

POL.2021.04	Title: <i>Access to Information and Protection of Privacy</i>
	Type: Policy
	Authority: Council
	Resolution No.: NIKLA 2021-12
	Associated Documents:

Legal Framework

The NIKLA Council (the “Council”) will make information about NIKLA available to the public and will make every reasonable effort to ensure that the personal information of its users within its custody or under its control, is protected, all in accordance with the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F31 (“*FIPPA*”).

POL.2021.04.1 Administration

The Council is ultimately responsible for personal information in the organization’s custody or under its control, and designates the Council Secretary as the individual accountable for compliance with *FIPPA*.

POL.2021.04.2 Definition of Personal Information

Personal information is defined in part, as “recorded information about an identifiable individual.” This could include, but is not limited to information related to membership, as well as a user’s telephone number, address or email address.

POL.2021.04.3 Collection and Use of Personal Information

1. No personal information about members shall be collected without obtaining their consent to do so, subject to the exemptions contained in *FIPPA*.
2. Personal information that is collected will be limited to what is necessary for the proper administration of NIKLA and the provision of its mission.
3. Personal information will only be used for the stated purpose for which it was collected or for a consistent purpose, in accordance with *FIPPA*.
4. The Council Secretary with the Executive shall limit the Council and Community access to member’s personal information to only those who need such access in order to perform their assigned mandates.
5. For the purposes of the member registration and administration, NIKLA collects the following types of personal information: name, address, telephone number, email address, Indigenous language, Nation/Affiliation, Community membership, membership dues and/or donation contributions, and Blog/Social Media subscriptions.
6. NIKLA will not sell or share any donor or membership lists.

POL.2021.04.4 Disclosure of Personal Information

1. Under no circumstances will NIKLA provide member or donor’s personal information to a third party.
2. All requests by a third party for disclosure of a member’s personal information shall be made in writing to the Council Secretary. The Council Secretary will process the request in accordance with *FIPPA*.

3. The Council Secretary will not disclose personal information related to a member to any third party without obtaining consent to do so, subject to certain exemptions as provided in *FIPPA*, including, but not limited to:
 - a. if disclosure is to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result; and
 - b. in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased.
4. The Council Secretary may disclose personal information if such disclosure is otherwise required by law.
5. The Council Secretary may release relevant personal information to a company acting on its behalf for the collection of NIKLA property or unpaid fees.
6. The Council Secretary may allow certain of its service providers access to relevant personal information solely for the purpose of maintaining the banking or membership lists of NIKLA.
7. A user's name, address and/or email address may be accessed and used by designated members for the purpose of communicating information regarding NIKLA programs and services, such as Gathering of Member meeting notice and Newsletter/Blog communication.

POL.2021.04.5	Retention of Personal Information
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1. NIKLA will not retain any personal information related to the membership or donations longer than is necessary for maintenance of organization history. However, as long as a member is in good standing, NIKLA may retain records regarding membership for no less than seven years.
2. If a member has lapsed for two years or more, the membership records may be transitioned to archival content.

POL.2021.04.7	Pictures and Videos
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For the purpose of promotion or reporting, the Council and members may collect or take photos or videos of relevant programs and services. Photo releases shall be maintenance for no less than two years following the use of any promotional use.

POL.2021.04.8	Access to Information
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1. Access to the general records about the operations of NIKLA will be provided to the public, subject to the exemptions set out in *FIPPA*.
2. The Council, as well as Community agendas and minutes, annual reports and a variety of other information are routinely disclosed to the public through the NIKLA website.
3. Access to personal information about a particular individual will be provided to that individual on condition that such information is requested in writing to the Council Secretary and subject to the exemptions set out in *FIPPA*.
4. The Council Secretary will change an individual's personal information if it is verified to be incorrect or outdated.
5. An administration fee may be charged for access to individual or general records in accordance with *FIPPA* regulations. NIKLA follows the fee structure as outlined in the appendix and will publish said fee structure on the website.

6. Details on submitting a request and appealing a decision are outlined in the appendix.

Original Approval: 2021-11-25

Appendix

The following information will be available in print and on the NIKLA FOI Webpage

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This is a legal obligation.

