lm**) means any employee, volunteer, contractor, client, or other visitor who performs tasks on behalf of WFN at any WFN workplace through a formal arrangement including, but not limited to, an employment agreement, contract, remote work agreement, or approved volunteer application.

7. Cultural Context of Definitions

i? sqilx^w t^l stqá?tk^wniwt (Members) The people (i? sqilx^w) from stqá?tk^wniwt sqilx^w.

səx^wk^wu^lm (Worker) The person or profession (səx^w) “to work, fix, or create” (k^wu^l). The root of səx^wk^wu^lm comes from k^wincutn, the word for “Creator”. WFN’s səx^wk^wu^lm are, in a sense, creators, working to provide important and valuable programs, services, and tools, and to solve issues as they arise, to ensure a productive, excellent, and fruitful government and community. The word also denotes value. Originating from the Creator, səx^wk^wu^lm have inherent value and are to be treated as such by their supervisors, colleagues, and clients.

səx^wk^wu^lm k^l yfayfat (Director of Operations) The səx^wk^wu^lm who is over (k^l) everyone (yfayfat). Through their team of Directors, they oversee all WFN’s səx^wk^wu^lm.

spilmtən (April) Moon of bitterroot (spilmt).


stqá?tkʷniwt sqilxʷ (Westbank First Nation) The people (sqilxʷ) living where wind blows (niwt) and forms swamps or puddles alongside a large lake (stqá?tkʷ). Being a windy area, the winds would cause the water to wash upon the shore leaving puddles and pools to cleanse the land and which would either seep into the land, creating wet, marshy areas or wash back into the lake. This area has been identified as the portion of syilx territory from Antler's Beach/Hardy Falls area to around the Gellatly/Green Bay area (essentially from the bend in the lake along the whole shoreline) but it includes a few other areas, including xʷaʷ mnik, the area closer to Tsinstikeptum Indian Reserve #10 and many other areas that have specific place names.

xatus kʷ i? səxʷkʷuʷim (Director) Leader (xatus) of the (kʷ i?) workers (səxʷkʷuʷim). Traditionally, xatus were the heads of extended family clans, and could be either male or female. xatus took care of keeping good relations between their family members and other family clans. If a family member did wrong to a person from another family and the household head could not straighten it out, then it went to all the family heads.

yí səxʷkʷínmaʷm (Council) Those who have been chosen by the people to be responsible for (səxʷ) working (kʷ) to oversee things (ínmaʷm). Traditionally, yí səxʷkʷínmaʷm were chosen to oversee hunting and fishing or to serve as policeman but the term has now been broadened to incorporate the oversight of government.

8. Approval

The Director of Operations approved this Policy on the 29th day of s̓ił̓m̓t̓ən/April,
2024.



Julia Buck, s̓əx̓w̓k̓w̓ul̓m̓ k̓l̓ ɣ̓s̓ay̓s̓at/Acting Director of Operations

9. References and Related Authorities

[i? sckw'lt skcxipla?tat i? scxanwixwtat/WFN Self-Government Agreement](#)

[Privacy Act](#)

[Personal Information Protection and Electronic Documents Act](#)

WFN Governance

[stqa?tkw+niwt i? Stkwnkwinpla?s/WFN Constitution](#)

[WFN Freedom of Information and Protection of Privacy Law](#)

[Policy 2015-01 Governance Instrument Creation, Revision, and Rescindment](#)

[Policy 2015-05 Records and Information Management](#)

[Policy 2015-64 Personnel Policy](#)

[Policy 2015-84 Access to Information](#)

[Standard 2015-02 Security of Information](#)

[Standard 2017-17 Personal Information Inventory](#)

[Standard 2018-05 Securing Information When Traveling or Working Offsite](#)

[Procedure 2017-36 Making and Processing Information Requests](#)

[Procedure 2017-39 Privacy Incident Management](#)

[Reference 2017-01 Health and Wellness Panorama Privacy and Security Policy and Procedure Manual](#)

10. Attachments

Appendix A – Access to or Correction of Information Request

Appendix B – Privacy Incident Investigation Request


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Appendix A – Access to or Correction of Information Request (page 1)

Access to or Correction of Information Request			
 <p>To be completed by individuals requesting information from WFN or requesting a correction to their personal information held by WFN, in accordance with Policy 2015-82 Personal Information and Privacy Protection and related governance instruments.</p> <p style="color: red;">Protected when Completed</p> <p style="font-style: italic;">Community. Leadership. Pride.</p>			
Instructions			
Step 1 Determine which WFN Department is most likely to have the information you are looking for or believe needs correction.	Step 2 Provide as much detail as possible about the record or information you are requesting or that you believe needs correcting.	Step 3 Complete all requested information to enable WFN to determine accessibility and to contact you if clarification is required.	Step 4 Submit the completed form and any required fee to the WFN Privacy Offer at the address provided at the end of the form.
Information Being Requested or Needing Correction			
WFN Department Please check the appropriate box: Requests pertaining to personal information <input type="checkbox"/> I am a WFN Member or resident of Westbank Lands and am requesting personal information about myself. <input type="checkbox"/> I am requesting personal information on behalf of another individual who is a WFN Member or resident of Westbank Lands. <input type="checkbox"/> I am a WFN Member or resident of Westbank Lands and am requesting a correction to my personal information. Requests pertaining to general information <input type="checkbox"/> I am a WFN Member and am requesting information on a particular matter. <input type="checkbox"/> I am not a WFN Member and am requesting information on a particular matter.			

