

**TRANSIT EMPLOYEES' HEALTH AND BENEFIT TRUST**  
**PRIVACY POLICY**

**ADOPTED JULY 7, 2004**

**REVISED DECEMBER 17, 2021**

**December 20, 2021**

**Date**



**Authorized Official**

**Trust Secretary**

**Title**

**PRIVACY POLICY**  
**TRANSIT EMPLOYEES' HEALTH AND BENEFIT TRUST**  
**EFFECTIVE JULY 7, 2004**

**OVERVIEW**

The Board of Trustees of the Transit Employees' Health and Benefit Trust (the “**Board**” and the “**Trust**” respectively) administers the following plans through which health benefits are provided to certain employees of BC Transit, the South Coast British Columbia Transportation Authority, Coast Mountain Bus Company, BC Rapid Transit Company Ltd., West Coast Express Limited and TransLink Security Management Ltd.:

- the Income Continuance Plan;
- the Long Term Disability Plan;
- the Short Term Disability Plan; and
- other benefit plans such as Dental and Extended Health (collectively the “**Plans**”).

To properly administer the Plans the Board requires some personal information about individuals who are covered by one or more of the Plans, and will obtain that information from the individuals themselves, their employers as well as from physicians and other organizations. The Board may also share that information with its agents, consultants, legal counsel, and others if such exchange is necessary to properly administer the Plans.

The Board respects each Plan member's right to privacy, and will only collect, use and disclose personal information in accordance with the *Personal Information Protection Act* (the “**Act**”) which is in effect in British Columbia. This Privacy Policy is required by the Act and it sets out:

- what personal information is required and why;
- when and how consent will be obtained prior to the collection, use and disclosure of personal information;
- how an individual may request access to his or her personal information; and
- how a person may challenge the Board's compliance with the Act and this Privacy Policy.

The basis for the Privacy Policy is the Act and the ten principles of compliance established by the Canadian Standards Association's Model Code for the Protection of Personal Information. The Privacy Policy may be amended by the Board in response to changes in the law, the practice of the Board or the administration of the Trust and the Plans.

## **1.0 SCOPE AND APPLICATION**

- 1.1 For the purposes of this Privacy Policy “**personal information**” means information about an identifiable individual, and to clarify, does not include statistical information or information in the aggregate that does not identify a particular individual.
- 1.2 The Privacy Policy applies to information collected by the Board on or after January 1, 2004, and which is personal information in respect of a member of any one of the Plans or of their dependents or beneficiaries.
- 1.3 The application of the Privacy Policy is subject to the requirements and provisions of the Act, any regulations enacted thereunder, and any other applicable legislation or regulations.
- 1.4 The Privacy Policy binds the Board and any individual or entity retained by the Board as agent or consultant, including Canada Life Assurance Company.
- 1.5 Except as otherwise noted, all references to the Board throughout this Privacy Policy will be references to the Board acting through the Privacy Officer and the Administrative Privacy Officer.
- 1.6 In no event shall the terms of this Privacy Policy affect or alter the interpretation of the terms of any of the Plans, and in the event of a conflict between any provision of this Privacy Policy and of any of the Plans, the Plans will prevail.

## **2.0 THE PRIVACY OFFICER**

- 2.1 The Board shall designate one person (or more) as the Privacy Officer who is responsible for ensuring the Board’s compliance with this Privacy Policy and with the Act.
- 2.2 The Privacy Officer may delegate any of their responsibilities to any person approved by the Board and known as the Administrative Privacy Officer. For the purpose of administration of this Privacy Policy, any right, duty or obligation conferred upon the Privacy Officer may be exercised or satisfied by the Administrative Privacy Officer.
- 2.3 The Board shall make available to the public upon request, the name and contact information for the Privacy Officer and the Administrative Privacy Officer.

## **3.0 PURPOSE OF COLLECTION OF PERSONAL INFORMATION**

- 3.1 The Board collects personal information about members of the Plans from those individuals directly, from participating employers, and from physicians and other healthcare providers and from insurance companies, in order to properly administer the Plans. For example, personal information about members of the Plans is required by the Board in order to:

- (a) determine whether a person is covered under one or more of the Plans;
- (b) determine whether an individual is entitled to benefits under one of the Plans;
- (c) determine the amount of any benefits payable;
- (d) determine whether there has been a recurrence of a previous disability;
- (e) administer the provisions in the Plans as they relate to third party liability;
- (f) determine whether an individual's benefits or coverage under one or more of the Plans should cease; and
- (g) resolve appeals brought by members of one or more of the Plans.

