



Hamilton Community Energy
a Hamilton Utilities company

HAMILTON HYDRO SERVICES HAMILTON HYDRO SERVICES INC.

PRIVACY POLICY

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Introduction

Hamilton Hydro Services Inc. is committed to maintaining the accuracy, confidentiality, security and privacy of customer and employee personal information.

In March 1996, the new Canadian Standards Association *Model Code for the Protection of Personal Information*, CAN/CSA-Q830-96 (the “CSA Code”), was published as a National Standard of Canada. Hamilton Hydro Services Inc. subscribes to the principles of the CSA Code and the requirements of the *Personal Information Protection and Electronic Documents Act*.

The Hamilton Hydro Services Inc. Privacy Policy is a formal statement of principles and guidelines concerning the minimum requirements for the protection of personal information provided by us to our customers and employees. The objective of the policy is to confirm with the National Standard and federal legislation.

This privacy policy will be reviewed periodically and updated as required.

Summary of Principles

- 1. Accountability:** An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.
- 2. Identifying Purposes:** The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.
- 3. Consent:** The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.
- 4. Limiting Collection:** The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.
- 5. Limiting Use, Disclosure, and Retention:** Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information must be retained only as long as necessary for the fulfillment of those purposes.
- 6. Accuracy:** Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
- 7. Safeguards:** Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
- 8. Openness:** An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.
- 9. Individual Access:** Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.
- 10. Challenging Compliance:** An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

Definitions

- **Collection** – the act of gathering, acquiring, recording or obtaining personal information from any source, including third parties, by any means.
- **Consent** – voluntary agreement with the collection, use and disclosure of personal information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by an authorized representative. Express consent can be given orally, electronically or in writing but is always unequivocal and does not require any inference on the part of Hamilton Hydro Services Inc. Implied consent is consent that can reasonably be inferred from an individual's action or inaction.
- **Customer** – an individual who uses, or applies to use the services of Hamilton Hydro Services Inc.
- **Disclosure** – making personal information available to a third party.
- **Employee** – an employee or pensioner of Hamilton Hydro Services Inc.
- **Personal Information** – information about an identifiable individual but not aggregated information that cannot be associated with a specific individual. For a customer such information includes a customer's credit information, billing records, service and equipment, and any recorded complaints. For an employee such information includes information found in personal employment files, performance appraisals and medical and benefits information.
- **Third party** – an individual other than the customer or his agent or an organization other than Hamilton Hydro Services Inc.
- **Use** – the treatment, handling, and management of personal information by Hamilton Hydro Services Inc.

The Hamilton Hydro Services Inc. Privacy Policy in Detail

Principle 1 – Accountability

Hamilton Hydro Services Inc. (“HHSI”) is responsible for personal information under their control and shall designate one or more persons who are accountable for the companies’ compliance with the following principles:

- 1.1 Responsibility for ensuring compliance with the provisions of the HHSI privacy policy rests with the senior management of HHSI which shall designate one or more persons to be accountable for compliance with the Hamilton Hydro Services Inc. Privacy Policy and the *Personal Information Protection and Electronic Documents Act*. Other individuals within HHSI may be delegated to act on behalf of the designated person(s) or to take responsibility for the day-to-day collection and processing of personal information.
- 1.2 HHSI shall make known, upon request, the title of the person or persons designated to oversee the companies’ compliance with HHSI privacy.
HHSI has designated the Corporate Privacy Officer to oversee compliance with the Hamilton Hydro Services Inc. Policy. The Corporate Privacy Officer can be contacted at:

Corporate Privacy Officer
55 John Street North
PO Box 2249, Station LCD 1
Hamilton, Ontario L8N 3E4
hucprivacy@hamiltonucorp.com
905-317-4734
- 1.3 HHSI is responsible for personal information in their possession or control, including information that has been transferred to a third party for processing.
- 1.4 HHSI has implemented policies and procedures to give effect to the HHSI Privacy Policy including:
 - a) implementing procedures to protect personal information and to oversee the company’s compliance with the *Personal Information Protection and Electronic Documents Act (PIPEDA)*
 - b) establishing procedures to receive and respond to inquiries or complaints
 - c) training and communicating to staff about the company’s policies and practices.