If an FIO ever occurs, I can work with the Board Secretary to make sure there is proper compliance, having been through a few.

Access to General Information

The National Indigenous Knowledge & Language Alliance (NIKLA) is an incorporated Not-For-Profit. While a formal request may be completed at any time, it is recommended that any individual looking to access records first contact the [Council Secretary](#) who has the authority to provide information. Records are generally available, unless there are specific reasons why the information cannot be given based on the Act. Where the records are not publicly available, a formal FIPPA Request form is required.

Access to Personal Information

Every person has the right to see personal information about them held by an organization. A request may be made to see the records and have the information changed if a person thinks that the information contains errors or omissions. To access personal information or request a change to personal information, a FIPPA Request is required. This includes member and/or donation records.

Once NIKLA receives a request, it will determine whether the correction or addition of information has been granted. Any request denied may be appealed to the Information and Privacy Commissioner Filing An Appeal - IPC. NIKLA cannot directly accept any requests for appeal.

Submitting a Request

All formal requests to see general records or personal information or to change personal information must be submitted to the NIKLA designated "Head" which is the [Council Secretary](#). Request applications must be submitted with the processing fee of \$25.00. This fee is not subject to refund or being waived. No activity will occur on the request until such time as both the application and fee have been paid. Completed FIPPA Request forms and the application fee should be mailed to:

NIKLA
PO Box 149
Ohsweken ON N0A 1M0

You may also submit a request by email and provide an e-transfer of fees directly to the [Council Secretary](#) email.

Exemptions

Exemptions: Mandatory and Discretionary

There are two types of exemptions in FIPPA.

Mandatory Exemptions require the head of an institution to refuse to disclose the record. Mandatory exemptions begin with the words: "a head shall refuse to disclose..."

Discretionary Exemptions allow the head to disclose a record, despite the existence of the exemption. Discretionary exemptions are introduced by the words: "(A) head may refuse to disclose..."

Examples of exclusions and exemptions include:

- Cabinet records
- Court records
- Records containing certain law enforcement information
- Records that could prejudice intergovernmental relations
- Personal information that could invade the privacy of an individual
- Certain records supplied in confidence by a third party
- Most labour relations records

Requesters may appeal institutions' decisions by writing or by filling out an [appeal form](#) and sending it to the IPC Registrar at the address on the form.

Fees

The [FIPPA Act](#) is founded on the premise that requestors should bear at least a portion of the costs associated with responding to their request. As a result, applicants are required to pay the fees mandated by the Act.

- A processing fee of \$25.00 is required for all applications. This fee minimally covers the processing of a request and determining the length of time required to provide information and therefore assess the additional costs. This fee is non-refundable.
- When the cost is expected to be more than \$25.00, the applicant will be provided with a Notice of Fee Estimate that will provide a line by line breakdown of the anticipated fees.
- When the cost is expected to be more than \$100.00, a deposit equal to 50% of the anticipated cost will be required before any additional work associated with the request will occur.

If the applicant believes the anticipated fees are excessive or unaffordable, the scope of your request should be adjusted. A Notice of Fee will be provided when the process is complete. The cost outlined in the Notice of Fee must be received in full prior to any release of records. If the applicant cancels the request at any time during the research stage, upon completion of the research, or after the records have been release, all payments are non-refundable.

Protecting Personal Privacy

As well as giving access to NIKLA records, the [FIPPA Act](#) also requires the organization to protect the privacy of our members.

Personal information is collected and used by for very specific purposes that are identified at the time of collection. Personal information will not be used for any other reason than identified at the time of collection, nor disclosed in any circumstance, except as permitted by the Act.

If you feel your personal information has been misused or disclosed in a manner that is inconsistent with the Act, please contact the [Council Secretary](#) or the Information and Privacy Commissioner.

Appealing a Decision

Any decision issued by the NIKLA may be appealed to the Information and Privacy Commissioner of Ontario. Decisions can only be reviewed by the Commissioner's Office and must be appealed within 30 days of the decision being issued by the Council Secretary.

To appeal a decision, please consult the information provided by the Information and Privacy Commissioner.