

## APGNS Access to Records and Privacy Policy (approved February 2004; updated March 2018 and July 2019)

### 1. INTRODUCTION

Since January 1, 2004, rules that apply to all organizations that collect, use and disclose personal information about individuals came into effect. The Association of Professional Geoscientists of Nova Scotia (APGNS; Geoscientists Nova Scotia), as a professional geoscience regulatory organization, adheres to an access to records and privacy policy and provides this information to outline its responsibilities under the Nova Scotia *Freedom of Information and Protection of Privacy Act (FOIPOP)* and the *Fair Registration Practices Act (FRPA)* as well as the *Personal Information Protection and Electronic Documents Act, (PIPEDA)* an Act of the Government of Canada.

This policy and procedure document is intended as an addendum to the current by-laws of the Association and reflects the currently accepted procedures as well as the by-laws under development for the revised *Geoscience Profession Act* and *Geoscience Practice Regulations*. Where accuracy is critical, please consult the current *Geoscience Profession Act* and the by-laws of the Association.

### 2. APGNS PERSONAL INFORMATION AND PRIVACY POLICY STATEMENT

APGNS respects the privacy of its individual and corporate applicants and registrants and is committed to protecting their personal information.

In this privacy statement “personal information” means information that reveals a distinctive trait, helps to identify an individual or corporate body and is not available in the public domain. This does not include business contact information, or the information provided to issue and maintain professional registration / licensure status or any other class or category of registration under the *Geoscience Profession Act*.

Any activity under the *Geoscience Profession Act* is subject to the obligations set out in the Act and the *Freedom of Information and Protection of Privacy Act*.

APGNS adheres to the privacy standards of the Canadian Standards Association (Model Code for the Protection of Personal Information – CAN/CSA-Q830-96) regarding collection, use, disclosure and retention of personal information. Compliance with these principles will be revised as needed. Individual contact information is collected, maintained and disclosed to approved providers of member services with consent in keeping with the following principles.

#### 2.1. ACCOUNTABILITY

APGNS is responsible for personal information under its control and has designated the Registrar as the individual responsible for ensuring compliance with the principles.

#### 2.2. IDENTIFYING PURPOSE

The purpose for which personal information is collected shall be identified by APGNS at or before the time the information is collected.

#### 2.3. CONSENT

The knowledge and consent of an individual is required for the collection, use, or disclosure of personal information, except where inappropriate. In its investigation of member conduct or the investigation of an applicant’s suitability for registration, specific information may be kept confidential from the applicant or registrant in order to protect the integrity of the investigation process.

#### 2.4. LIMITING COLLECTION

The collection of personal information will be limited to that which is necessary for the purposes identified by APGNS. The information will be collected by a fair and lawful means.

**2.5. LIMITING USE, DISCLOSURE AND RETENTION**

Personal information will 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 shall be retained as part of the applicant's or registrant's confidential file.

**2.6. ACCURACY**

Personal information will be as accurate, complete, and up to date as is necessary for the purpose for which it is to be used. It is considered an obligation of the applicant or registrant to ensure that their contact information is current. It is also considered an obligation that a corporate registrant (Certificate holder) to ensure that their contact information and the designation of a registered professional who takes responsibility for geoscience work is current.

**2.7. SAFEGUARDS**

Personal and corporate information will be protected by security safeguards appropriate to the sensitivity of the information.

**2.8. OPENNESS**

APGNS will make readily available to individuals specific information about its policies and practices relating to the management of personal information.

**2.9. INDIVIDUAL ACCESS**

Upon request, an individual will be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual will be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Requests for access to an applicant's or registrant's records must be made to the Registrar in writing. Requests for access to an applicant's or registrant's records may be made by the applicant or registrant or by a person, authorized in writing to communicate with APGNS on their behalf. Requests for access to records shall be accommodated in a timely manner.

**2.10. EXCLUSIONS**

APGNS will not provide access to the following documents that may form part of an applicant's or registrant's file:

- any information that is subject to a legal privilege;
- reference letters, unless the provider explicitly and in writing, authorizes disclosure;
- documents that are prohibited from disclosure pursuant to an Act or Regulation;
- where another enactment or court order or order as part of an APGNS investigation, discipline or enforcement or a similar quasi-judicial tribunal prohibits disclosure of the file or any information in the file; or
- where granting access could negatively affect public safety or could undermine that integrity of the registration process;

**2.11. FEES**

APGNS will charge a flat fee as defined by the current Schedule A. APGNS Professional Fees and Service Charges for making an applicant's or registrant's file, or portion thereof, available for review.

**2.12 ACCESS**

The applicant's or registrant's file may be viewed in-person at the main APGNS office or at a location designated by APGNS, by appointment, during regular business hours.

**2.13 CORRECTIONS**

If the applicant or registrant believes that the information held by APGNS is inaccurate, they may request the APGNS correct its records by making a request in writing to the Registrar with documentation in support of the request.

**2.12. CHALLENGING COMPLIANCE**

An applicant, registrant or their designate may address a challenge concerning compliance with the above principles to the Registrar.