



BRITISH COLUMBIA MEDIATOR ROSTER SOCIETY

Personal Information Protection Policy

B.C. Mediator Roster Society
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1. Introduction

The British Columbia Mediator Roster Society (the “Society”) is committed to meeting or exceeding the privacy standards and requirements established by British Columbia’s *Personal Information Protection Act* (the “PIPA”). This Personal Information Protection Policy describes the Society’s policies and processes concerning the collection, use and disclosure of personal information about its Roster members and its contractors, the members of the Child Protection Mediation Program Roster, and members of the public. In particular, this policy describes the steps that the Society takes to ensure that personal information is handled appropriately and securely.

(a) The purposes of the Society

The Society is a non-profit society incorporated in 1998 for the following purposes:

- To administer a roster, or list, of mediators who have met a minimum level of training and experience and who will abide by an established code of conduct,
- To facilitate public access to qualified mediators throughout British Columbia,
- To facilitate access to qualified mediators by ministries, branches and programs within government,
- To promote the expanded use of mediation in the community, and
- To enhance the profile and credibility of mediation in the community.

(b) The Society’s mission and vision statements

In September 2002 the Society’s Directors formulated the following mission and vision statements to guide the Society’s directions and activities:

Mission Statement: To serve the public interest in British Columbia by promoting the use of mediation through an accessible roster of competent mediators and public education about mediation.

Vision Statement: To be a leader in promoting, regulating and enhancing the practice of mediation in British Columbia, to be inclusive of all mediators and all areas of mediation, and to be accessible and responsive to the people we serve.

(c) A brief history of the Society

(i) The need for a mediator roster

There is growing public interest in using mediation as a way to resolve conflict. As more people use mediation, competent mediators need to be easily accessible to the public, as well as to litigants, lawyers and judges. The B.C. Mediator Roster is a central and easily accessible list of mediators to which people can turn with confidence that the mediators on the Roster have met minimum standards of training and experience, and have subscribed to acceptable standards of conduct.

(ii) Incorporation and governance of the Society

The Society was incorporated in 1998 to establish criteria for admission to the B.C. Mediator Roster and to maintain the Roster. The Society is governed by volunteer Directors including senior mediation practitioners, mediation trainers, members of the bar and judiciary, and members of the Ministry of Attorney General.

(iii) The Civil and Family Rosters

Established in 1998, initially the B.C. Mediator Roster supported the use of mediation in civil, non-family, disputes. In 2002 the Mediator Roster expanded to include a list of mediators for family disputes. Criteria for admission to the Civil and Family Rosters are available on the Society's website at:

http://www.mediator-roster.bc.ca/public/admission/admission_civil.aspx

and

http://www.mediator-roster.bc.ca/public/admission/admission_family.aspx

(iv) Affiliation with the Child Protection Mediation Program Roster

In 2004 the Society became affiliated with the B.C. Child Protection Mediation Program Roster, and in this capacity the Society manages information about the mediators on this Roster. Mediators on the B.C. Child Protection Mediation Program Roster mediate disputes relating to a child or a plan of care for a child pursuant to section 22 of the *Child, Family and Community Service Act*.

(v) Society programs and services

In addition to managing the Civil and Family Rosters and information about mediators on the Child Protection Mediation Program Roster, the Society provides a range of programs and services to promote the use of mediation. These programs and services include: help in selecting mediators, appointing mediators under the Notice to Mediate regulations, a mediator consultation program and a speakers' bureau. Information about these programs and services are available on the Society's website at: <http://www.mediator-roster.bc.ca/public/aboutus/whatwedo.aspx>

(vi) The administration of Society business

The day-to-day business of the Society is handled by the Roster Coordinator or designate with the help of the Dispute Resolution Office and the Ministry of Attorney General, which acts as secretariat to the Society. The Roster Coordinator or designate is responsible for all of the administrative work necessary to manage the Civil and Family Rosters and to manage information about mediators on the Child Protection Mediation Program Roster; this includes: maintaining a database with information about each mediator, maintaining a website to facilitate public access to this information, providing information to the public to assist in the selection of mediators, and appointing mediators under the Notice to

Mediate regulations when the parties to an action are unable to agree upon the selection of a mediator.

