



Responsibility:
Administrative –
Fundraising & Ethics

Subject:
Privacy & Anti-Spam
Policy

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Last Reviewed: February 22, 2024

Supersedes: July 22, 2019, March 30, 2016, April 7, 2015, June 17, 2013, April 28, 2008

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PURPOSE:

This policy is intended to provide KidsAbility Foundation (hereinafter “Foundation”) staff with the principles to ensure that the Foundation is acting in full concurrence with the most recent Canadian policies concerning compliance with Privacy and Anti-Spam activities. In addition this policy strives to provide assurances to the Board of Directors and other interested parties that the Foundation is intent on acting in full compliance with all relevant governmental acts and directives.

PRINCIPLES:

At the Foundation, the privacy of the personal information of our donors, prospective donors, employees, and other stakeholders has always been an important aspect of how we conduct our business. We value the trust of those with whom we deal as well as with the public at large and we recognize that maintaining this trust requires that we be open and accountable in how we treat information entrusted to us. As a result, the Foundation has developed this policy both to ensure compliance with Canadian privacy and anti-spam legislation.

All Foundation personnel are authorized to access personal information in our files only as required for the conducting of legitimate and appropriate Foundation business. In addition, the Foundation has undertaken to establish safeguards to ensure that the information retrieved is not disclosed or shared beyond the Foundation’s legitimate needs and is disclosed only within the constraints of this policy. Personal information includes any factual or subjective data, recorded or not, that could be used to distinguish, identify, or contact an individual. This includes information in any form such as a personal e-mail address, credit card numbers, home addresses, and so on. It does not include certain publicly available information of a type which is normally found on a business card, such as name, title, company, business address, business e-mail address, business telephone or fax number. Also not deemed to be personal information is certain publicly available data such as names, addresses, and telephone numbers as published in telephone directories or readily and publicly available computer sites.

This policy is based on the Canadian Standards Association Model Code and adheres to the federal Personal Information Protection and Electronic Documents Act (PIPEDA), as well as the Canadian Anti-Spam Legislation (CASL). Current Anti-Spam Legislation and its regulations do apply to registered charities; however, a number of measures have been put in place to mitigate its effects on them.

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PRIVACY PRACTICES:

1. Accountability

The Executive Director or other person so designated by the Executive Director serves as the Foundation’s Chief Privacy Officer (CPO) who has the responsibility of ensuring adherence to the detail of this policy on behalf of the Foundation. The CPO as well as all employees, volunteers, and members of the Board of the Foundation are required to comply with this Privacy Policy. At times, a member of the Foundation staff may be delegated to act on behalf of the CPO or to take delegated responsibility for occasional collection, use, and/or disclosure of personal information, though ultimate administrative responsibility for compliance shall always reside with the Executive Director.

2. Declaration of Privacy Responsibilities

During their orientation to their various responsibilities to the Foundation, all individuals who have or may have access to confidential information including personal, fiscal and geographical information are required to sign a Declaration of Privacy Responsibilities confirming their understanding of this policy and their commitment to its adherence. **(See the attached Schedule A for the Declaration form.)**

3. Identifying Purposes

Before, or at the time of the collection of personal data, the CPO of the Foundation must identify the purposes for which personal information is being collected. Information collected will be used only for the original purpose for which it was collected, unless required otherwise by law. When deciding to collect such personal information the CPO of the Foundation will take into account the Foundation’s process for collecting and storing personal information and will provide a confidential written record.

3.1 The Foundation appropriately and consistently collects personal information for the following purposes:

- a) to establish and maintain a responsible relationship with donors;
- b) to register participants at events in support of the Foundation;

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- c) to act appropriately for purposes identified for relevant individuals or purposes that should reasonably be obvious to those individuals, in respect of particular collections of personal information;
- d) to meet legal and regulatory requirements;
- e) to share information about KidsAbility and the Foundation, including but not limited to the Annual Report, event invitations, newsletters, and updates concerning KidsAbility and its needs;
- f) to manage and develop the Foundation’s operations.

4. Consent

In the collection, use or disclosure of personal information, the knowledge and consent of the individual so affected is required. This consent must be meaningful and easily understood. Nonetheless, in certain circumstances, such as a legitimate emergency or as required by law, the Foundation may disclose personal information without the interested individual’s pre-knowledge or explicit consent. In such instances, full disclosure must be provided to the affected person(s).

5. Publication of Donor Lists

With respect to the publication of donor lists by gift category, donor requests for anonymity will be honoured.

6. KidsAbility Client and Volunteer Solicitation

The Foundation receives contact information of volunteers and clients and their families from KidsAbility. Explicit formal requests from individuals to be excluded from mailings or other communications will always be respected and acted on promptly.

7. Third Party Use of Personal Information

The Foundation, from time to time, may use third parties to process mailings. This requires sending name and address information, usually segmented into specific gift level categories, to a mail house that addresses, prints, sorts, and co-ordinates distribution of these mailings. In all cases, the third party vendor signs a confidentiality agreement promising that it will take every reasonable precaution to protect personal information in its possession and to destroy that information upon completion of its role in the project.

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8. Limiting Collection

Personal information collected is limited to the purpose for which it was obtained, except with the consent of the individual and as permitted by law. Should there be an additional use for which the information may be employed, individuals affected must be notified and their concurrence formally secured.

9. Limiting Use, Disclosure and Retention

Personal information will be used only for the purpose for which it was collected except with the consent of the individual or as required by law. The Foundation shall retain personal information only as long as necessary for the fulfillment of those original purposes for which it was secured. When personal information is no longer required for the fulfilling of those purposes it will be deleted from the electronic records or shredded if it exists in hard copy.