The personal information on this form is collected under section 15 of the *WFN Freedom of Information and Protection of Privacy Law (Law)* and will be used to process this request. WFN may contact you to verify your identity and confirm you have a right of access under the Law. If you have any questions about the collection or use of this information, please contact the Privacy Officer at 250-769-4999.

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Appendix A – Access to or Correction of Information Request (page 2)

<p>Please provide sufficient detail regarding the information or correction being requested to enable the Privacy Officer to identify the information being requested of that needs correction (e.g. subject matter, date range, type of record, nature of the error or omission and correction requested).</p>			
<p>If you are not a WFN Member, please indicate how you feel you are directly and significantly affected by information contained in the record to which you are seeking access.</p>			
<p>If you are requesting information on behalf of another person, you must submit proof of your authority to do so with this form.</p>			
<p>Delivery of Information</p>			
<p>Method of access preferred (Please choose one)</p>	<p>Receive paper <input type="checkbox"/> copies of the documents</p>	<p>Receive electronic <input type="checkbox"/> copies of the documents</p>	<p>Examine the <input type="checkbox"/> documents in WFN offices</p>
<p>Name of Requestor</p>		<p>Membership Registry # (if applicable)</p>	
<p>Address</p>			
<p>Email Address</p>		<p>Phone Number</p>	
<p>Signature</p>		<p>Date</p>	

The personal information on this form is collected under section 15 of the WFN Freedom of Information and Protection of Privacy Law (Law) and will be used to process this request. WFN may contact you to verify your identity and confirm you have a right of access under the Law. If you have any questions about the collection or use of this information, please contact the Privacy Officer at 250-769-4999.

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Appendix A – Access to or Correction of Information Request (page 3)

General Timeframe and Service Level Expectations						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	Access request submitted, along with any required processing fee 1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	Privacy Officer advises requestor of any estimated costs 17	Privacy Officer must review request by this day & enlists legal counsel in severing information that is not eligible for release 18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	Privacy Officer must provide a written response by this day (within 45 calendar days after receipt of the access request) (may be subject to extension) 14	15	16	17

The personal information on this form is collected under section 15 of the *WFN Freedom of Information and Protection of Privacy Law (Law)* and will be used to process this request. WFN may contact you to verify your identity and confirm you have a right of access under the Law. If you have any questions about the collection or use of this information, please contact the Privacy Officer at 250-769-4999.

Access to or Correction of Information Request (Last Revised July 2023)

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Appendix B – Privacy Incident Investigation Request (page 1)

Privacy Incident Investigation Request		
	<p style="text-align: center; font-size: small;">To be completed by individuals requesting an investigation into the handling of information held by Westbank First Nation, in accordance with Policy 2015-82 Personal Information and Privacy Protection and related governance instruments. Submit to the WFN Privacy Officer when complete.</p> <p style="text-align: center; color: red; font-weight: bold; font-size: x-small;">Protected when Submitted</p> <p style="text-align: center; font-style: italic; font-size: x-small;">Community. Leadership. Pride.</p>	
Privacy Statement and Resolution		
<p>Westbank First Nation (WFN) has physical, electronic, and procedural safeguards in place to protect personal information. WFN commits to investigating your concern and informing you of any steps taken, or any steps that will be taken, in the resolution of your concern.</p> <p>The information collected in this form is collected under the authority of the WFN Freedom of Information and Protection of Privacy (FOIPP) Law for the purposes of assessing, investigating and reporting on your privacy concern. The Privacy Officer may collect information about you and the incident you are requesting an investigation into from other individuals or organizations involved for the above purposes.</p> <p>As part of the FOIPP complaint review process, the Privacy Officer may disclose the information you provide to the individuals or organizations named in the Privacy Incident Investigation Request and, if necessary, to others who have information relevant to your complaint.</p> <p>You are not required to provide your contact details and may make your privacy complaint anonymously. However, if you do not provide your contact details, the Privacy Officer may not be able to properly investigate your complaint or inform you of the action, if any, taken in response to your complaint.</p>		
Individual Requesting a Privacy Incident Investigation		
Last Name	First Name	WFN Member <input type="checkbox"/> Yes <input type="checkbox"/> No
Cell Phone Number	Home Phone Number	Work Phone Number
Current Address (Include street address, city, province, and postal code)		
Email Address		

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Appendix B – Privacy Incident Investigation Request (page 2)

<p>Nature of the Privacy Incident</p> <p>I have reason to believe that one or more of the following has occurred:</p> <p><input type="checkbox"/> WFN has inappropriately collected, disclosed, used, or disposed of my personal information.</p> <p><input type="checkbox"/> WFN has inappropriately collected, disclosed, used, or disposed of the personal information of someone I am representing.</p> <p><input type="checkbox"/> Other – Please explain:</p>	
<p>If you are submitting this request on behalf of another person, please provide the following information and attach proof of your authorization to represent that individual.</p>	
<p>Name of Person You are Representing:</p>	
<p>Relationship to the Person You are Representing:</p>	
<p>Details of the Privacy Incident Investigation</p>	
<p>Please describe the events or circumstances that led to your concern. (e.g. names or positions of people involved in the incident, the location where the incident occurred, and any other factors you consider relevant).</p>	
<p>Signature</p>	
	<p>Date</p>