Principle 2 – Identifying Purposes for Collection of Personal Information

2.1 HHSI collects personal information only for the following purposes:

- a) to establish and maintain responsible commercial relations with customers and to provide ongoing service
- b) to meet legal and regulatory requirements

2.2 HHSI shall specify orally or electronically the identified purposes to the customer or employee at the time personal information is collected. Upon request, persons collecting personal information shall explain these identified purposes or refer the individual to a designated person within HHSI who shall explain the purposes.

2.3 Unless required by law, HHSI shall not use or disclose, for any new purpose, personal information that has been collected without first identifying and documenting the new purpose and obtaining the consent of the customer or employee.

Principle 3 – Obtaining Consent for Collection, Use or Disclosure of Personal Information

The knowledge and consent of a customer or employee are required for the collection, use or disclosure of personal information, except where inappropriate.

3.1 In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individual. For example, HHSI may collect or use personal information without knowledge or consent if it is clearly in the interests of the individual and consent cannot be obtained in a timely way, such as when the individual is a minor, seriously ill or mentally incapacitated.

HHSI may also collect, use or disclose personal information without knowledge or consent if seeking the consent of the individual might defeat the purpose of collecting the information such as in the investigation of a breach of an agreement or a contravention of a federal or provincial law.

HHSI may also use or disclose personal information without knowledge or consent in the case of an emergency where the life, health or security of an individual is threatened.

HHSI may disclose personal information without knowledge or consent to a lawyer representing the companies, to collect a debt, to comply with a subpoena, warrant or other court order, or as may be otherwise required by law.

3.2 In obtaining consent, HHSI shall use reasonable efforts to ensure that a customer or employee is advised of the identified purposes for which personal information will be used or disclosed. Purposes shall be stated in a manner that can be reasonably understood by the customer or employee.

3.3 Generally, HHSI shall seek consent to use and disclose personal information at the same time it collects the information. However, HHSI may seek consent to use and disclose personal information after it has been collected but before it is used or disclosed for a new purpose.

3.4 HHSI will require customers to consent to the collection, use or disclosure of personal information as a condition of the supply of service only if such collection, use or disclosure is required to fulfill the identified purposes.

3.5 In determining the appropriate form of consent, HHSI shall take into account the sensitivity of the personal information and the reasonable expectations of its customers and employees.

3.6 In general, the use of services by a customer, or the acceptance of employment or benefits by an employee, constitutes implied consent for HHSI to collect, use and disclose personal information for all identified purposes.

3.7 A customer or employee may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. Customers and employees may contact HHSI for more information regarding the implications of withdrawing consent.

Principle 4 - Limiting Collection of Personal Information

HHSI shall limit the collection of personal information to that which is necessary for the purposes identified by the company.

Hamilton Hydro Services Inc. shall collect personal information by fair and lawful means.

- 4.1 HHSI collects personal information primarily from their customers or employees.
- 4.2 HHSI may also collect personal information from other sources including credit bureaus, employers or personal references, or other third parties that represent that they have the right to disclose the information.

Principle 5 – Limiting Use, Disclosure and Retention of Personal Information

HHSI 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 by law. HHSI shall retain personal information only as long as necessary for the fulfillment of the purposes for which it was collected.

5.1 In certain circumstances personal information can be collected, used or disclosed without the knowledge and consent of the individual.

5.2 In addition, HHSI may disclose a customer's personal information to:

- a) an agent retained by HHSI in connection with the collection of the customer's account
- b) Credit grantors and reporting agencies
- c) A person who, in the reasonable judgment of HHSI, is seeking the information as an agent of the customer
- d) A third party or parties, where the customer consents to such disclosure or disclosure is required by law

5.3 HHSI may disclose personal information about its employees:

- a) for normal personnel and benefits administration
- b) in the context of providing references regarding current or former employees in response to requests from prospective employers
- c) where disclosure is required by law

5.4 Only those employees of HHSI who require access for business reasons, or whose duties reasonably so require, are granted access to personal information about customers and employees.

5.5 HHSI shall keep personal information only as long as it remains necessary or relevant for the identified purposes or as required by law. Depending on the circumstances, where personal information has been used to make a decision about a customer or employee, HHSI shall retain, for a period of time that is reasonably sufficient to allow for access by the company or employee, either the actual information or the rationale for making the decision.