#### **4.0 COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION**

##### Information for Determining Coverage and Benefits

- 4.1 For the purpose of administering the benefits offered through the Plans, the Board shall collect the following personal information about members of the Plans to determine if they are covered by one or more of the Plans and to administer a claim for benefits:
- (a) name, address and contact information;
  - (b) sex;
  - (c) date of birth and proof of age;
  - (d) personal health number;
  - (e) social insurance number;
  - (f) information concerning the individual's member's employment that may bear on their coverage or benefit entitlement including job description or title, terms and hours of employment and wage or salary information;
  - (g) information about the individual's dependents and beneficiaries, including names, relationship to the individual, sex, dates of birth and contact information;
  - (h) medical evidence and information relevant to the claim for benefits;
  - (i) the cause of the disability;
  - (j) education, training and experience; and
  - (k) any other information necessary to administer the benefits offered through the Plans.

- 4.2 The Board shall obtain the Plan member's consent before it collects the information set out in Section 4.1, from anyone who has information about the cause, nature or treatment of the Plan member's disability, including:
- (a) the Plan member;
  - (b) any physician or other health care practitioner who has been consulted in respect of the member's claim for benefits;
  - (c) a hospital, clinic or any other health care institution;
  - (d) an insurance company or other organization;
  - (e) a provincial or the federal government; and
  - (f) Canada Life Assurance Company.

#### Disclosure of Information

- 4.3 The consent obtained from the Plan member to collect the information referred to in Section 4.1 will authorize the Board to disclose that personal information as is needed to properly administer one or more of the Plans. Specifically, the consent obtained will allow the Board to disclose that information to any of the following people or entities if the Board considers it necessary to administer the claim for benefits:
- (a) a physician or other health care practitioner;
  - (b) a hospital, medical organization, clinic or other health care institution;
  - (c) an insurance company or other organization;
  - (d) Canada Life Assurance Company;
  - (e) service providers retained by the Board or by Canada Life Assurance Company;
  - (f) a provincial or federal government;
  - (g) the Board's agents for audit purposes; and
  - (h) the Occupational Health Group.

- 4.4 The Plan member shall provide their consent in respect of the personal information referred to in Section 4.1 on the form(s) used to apply for coverage under one or more of the Plans or the form(s) used to claim benefits.

#### Other Information

- 4.5 The Board may also collect an individual's banking information for the purpose of paying benefits from the Plans.

### Disclosing Personal Information Without Consent

- 4.6 In the following circumstances the Board may disclose personal information in its possession without consent of the individual:
- (a) if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as where the individual is seriously ill or mentally incapacitated;
  - (b) disclosure is necessary for the medical treatment of the individual and the individual does not have the legal capacity to give consent;
  - (c) if it is reasonable to expect that the disclosure with the consent of the individual would compromise an investigation or proceeding and the disclosure is reasonable for purposes related to an investigation or proceeding;
  - (d) the disclosure is necessary to collect a debt owed to the Plan or for the Plan to repay the individual money owed to that individual;
  - (e) the disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by a court, person or body with jurisdiction to compel the production of personal information;
  - (f) the disclosure is to a public body or a law enforcement agency in Canada, concerning an offence under the laws of Canada or a province, to assist in an investigation, or in the making of a decision to undertake an investigation to determine whether an offence has taken place, or to prepare for the laying of a charge or the prosecution of the offence;
  - (g) there are reasonable grounds to believe that compelling circumstances exist that affect the health or safety of any individual and if notice of disclosure is mailed to the last known address of the individual to whom the personal information relates;
  - (h) the disclosure is required or authorized by law or otherwise permitted by the Act.
- 4.7 The Board may also disclose the personal information about an individual to the following persons without obtaining that individual's express consent:
- (a) a person who in the reasonable judgment of the Privacy Officer, is seeking the information as an agent of the individual, such as a person acting under a valid power of attorney; or
  - (b) legal counsel for the Board or the Plans.

### Refusal to Give or Withdrawal of Consent

- 4.8 If an individual from whom the Board seeks personal information to administer a Plan refuses to provide that personal information or later withdraws consent previously provided to the Board, and such withdrawal or refusal impairs the Board's ability to:

- (a) determine their eligibility for any benefit;
- (b) calculate the value of any entitlement to benefits;
- (c) pay a benefit; or
- (d) otherwise administer one or more of the Plans in respect of that individual,

the Privacy Officer will advise the individual of the consequences of the withdrawal or refusal and cease the payment of any benefit to that individual until and unless the necessary information is provided.