10. Accuracy

The Foundation shall take every reasonable step to ensure that personal information is accurate, complete, and as up-to-date as possible. It is the responsibility of the donor to advise the Foundation of any changes to one’s personal information in order to ensure the up-to-date accuracy of the personal information held in the Foundation’s files.

11. Safeguards

The Foundation shall protect personal information by security safeguards deemed by the CPO to be appropriate to the sensitivity of the information and the means by which it is stored.

11.1 The Foundation shall establish, on an ongoing basis, appropriate safeguards deemed by the CPO to be appropriate to protect personal information against such risks as loss or theft, unauthorized access, disclosure, unauthorized copying, use, modification or destruction. Employees shall be made aware of the importance of maintaining the confidentiality of personal information.

11.2 The Foundation shall establish appropriate safeguards to protect personal information disclosed to third parties, for example by contractual agreements



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stipulating the confidentiality of the information and the expressed purposes for which it is to be used.

11.3 The Foundation does not lend, exchange, rent, or sell its donor list to other organizations or individuals.

12. Openness

Copies of the Foundation’s Privacy Policy will be made available upon request and is available on our website.

13. Individual Access

Upon formal request, an individual will be given access to one’s personal information stored by the Foundation. An individual has the right to challenge the accuracy and completeness of the information and to have it amended if it is necessary to do so for purpose of accuracy.


13.1 All requests for access will be responded to within a reasonable time (not to exceed 30 days) and at minimal or no cost to the individual.

13.2 In order to safeguard personal information, an individual requesting access to a personal file will be required to provide sufficient verifying identification to permit the Foundation to authorize access to an individual’s file.

13.3 If the information requested contains personal information about another individual, that information must be removed before the request can be honoured.

14. Intent of the Foundation’s CASL Component of the Privacy Policy

The Foundation understands that the objective of CASL includes deterring Spam. The Foundation wishes, therefore, to take appropriate steps to comply with CASL and ensure that KidsAbility families, stakeholders, members, donors and volunteers, and others who receive any communication from the Foundation do not receive Spam. The Foundation will make every reasonable effort to ensure that every message that it sends provides relevant information to meet the interests of the recipient. This CASL Compliance Policy outlines the efforts the Foundation is taking to ensure that its Electronic Communication Tools are appropriately utilized at all times in compliance
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with CASL. This policy establishes guidelines and minimum requirements governing the acceptable use of the Foundation’s Electronic Communication Tools.

The Foundation recognizes that its Electronic Communication Tools increase productivity and the use of these tools demonstrates to the public that we leverage the latest systems and communication methods to best serve our KidsAbility families, stakeholders, members, donors and volunteers. The intent of this policy is to allow for the full realization of the benefits of the Foundation’s Electronic Communication Tools, while avoiding the risks and costs of failure to comply with CASL.

15. CASL Compliance Officer

The Foundation shall establish a CASL Compliance Officer who has responsibility for ensuring adherence to the detail of this policy on behalf of the Foundation and who shall normally be the Executive Director but who may be a member of the Foundation’s staff, though ultimate administrative responsibility for compliance with CASL shall always reside with the Executive Director.

16. Responsibilities of the CASL Compliance Officer

The responsibilities of the CASL Compliance Officer shall be determined by management from time-to time and shall include at least:

- conducting periodic risk assessments to determine which activities are at risk of violating CASL. This includes conducting an internal audit of the Foundation’s electronic communications to assess any areas of risk from time to time;
- monitoring any legislative or regulatory changes and interpretations and enforcement by the CRTC;
- establishing and implementing training programs to support Users’ understanding of CASL and the requirements of this policy;
- putting in place a complaint handling system to enable parties to submit complaints to the Foundation;
- investigating complaints related to Users’ compliance with CASL and this policy; and



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- maintaining and performing periodic reviews of the Foundation’s compliance with this policy.

17. Challenging Compliance

An individual may challenge the Foundation’s compliance with this policy with the Chief Privacy Officer who shall ensure the complaint is addressed within a reasonable period of time. If the person proposing the challenge is not satisfied with the response provided by the Chief Privacy Officer, the Chief Privacy Officer shall invoke the Foundation’s Complaints Policy as the means of resolving the dispute.

18. The Foundation’s Obligations

The Foundation shall facilitate compliance with CASL by:

- providing appropriate education, training and resources to Users;
- collecting and recording express consent wherever possible;
- enabling an unsubscribe mechanism on all Commercial Electronic Messages (CEMs) and honouring this choice if received by unsubscribing the recipient within 10 days of receiving the request;
- taking corrective action if a CASL breach is discovered;
- Not encouraging support of sponsors or links to sponsors’ websites in CEMs;
- Ensuring that messages contain contact information to identify the sender, which includes our business name, a mailing address and an electronic communication method consisting of any one of: an email address, or a website address; or a phone number.

19. Reporting to the Board of Directors

The Executive Director shall provide an annual report to the Board of Directors with respect to the application of this policy and may approach the Board at any time for guidance or to provide information with respect to any issue that the Executive Director deems to be of unusual complexity or importance.

ACRONYMS:

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CASL: Canadian Anti-Spam Legislation
CEM: Commercial Electronic Messages
CPO: Chief Privacy Officer
PIPEDA: Personal Information Protection and Electronic Documents Act

RESOURCES:

These resources are on file in the Foundation office and are for the information of the CPO and the CASL Compliance Officer:

CASL Compliance Policy Legislation
Confidential correspondence re. CASL from Miller Thomson

KIDSABILITY FOUNDATION PRIVACY OFFICER:

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