2. Definitions

In this policy

“contact information” means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number for the individual;

“contractor” means an individual providing services to the Society pursuant to a contract for services, and includes the Roster Coordinator or designate;

“mediator” means a member of the Society’s Civil or Family Roster or a member of the Child Protection Mediation Program Roster;

“personal information” means information about an identifiable individual and includes employee personal information, but does not include contact information or work product information;

“Society” means the British Columbia Mediator Roster Society;

“work product information” means information prepared or collected by an individual or group of individuals as a part of the individual’s or group’s responsibilities or activities related to the individual’s or group’s employment or business, but does not include personal information about an individual who did not prepare or collect the personal information.

3. Ten Principles for the Protection of Privacy

There are ten principles for the protection of privacy. This policy is designed to address each of these principles. The ten principles are:

- Principle 1 – Be accountable
- Principle 2 – Identify the purpose(s)
- Principle 3 – Obtain consent
- Principle 4 – Limit collection
- Principle 5 – Limit use, disclosure and retention
- Principle 6 – Be accurate
- Principle 7 – Use appropriate safeguards
- Principle 8 – Be open
- Principle 9 – Give individuals access
- Principle 10 – Provide recourse

4. Principle 1 – Be accountable

The Society is responsible for maintaining and protecting the personal information under its control. In support of these objectives, the Society has appointed a Privacy Officer who is responsible for compliance with the PIPA and this policy. The Society's Privacy Officer may be contacted at:

British Columbia Mediator Roster Society
Attention: Sue Burrows, Privacy Officer
311 - 895 Fort Street
Victoria BC V8W 1H7
Phone: 250.381.9006
Fax: 250.381.9022
Email: mediators@mediator-roster.bc.ca

The Society has implemented this policy and has adopted processes for the appropriate and secure handling of personal information, as well as an enquiry and complaint process, all of which are described below.

5. Principle 2 – Identify the purpose(s)

The Society will, before or at the time personal information is collected:

- Identify the purpose(s) for which the information is collected, used and disclosed,
- Ensure that the collection of personal information is necessary to fulfill the purpose(s) identified,
- Ensure that such purpose(s) are limited to what a reasonable person would consider appropriate in the circumstances, and

- Inform the individuals from whom personal information is collected why the information is needed and how it will be used.

The personal information collected by the Society is required to fulfill the purposes of the Society as described under 1(a) The purposes of the Society, on page 3. Most personal information is collected by the Society directly from the individuals involved. Personal information collected by the Society includes:

From applicants for the Civil or Family Roster, at the time of application, in order to determine whether they meet the criteria for admission to the Roster: their name and contact information; particulars of their mediation training and experience; if they are a lawyer, the law school they attended and the year of graduation; references; proof of liability insurance; whether they have ever been convicted of a criminal offence for which a pardon has not been granted, and if yes particulars of the offence; whether they have ever been disciplined by a professional association or regulatory body, and if yes particulars of the discipline; and whether they have been denied an occupational or professional license, or had such a license revoked, and if yes particulars of the denial or revocation.

From members of the Civil or Family Roster, upon their admission to the Roster, for entry in the Society's database in order to facilitate public access to this information to assist in the selection of mediators (Note – the providing of any or all of this information is optional): their name and contact information; their degrees, professional designations and honours; their areas of practice experience; the region(s) in which they offer mediation services; the year they began mediating; the languages, other than English, in which they have sufficient fluency to conduct a mediation; their primary occupation; special skills and services that they offer; their individual profile; proof of professional liability insurance; the fees and expenses that they charge for their mediation services; their portrait-style photograph; their availability calendar; and "personal identity information" that they wish disclosed upon request (age, gender, faith community/religion, ethnic origin/cultural background, and language preference).

From members of the Child Protection Mediation Program Roster, for entry in the Society's database in order to facilitate access to this information by family members, social workers and related professionals to assist in the selection of mediators (Note – the providing of any or all of this information is optional): their name and contact information; their degrees, professional designations and honours; their areas of practice experience; their cultural diversity experience; the languages, other than English, in which they have sufficient fluency to conduct a mediation; their First Nations experience; their primary occupation; the year they began mediating; any facilities they are able to provide to clients; their special skills and services; proof of professional liability insurance, their availability calendar; their individual profile; their portrait-style photograph; and "personal identity information" that they wish disclosed upon request (age,

gender, faith community/religion, ethnic origin/cultural background, and language preference).