- 4.9 In all other circumstances, if an individual refuses to consent to the collection, use or disclosure of their personal information, the Privacy Officer will determine and advise the individual of the consequences of the withdrawal or refusal and then take the appropriate action.
- 4.10 In no event may an individual withdraw his or her consent to have the Board disclose their information to the Board's agent for the purpose of an audit of one or more of the Plans.

#### Limiting Collection of Personal Information

- 4.11 The Board shall limit the collection of personal information to that which is necessary to satisfy the purposes set out in Article 3.0.
- 4.12 The Board shall not obtain consent from an individual by unfair or unlawful means. To clarify, it is not unlawful or unfair for the Board to refuse to pay benefits to an individual who refuses to provide the personal information that is required for the Board to administer the benefits in question, or later withdraws their consent to the Board's use of that information.

#### Limiting Use and Disclosure of Personal Information

- 4.13 The Board shall not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required or permitted by law.
- 4.14 Section 4.13 applies to all personal information in the Board's possession, including information collected before January 1, 2004.
- 4.15 The Board shall only disclose personal information as permitted by this Privacy Policy and the Act.

#### Agents Bound by Privacy Policy

- 4.16 The Board shall provide a copy of this Privacy Policy to each of its agents and require each of them to agree to abide by this Privacy Policy in respect of personal information it possesses on account of its relationship with the Board. For this purpose the Board shall

use the agreement appended as Schedule “A” to this Privacy Policy (or any other form of agreement specified by the Board).

## **5.0 RETENTION OF PERSONAL INFORMATION**

- 5.1 The Board shall keep all personal information collected in respect of an individual for as long as it remains necessary, and in any event for at least one year.

## **6.0 ACCURACY OF PERSONAL INFORMATION**

- 6.1 Personal information collected by the Board shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.
- 6.2 Personal information used by the Board shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about any individual’s entitlements pursuant to the Plan.

## **7.0 SECURITY SAFEGUARDS**

- 7.1 The Board shall protect personal information by security safeguards appropriate to the sensitivity of the information.
- 7.2 The Board shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures.

## **8.0 OPENNESS CONCERNING POLICIES AND PRACTICES**

- 8.1 The Board shall make this Privacy Policy available to the members of the Plans upon request.

## **9.0 ACCESS TO PERSONAL INFORMATION**

- 9.1 An individual may request access to his or her personal information that is in the Board’s possession.
- 9.2 If an individual makes a request for access to his or her personal information collected by the Board, the Administrative Privacy Officer shall advise the applicant that they must:



- (a) complete the “Request for Access to Personal Information Form”, approved by the Board and appended as Schedule “**B**” to this Privacy Policy (or such other form adopted by the Board from time to time);
  - (b) provide the completed Form to the Administrative Privacy Officer; and
  - (c) pay a fee calculated in accordance with the Fee Schedule approved by the Board and appended as Schedule “**C**” to this Privacy Policy (or such other fee approved by the Board from time to time) before any access may be granted.
- 9.3 After advising the individual seeking access of the requirements under Section 9.2, the Administrative Privacy Officer shall:
- (a) gather the individual’s personal information as requested;
  - (b) ascertain whether the information has been disclosed to any person or organization outside of the Board; and
  - (c) determine whether any of the documents or portions of the documents should not or must not be disclosed in accordance with the terms of the Act and this Privacy Policy.
- 9.4 No document shall be disclosed to the individual who made the request for access where:
- (a) the document is protected by solicitor/client privilege;
  - (b) the disclosure of the personal information would reveal confidential commercial information that if disclosed, could, in the opinion of a reasonable person, harm the competitive position of one or more of the Plans or the Trust;
  - (c) the disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;
  - (d) the disclosure can reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;
  - (e) the disclosure would reveal personal information about another individual; or
  - (f) the disclosure would reveal the identity of an individual who has provided personal information about another individual and the individual providing the personal information does not consent to disclosure of his or her identity.
- 9.5 Where possible, the Administrative Privacy Officer will edit the information to remove the information that may not be disclosed on account of Section 9.4.
- 9.6 If there is any question about whether information should be disclosed to the individual who made the request, such questions shall be referred to the Privacy Officer and if necessary the Board and legal counsel for resolution.

