

**Trustees of the Directors Guild of Canada  
Health and Welfare Plan**

**PRIVACY POLICY**

**Effective January 1, 2005**

The Trustees of the Directors Guild of Canada Health and Welfare Plan may revise this Privacy Policy, without notice, if they change their personal information management practices, are required by law to make revisions, or for any other reason.

This Policy sets out the rules and procedures governing the personal information management practices of the Trustees (the "Trustees") of the Directors Guild of Canada Health and Welfare Plan (the "Plan"). The Trustees are bound by a trust agreement made as of the 1<sup>st</sup> day of January, 2004 between the Directors Guild of Canada ("DGC") and Alan Goluboff, George Mihalka, Manny Danelon, George Grieve, Darryl Solly, Mark Reid, Charles Crossin, Don McCutcheon, Dana Warren and Pamela Brand (the "Trust Agreement").

The Trust Agreement imposes an obligation on the Trustees to maintain the confidential information of the members of the Plan as follows:

3.19 All information pertaining to a claim for Benefits by a Member is confidential. Unless otherwise required by law, no Trustee shall disclose any such information, or take any action which would disclose such information, to any person other than the Member, an authorized agent of the Member, the Administrator or another Trustee (and only to the extent that such disclosure is reasonably necessary for the administration of the Plan).

The balance of this Policy describes the detailed privacy and information management practices of the Trustees.

## **A. Privacy Statement**

The Trustees recognize the importance of privacy and the sensitivity of personal information. They are committed to protecting the privacy of the members of the Plan and the confidentiality of their personal information, in a manner that complies with relevant privacy legislation.

## **B. Application of this Privacy Policy**

This privacy policy outlines how and when the personal information of the Plan's prospective, current and former members (the "Members"), whether living or deceased, is collected, used, disclosed, retained and protected by:

- The Trustees;
- Third parties to whom the Trustees transfer personal information for processing;
- Individuals and organizations who perform services on behalf of the Trustees and the Plan, in respect of the Plans' purposes only, including for example, benefits consultants, benefits administrators, lawyers and actuaries; and
- Staff of the Directors Guild of Canada when they are providing services to the Trustees related to the administration of the Plan.

(These parties will hereinafter be referred to as "Trustees and service providers".)

This privacy policy also applies to personal information and personal health information of the Members' former or current spouse or partner, children, dependents and beneficiaries.

## **C. What is personal information?**

*Personal information* is information about an individual or information that allows an individual to be identified. It includes, but is not limited to, age, marital status, date of marriage or cohabitation, dependents, occupation, employment status, income and education.

It also includes health information including, but not limited to:

- information about physical or mental health including treatments, test results and prognosis;
- information about the nature of a disability;
- dental records; and
- information about health services provided or information collected while a health service was being provided.

Personal information does not include the name, business address or business telephone number of an employee of an organization.

## **D. Privacy Practices**

### **1. What is the purpose of collecting personal information?**

1.1 The Trustees and service providers collect personal information for the purpose of administering the Plan in accordance with the Directors Guild of Canada Health and Welfare Trust Agreement (the "Trust"), the Plan documents, legislative requirements, and the Trustees' fiduciary and other legal obligations.

1.2 The Trustees and service providers will not collect personal information for any other purpose without identifying this purpose to the individual and obtaining their express consent.

### **2. What personal information is collected?**

2.1 The Trustees and service providers limit the collection of personal information to what is necessary for the purposes identified in section D.1 of this Privacy Policy.

2.2 For a list of examples of personal information that the Trustees and service providers collect, see section C of this Privacy Policy.

2.3 The Trustees and service providers may collect personal information about Members, Members' spouse or partners, dependents and beneficiaries.

2.4 The Trustees and service providers collect Members' Social Insurance Numbers for income tax related purposes, for claims administration and for record-keeping purposes.

### **3. How is personal information collected?**

3.1 The Trustees and service providers may collect personal information throughout the course of a membership in the Plan. The Trustees and service providers collect personal information primarily in writing from a variety of documents including pre-printed enrolment forms, applications, claim forms, remittance forms from employers, identification documents (birth certificates, citizenship certificates and passports), medical reports and death certificates.

3.2 Trustees and service providers also collect personal information orally and by mail, fax, couriers and electronic mail.

3.3 The Trustees and service providers may sometimes obtain information about Members from other sources including, but not limited to:

- the Member's District Council;
- the Directors Guild of Canada;
- medical and dental practitioners;
- health service providers;
- consultants and advisors;
- production companies, employers and engagers; and
- insurance administrators.