From persons providing a letter of reference for applicants to the Civil or Family Roster, in order to determine their suitability to provide a reference: their name, title and contact information; the name of the applicant for whom they are providing the reference; the capacities in which they know the applicant; the period of time in which they knew or worked with the applicant; the nature of their knowledge of the applicant's mediation skills; and their assessment of the applicant's ability as a mediator.

From lawyers and members of the public who request information about mediators: their name and contact information; the nature of the dispute or court action; where they are requesting the appointment of a mediator under a Notice to Mediate regulation, the name and contact information for the lawyers representing the other parties to the action, and/or the names of the other parties, and their contact information.

From members of the public who request information about mediation or the Society: their name and contact information, and the nature of the enquiry.

From the Society's contractors, in order to prepare their contract for services: their name and contact information.

6. Principle 3 – Obtain consent

The Society will, before or at the time personal information is collected, obtain consent of the individuals for the collection, use or disclosure of personal information, except when the PIPA provides for exemptions, grants permission or creates a requirement for collection, use or disclosure.

Requirements for consent to collection, use or disclosure of personal information vary depending upon the circumstances and on the type of information. The PIPA provides that consent may be express, implied (including the use of "opt-out" consent) or "deemed". In determining whether consent is required and, if so, what form of consent is appropriate, the Society will take into account both the sensitivity of the personal information and the purposes for which the Society will use the information. Whenever feasible, the Society will obtain express consent for the collection, use or disclosure of personal information.

On giving reasonable notice to the Society, an individual may withdraw consent for the collection, use or disclosure of his or her personal information. Upon notice of withdrawal of consent the Society will notify the individual of the likely consequences of withdrawing his or her consent and, except when otherwise

required or permitted by law, the Society will stop collecting, using or disclosing the personal information as requested.

7. Principle 4 – Limit collection

The Society will only collect personal information for purposes that a reasonable person would consider appropriate in the circumstances, and will limit the amount and type of personal information collected to what is necessary to fulfill the identified purposes. The Society will endeavour to collect personal information directly from the individuals involved, unless the PIPA or the individuals authorize the collection from other sources.

8. Principle 5 – Limit use, disclosure and retention

The Society will only use or disclose personal information for the purposes for which it was collected, unless the individual consents to a new purpose or the use or disclosure is otherwise authorized by the PIPA.

(a) How is personal information used?

The Society uses personal information to fulfill its purposes as described under 1(a) The purposes of the Society, on page 3. For example, the Society uses personal information to provide lawyers and members of the public with information concerning the qualifications of members of the Civil and Family Rosters, and members of the Child Protection Mediation Program Roster, and to promote the use of mediation to resolve disputes. When required under the Notice to Mediate regulations, the Society uses personal information to appoint mediators when parties to actions in the Supreme Court have been unable to agree upon the selection of a mediator.

The Society may use anonymous information (information that does not identify any particular individual), such as information collected through questionnaires or statistical information about programs and services provided by the Society.

If, for any reason personal information is required to fulfill a purpose other than the purposes for which consent was originally obtained, the Society will, when appropriate, notify the individual and obtain consent before using that information for a new purpose.

(b) When may personal information be disclosed?

The Society may disclose an individual's personal information to others in connection with the purposes for which it was collected, either as consented to by the individual or as required or permitted by law.

Most often information is disclosed when lawyers or members of the public seek information about members of the Civil or Family Roster, or members of the Child Protection Mediation Program Roster, or when they request the appointment of a mediator under one of the Notice to Mediate regulations.

The Society does not sell, lease or trade personal information.

(c) How is personal information disclosed?

Personal information is disclosed by the Roster Coordinator or designate when she is contacted by lawyers and members of the public seeking, for example, information about members of the Civil or Family Roster or appointment of a mediator under one of the Notice to Mediate regulations.

The most common means of disclosure, however, is the Society website. Personal information provided by members of the Civil and Family Rosters, and members of the Child Protection Mediation Program Roster, is entered into the Society database and much, but not all, of that information may be accessed via the Society website. Roster members provide their personal information with the knowledge that, and for the very reason that, their personal information will be accessible by lawyers and the general public via the Society website.

(d) How long is personal information retained?

Personal information will only be retained for the period of time required to fulfill the purposes for which it was collected. Once the personal information is no longer required to be retained to fulfill the purposes for which it was collected, and is no longer required or permitted to be retained for legal or business purposes, it will be destroyed or made anonymous.