- 9.7 Once the information has been collected, reviewed and edited where necessary, the Administrative Privacy Officer will:
- (a) advise the individual who made the request of the fee that must be paid before the information may be disclosed;
  - (b) if the individual agrees to pay the required fee, make copies of the documents where feasible and arrange to have the individual pay the fee and collect the copies;
  - (c) if it is not feasible to make a copy of the document(s), the Administrative Privacy Officer will advise the individual who made the request that they may attend at a specified location to review the document(s);
  - (d) if requested, advise the individual of the ways in which the information has been used by the Board (i.e., whether it was used to determine a person's eligibility for benefits); and
  - (e) if requested, advise the individual of the names of any individuals and organizations to whom the Board disclosed the personal information.
- 9.8 Where the Administrative Privacy Officer is unable to provide information to the individual who made the request, for example, because the document is protected by solicitor client privilege, the Administrative Privacy Officer shall:
- (a) explain the reasons for the refusal and the provision of the Act which authorizes or requires the refusal;
  - (b) provide the individual with the contact information of the Privacy Officer who can answer questions about the refusal; and
  - (c) advise the individual that they may seek a review of the decision to refuse disclosure, under the Act.
- 9.9 The Privacy Officer will provide a copy of the information requested by the individual or an opportunity to view the information, within 30 days of the request being received by the Board, unless the information cannot be provided within 30 days because:
- (a) the individual who made the request did not provide enough detail to enable the Administrative Privacy Officer to identify the personal information requested;
  - (b) meeting the 30 day time limit would interfere with the administration of the Trust or the Plans due to the large volume of material sought; or
  - (c) more time is needed to consult with another person or organization or public body before the Board can determine whether it may release a particular document.
- 9.10 Where the Administrative Privacy Officer requires an additional 30 days to respond to an individual's request pursuant to Section 9.9, the Administrative Privacy Officer shall advise the individual of:

- (a) the reason for the extension;
  - (b) the time in which the individual should expect a response; and
  - (c) their right to complain to the Information and Privacy Commissioner pursuant to the Act.
- 9.11 If necessary the Privacy Officer may seek the assistance of the Information and Privacy Commissioner.

## **10.0 CORRECTION OF PERSONAL INFORMATION**

- 10.1 The Privacy Officer will correct an individual's personal information if it is inaccurate. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file.
- 10.2 Where appropriate, the Privacy Officer shall transmit to third parties having access to the personal information in question any amended information.

## **11.0 CHALLENGING COMPLIANCE**

- 11.1 An individual about whom the Board has personal information may request that the Privacy Officer review whether the Board has complied with the Act and this Privacy Policy in respect of that individual's request for access to personal information.
- 11.2 Any such request or complaint referred to in Section 11.1 must be made to the Privacy Officer and must be made in writing.
- 11.3 The Privacy Officer shall contact the individual who made the complaint to acknowledge receipt of the complaint and to advise of the time it will take to investigate and respond to the complaint.
- 11.4 The Privacy Officer may contact the individual who made the complaint to clarify the complaint if necessary.
- 11.5 The Privacy Officer will investigate the complaint unless the circumstances are such that it should be investigated by another person.
- 11.6 The person investigating the complaint shall have access to the records and persons necessary to properly and fairly investigate the complaint.
- 11.7 Once a decision is reached, the person who investigated the complaint shall advise the individual who made the complaint of the result of the investigation.

## **12.0 INFORMATION AND PRIVACY COMMISSIONER**

- 12.1 The Privacy Officer will liaise with the Information and Privacy Commissioner if a review of the Board's compliance with the Act is conducted.

## **SCHEDULE A**

### **AGREEMENT WITH THE BOARD'S AGENTS AND CONSULTANTS**

Board of Trustees of the Transit Employees' Health and Benefit Trust  
c/o Coast Mountain Bus Company  
13401 – 108<sup>th</sup> Avenue  
Surrey, BC V3T 5T4

[Date]

[Name and Address of Agent or Consultant]

Attention: [Contact at office of Agent or Consultant]

**Transit Employees' Health and Benefit Trust  
Privacy Policy**

In accordance with the *Personal Information Protection Act* (PIPA), the Board of Trustees of the Transit Employees' Health and Benefit Trust has adopted a Privacy Policy. This Policy governs the collection, use and disclosure of personal information by the Board in the course of its administration of the various health and benefit plans with which you are familiar. I enclose a copy of the Board's Privacy Policy for your review.