5.6 HHSI shall maintain reasonable and systematic controls, schedules and practices for information and records retention and destruction which apply to personal information that is no longer necessary or relevant for the identified purposes or required by law to be retained. Such information shall be destroyed, erased or made anonymous.

Principle 6 – Accuracy of Personal Information

Personal information shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

- 6.1 Personal information used by Hamilton Hydro Services Inc. shall be sufficiently accurate, complete and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about a customer or employee.
- 6.2 HHSI shall update personal information about customers and employees as and when necessary to fulfill the identified purposes or upon notification by the individual.

Principle 7 – Security Safeguards

Hamilton Hydro Services Inc. shall protect personal information by security safeguards appropriate to the sensitivity of the information.

- 7.1 HHSI shall protect personal information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures. HHSI shall protect the information regardless of the format in which it is held.
- 7.2 HHSI shall protect personal information disclosed to third parties by contractual agreements stipulating the confidentiality of the information and the purposes for which it is to be used.
- 7.3 All employees of HHSI with access to personal information shall be required as a condition of employment to respect the confidentiality of personal information.

Principle 8 – Openness Concerning Policies and Practices

HHSI shall make readily available to customers and employees specific information about its policies and practices relating to the management of personal information.

8.1 HHSI shall make information about its policies and practices easy to understand, including:

- a) The title and address of the person or persons accountable for the companies' compliance with the HHSI privacy policy and to whom inquiries or complaints can be forwarded
- b) The means of gaining access to personal information held by companies
- c) A description of the type of personal information held by the companies, including a general account of its use

Principle 9 – Customer and Employee Access to Personal Information

HHSI shall inform a customer or employee of the existence, use and disclosure of his or her personal information upon request and shall give the individual access to that information.

A customer or employee shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

- 9.1 Upon written request HHSI shall afford to a customer or an employee a reasonable opportunity to review the personal information in the individual's file. Personal information shall be provided in understandable form within a reasonable time and at minimal or no cost to the individual.
- 9.2 In certain situations, HHSI may not be able to provide access to all of the personal information that they hold about a customer or employee. For example HHSI may not provide access to information if doing so would likely reveal personal information about a third party or could reasonably be expected to threaten the life or security of another individual. Also, HHSI may not provide access to information if disclosure would reveal confidential commercial information, if the information is protected by solicitor-client privilege, if the information was generated in the course of a formal dispute resolution process, or if the information was collected in relation to the investigation of a breach of an agreement or a contravention of a federal or provincial law. If access to personal information cannot be provided, HHSI shall provide the reasons for denying access.
- 9.3 Upon request, HHSI shall provide an account of the use and disclosure of personal information, and, where reasonable possible, shall state the source of the information. In providing an account of disclosure, HHSI shall provide a list of organizations to which it may have disclosed personal information about the individual when it is not possible to provide an actual list.
- 9.4 In order to safeguard personal information, a customer or employee may be required to provide sufficient identification information to permit HHSI to account for the existence, use and disclosure of personal information and to authorize access to the individual's file. Any such information shall be used for this purpose.
- 9.5 HHSI shall promptly correct or complete any personal information found to be inaccurate or incomplete. Any unresolved differences as to accuracy or completeness shall be noted in the individual's file. Where appropriate, HHSI shall transmit to third parties having access to the personal information in question any amended information or the existence of any unresolved differences.
- 9.6 An employee can obtain information or seek access to his or her individual file by contacting his or her immediate supervisor within HHSI.

Principle 10 – Challenging Compliance

A customer or employee shall be able to address a challenge concerning compliance with the above principles to the designated person or persons accountable for the compliance of the Hamilton Hydro Services Inc. Privacy Policy.

- 10.1 HHSI shall maintain procedures for addressing and responding to all inquiries or complaints from its companies and employees about the companies' handling of personal information.
- 10.2 HHSI shall inform their customers and employees about the existence of these procedures as well as the availability of complaint procedures.
- 10.3 The person or persons accountable for compliance with the HHSI privacy policy may seek external advice where appropriate before providing a final response to individual complaints.
- 10.4 HHSI shall investigate all complaints concerning compliance with the HHSI privacy policy. If a complaint is found to be justified, the company shall take appropriate measures to resolve the complaint including, if necessary, amending its policies and procedures. A customer or employee shall be informed of the outcome of the investigation regarding his or her complaint.