### **4. How is consent given for the collection, use and disclosure of personal information?**

4.1 Consent for the collection, use and disclosure of personal information may be obtained orally or in writing, and may be given or implied. In determining how to obtain consent, the Trustees and service providers will take into account the sensitivity of the personal information being collected, used and disclosed.

4.2 When express consent is required, the Trustees and service providers will usually use pre-printed forms both to obtain consent and collect information.

4.3 By submitting personal information to the Trustees or their service providers, Members agree to the collection, use and disclosure of such personal information in accordance with this Privacy Policy, and as permitted or required by law.

4.4 The Trustees and service providers may obtain consent from an authorized representative or substitute decision-maker of an individual, such as a legal guardian or a person with power of attorney.

4.5 The Trustees and service providers *do not* obtain consent:

- When it is inappropriate to do so;
- Where legal, medical or security reasons may make it impossible or impractical to obtain consent; or
- Where the collection, use or disclosure is permitted without consent under the federal *Personal Information Protection and Electronic Documents Act* ("*PIPEDA*"), and/or, for those members in British Columbia, the *Personal Information Protection Act*, S.B.C. 2003, c. 63, and/or, for those members in Alberta, the *Personal Information Protection Act*, S.A. 2003, c. P-6.5.

4.6 Subject to legal and contractual requirements, Members may refuse or withdraw their consent at any time by contacting the Privacy Officer identified in this Privacy Policy.

## **5. How is personal information used?**

5.1 The Trustees and service providers only use personal information for the purposes identified in section D.1 of this Privacy Policy.

5.2 The Trustees' and service providers' specific uses of personal information include, but are not limited to:

- Making decisions with respect to the Plan;
- Maintaining a master file containing Members' personal information;
- Preparing status and benefits statements for Members;
- Enrolling new Members;
- Verifying eligibility;
- Paying claims;
- Providing information to Members about news and developments related to the Plan;
- Answering questions posed by Members or Members' spouses or partners;
- Monitoring Trustees and service providers; and
- Assessing and adjudicating claims.

5.3 The Trustees and service providers do not disclose personal information to any third party to enable them to market their products.

## **6. When is personal information disclosed?**

6.1 From time to time, under certain circumstances, the Trustees may disclose personal information about Members. Examples of such circumstances include:

- When the Trustees are required or authorized by law to do so (for example, if a court issues a subpoena or an arbitrator issues a summons, or where a request is made pursuant to the *Trustee Act*, which governs the Trustees);
- When the Member has consented to the disclosure; and
- When the Trustees seek the advice of legal counsel.

## **7. Updating personal information**

7.1 It is important that the personal information held by the Trustees be accurate and up to date. If any personal information changes, Members must advise the Trustees, appropriate service providers or the Privacy Officer, so that the Plan's records can be adjusted.

7.2 Members have the right to access their personal information at any time and can do so by contacting the Privacy Officer identified in this Privacy Policy.

## **8. How is personal information protected?**

8.1 The Trustees take all reasonable precautions to ensure that personal information is kept safe from loss, unauthorized access, modification or inappropriate disclosure. This includes maintaining the following:

- secure premises;
- restricted access to personal information stored electronically;
- technological safeguards like security software and firewalls to protect from hacking or unauthorized computer access;
- internal passwords and security policies; and
- proper training for staff with respect to the sensitivity of personal information and compliance with this Privacy Policy.

8.2 Where personal information is sent to a third party for processing, the Trustees ensure that the third party has appropriate privacy policies that protect information in accordance with relevant privacy legislation and the Plan's Privacy Policy.

## 9. Changes to the Policy

9.1 The Trustees reserve the right to modify or supplement this policy at any time and for any reason. Changes will be posted on the DGC website and the revised policy will be available upon request to the Privacy Officer.

## E. Privacy Officer

1.1 The Trustees have designated a Privacy Officer whose responsibilities include:

- facilitating the Trustees' and service providers' compliance with this Privacy Policy and relevant privacy legislation;
- responding to requests by Members or other individuals to withdraw their consent to the collection, use and disclosure of personal information by the Trustees and service providers;
- responding to requests for access to personal information;
- responding to requests to update, change or correct personal information; and
- receiving complaints about alleged contraventions of this Privacy Policy or the relevant privacy legislation by the Trustees or their service providers.

1.2 The designated Privacy Officer of the Plan is:

**Lesley Lucas**, Director, Membership Benefits, DGC

This Privacy Policy was approved by the Board of Trustees on February 11, 2005 and the Trustees have executed a copy of the policy below:

For the Trustees:

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Mark Reid, Chair

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Pamela Brand