As an agent of the Board your organization may come into possession of personal information about persons entitled to benefits under one or more of these plans. To ensure that the Board complies with PIPA, the Board is requiring that all of its agents and consultants agree to be bound by the terms of the enclosed Privacy Policy. I would therefore ask you to review the Policy, and then sign and return the enclosed duplicate copy of this letter to me. By doing so you are agreeing to observe the Privacy Policy in all of your actions on the Board's behalf.

I appreciate your prompt attention to this matter.

Yours truly,

[Name and title of individual signing for Board]

**AGREED.**

Per: \_\_\_\_\_  
[Name of Agent or Consultant]

\_\_\_\_\_  
Date

Title: \_\_\_\_\_

## **SCHEDULE B**

### **REQUEST FOR ACCESS TO PERSONAL INFORMATION FORM**

# TRANSIT EMPLOYEES' HEALTH AND BENEFIT TRUST

## REQUEST FOR ACCESS TO PERSONAL INFORMATION

Last Name		First Name		Middle Name	
Street, Apartment No., P.O. Box, R.R. No.			City/Town	Province/Country	Postal Code
Day Phone No.		Alternate Phone No.		E-mail and Day Fax No.	

Personal information contained on this form is collected under the *Personal Information Protection Act* and will be used only for the purpose of responding to your request.

I request copies of the following documents that:

- contain my personal information;
- are dated between \_\_\_\_\_ and \_\_\_\_\_;
- relate to (state if your request relates to a specific issue or benefit) \_\_\_\_\_; and
- concern the
 

<input type="checkbox"/> Income Continuance Plan; or	<input type="checkbox"/> Long Term Disability Plan; or
<input type="checkbox"/> Short Term Disability Plan; or	<input type="checkbox"/> Other Plan _____(specify)
- ☐ Any application forms I completed;
- ☐ Communication (including e-mail) received by the Trust;
- ☐ Communication (including e-mail) sent by the Trust;
- ☐ Notes from telephone conversations;
- ☐ Information provided by employer including earnings, changes in earnings etc.
- ☐ Medical reports;
- ☐ Other (please set out the scope of your request in detail)

---



---



---



---

Signed \_\_\_\_\_ Dated \_\_\_\_\_

**All requests for access to personal information carry a charge of \$30.00 per request to cover administrative cost and photocopying, with an additional charge of \$0.25 for every page copied in excess of 50 pages. The fee must be paid before the records requested will be released.**



## **SCHEDULE C**

### **FEE SCHEDULE**

If a person makes a request to access information in the Board's possession that relates to him or her, that person will be required to pay a fee in the amount of \$30.00 with an additional charge of \$0.25 per page of photocopying in excess of 50 pages.

The Board will not release copies of any documents sought without first obtaining payment of the fee.

**TRANSIT EMPLOYEES' HEALTH AND BENEFIT TRUST  
PRIVACY POLICY**

**TABLE OF CONTENTS**

<i>Overview .....</i>	<i>1</i>
<i>1.0 Scope and Application .....</i>	<i>2</i>
<i>2.0 The Privacy Officer.....</i>	<i>2</i>
<i>3.0 Purpose of Collection of Personal Information.....</i>	<i>2</i>
<i>4.0 Collection, Use and Disclosure of Personal Information.....</i>	<i>3</i>
<i>5.0 Retention of Personal Information.....</i>	<i>7</i>
<i>6.0 Accuracy of Personal Information.....</i>	<i>7</i>
<i>7.0 Security Safeguards .....</i>	<i>7</i>
<i>8.0 Openness Concerning Policies and Practices .....</i>	<i>7</i>
<i>9.0 Access to Personal Information.....</i>	<i>7</i>
<i>10.0 Correction of Personal Information .....</i>	<i>10</i>
<i>11.0 Challenging Compliance .....</i>	<i>10</i>
<i>12.0 Information and Privacy Commissioner.....</i>	<i>11</i>
 <i>SCHEDULE A Agreement with the Board's Agents and Consultants.....</i>	 <i>12</i>
 <i>SCHEDULE B Request for Access to Personal Information Form.....</i>	 <i>12</i>
 <i>SCHEDULE C Fee Schedule.....</i>	 <i>14</i>