If the Society has used an individual's personal information to make a decision that directly affects the individual, it will retain that information for at least one year after using it, so that the individual has a reasonable opportunity to obtain access to it.

9. Principle 6 – Be accurate

As personal information is likely to be used by the Society to make decisions that affect the individuals to whom the information relates, and as most information is likely to be disclosed by the Society to other persons and organizations via the Society website, the Society takes appropriate steps to ensure that the personal information collected by the Society is as accurate and complete as is reasonably possible. Most of the personal information collected by the Society about Roster members is provided by Roster members themselves.

At any time an individual may request that the Society correct an error or omission in any personal information, or update personal information, which is under the Society's control. To facilitate correction and updating of personal information, each year all Roster members are provided with a copy of the information about them that is stored in the Society's database. Roster members are asked to review this information and advise the Roster Coordinator or designate of any corrections or updates that they would like to have made. The Society will, as appropriate, amend the information as requested.

10. Principle 7 – Use appropriate safeguards

The Society protects personal information in all formats by security safeguards that are appropriate to the sensitivity level of the information. All contractors and support personnel receive training and information about the importance of privacy and they are required to follow the Society's policies and processes regarding handling of personal information. The ability to access Society records and database is restricted to authorized Society representatives who have a legitimate reason for obtaining access.

The Society manages electronic information with appropriate passwords and security measures in order that access is limited to authorized personnel. The Society's security protocols are reviewed regularly to ensure that the privacy of personal information is not compromised.

However, as indicated under Principle 5 – Limit use, disclosure and retention, (c) How is personal information disclosed?, on page 10, the most common means of disclosure of personal information is the Society website. Roster members provide personal information with the knowledge that, and for the very reason that, their personal information will be accessible by lawyers, judges, government, and the general public via the Society website.

11. Principle 8 – Be open

The Society makes available to individuals information that explains its personal information policies and practices. For example, this Personal Information Protection Policy is available on the Society website. Individuals may direct any enquiries concerning the Society's privacy policies or practices to the Privacy Officer (see contact information set out under Principle 1 – Be accountable, on page 6).

12. Principle 9 – Give individuals access

(a) Access to personal information

Upon request to the Privacy Officer the Society will provide individuals with:

- Access to their personal information,
- An explanation of how their personal information is or has been used,
- A list of any individuals or organizations to whom their personal information has been disclosed by the Roster Coordinator or designate,
- Within 30 days of receipt of the request, a copy of the information requested or a response that indicates reasons for not providing access, subject to the exceptions set out in the PIPA.

Exceptions to the requirement to provide access are contained in section 23 (3) of the PIPA. In particular, the Society *must* not disclose personal information if the disclosure

- Could reasonably be expected to threaten the safety or physical or mental health of another person,
- Would reveal personal information about another individual, or
- Would reveal the identity of an individual who has provided personal information about another individual.

(b) Correction or updating of personal information

Upon request to the Privacy Officer the Society will:

- Correct or update personal information, or
- If no correction is made in response to the individual's request, annotate the personal information to indicate that a correction was requested but not made.

13. Principle 10 – Provide recourse

Questions or concerns about the Society's policies or processes relating to privacy, confidentiality or the handling of personal information should be directed to the Privacy Officer (see contact information set out under Principle 1 – Be accountable, on page 6). Complaints about the Society's policies and processes relating to privacy, confidentiality and the handling of personal information should also be directed, in writing, to the Privacy Officer. Upon receipt of a complaint, the date will be recorded and receipt will be promptly acknowledged. The Privacy Officer is responsible for the timely investigation of complaints in a fair, impartial and confidential manner. However, the Privacy Officer may enlist the assistance of other impartial representatives of the Society who have relevant knowledge of the personal information in question.

If a complaint is found to be justified, the Society will take appropriate measures to rectify the situation, including correcting information-handling policies and processes, as necessary, and communicating those changes, as appropriate. Complainants will be notified promptly of the outcome of the investigation and

any steps taken as a result. All decisions made will be recorded to facilitate consistency in applying the PIPA.

If, after the Privacy Officer has reviewed and responded to the complaint, the complainant remains dissatisfied, he or she may contact the Office of the Information and Privacy Commissioner at:

P.O. Box 9038, Stn Prov Govt
Victoria BC V8W 9A4
Telephone: (250) 387-5629
Fax: (250) 387-1696

September 29, 2009