



## Privacy Policy

### ***Introduction***

The College of Early Childhood Educators of Ontario (the “College”) is committed to protecting privacy and confidentiality of information. The College is bound by the duty of confidentiality in the *Early Childhood Educators Act, 2007* (the “ECE Act”). Under section 51 of the ECE Act, every Council member, Committee member, employee and all others involved in the administration of the ECE Act are required to keep confidential all information that comes to their attention in the course of their duties, unless a specific exception applies.

In the course of fulfilling its mandate, the College may collect, use and disclose personal information. The personal information being collected is critical to the College’s ability to effectively regulate the profession in the public interest.

The College’s regulatory activities are not of a commercial nature. Accordingly, the performance of the College of its statutory duties is not covered by the federal *Personal Information Protection and Electronic Documents Act*. The College has adopted this Privacy Policy voluntarily to provide a voluntary mechanism through which the College can provide appropriate privacy rights to individuals involved in the College’s activities while still enabling the College to meet its statutory mandate under the ECE Act to regulate the profession of early childhood education in the public interest.

### ***Definition of Terms***

The following terms used in this Privacy Policy have the meanings set out below:

“**child**” means a person under the age of 18 years.

“**College**” means the College of Early Childhood Educators of Ontario.

“**Complaints Committee**” means the Complaints Committee of the College.

“**Discipline Committee**” means the Discipline Committee of the College.

“**ECE Act**” means the *Early Childhood Educators Act, 2007* and the regulations made under that Act.

“**member**” means a member of the College and a former member of the College.

“**organization**” includes an individual, a corporation, an association, a partnership and a trade union.

**“personal information”** means information about an identifiable individual but does not include the name, title or business address or telephone number of an individual.

**“PHIPA”** means the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3

**“PIPEDA”** means the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5.

**“Regulations”** means the regulations made under the ECE Act.

**“Third party”** means a person other than the College and the individual to whom the personal information relates.

### ***Privacy Principles and Practices***

The College voluntarily commits to abide by the following privacy principles and practices:

#### ***Principle 1 – Openness and Accountability***

The College has appointed a Privacy Officer who is accountable for compliance with this Privacy Policy. Complaints or questions regarding the manner in which personal information is being handled by the College should be directed to the Privacy Officer at:

Cynthia Abel RECE  
Chief Privacy Officer  
College of Early Childhood Educators  
438 University Avenue, Suite 1900  
Toronto, Ontario  
M5G 2K8

The College will provide orientation and training to all employees and appointees as well as all members of Council and committees regarding their obligations pursuant to section 51 of the ECE Act and this Privacy Policy.

#### ***Principle 2 – Identifying Purposes for Collection, Use and Disclosure of Personal Information***

The College collects, uses and discloses personal information for the purpose of the proper administration and enforcement of the ECE Act and for other related regulatory purposes. In carrying out its objects, the College has a duty to serve and protect the public interest.

The College collects and uses personal information for the following purposes:

- to investigate complaints or mandatory employer reports regarding the conduct or actions of a member of the College;

- to investigate whether a member has committed an act of professional misconduct or is incompetent;
- to inquire whether a member is incapacitated;
- to negotiate and implement resolutions in accordance with the complaint resolution process in the ECE Act;
- to hold a hearing of allegations of a member's professional misconduct or incompetence or of allegations that a member is incapacitated;
- to carry out the continuous professional learning program of the College, including an assessment of the records and practice of its members;
- to investigate reports filed about members of the College;
- to assess whether a former member's certificate of registration should be reinstated;
- to provide statistical information for human resource planning and demographic and research studies for regulatory purposes;
- to provide information about members to the public for regulatory purposes such as public register information and information about discipline hearings; and
- to administer or enforce the ECE Act.

The College may collect personal information regarding a member from the member, colleagues of the member, children, parents or persons with legal custody of the children in play-based learning and care programs, any person relating to a complaint and third parties.

The College discloses personal information only as permitted by section 51 of the ECE Act or as required by law.

#### **Information About Applicants For Registration**

The College collects and uses personal information regarding applicants and potential members to assess whether an applicant or potential member meets, and continues to meet, the registration requirements for the issuance of a certificate of registration and to administer or enforce the Act.

#### **Information Related to Unauthorized Practice and Holding Out**

The College collects and uses personal information regarding individuals who may be engaging in the practice of the profession or are holding themselves out as able to do so to investigate whether the individual has contravened or is contravening the Act and to administer or enforce the Act.

### **Information Related to Children, Parents or Persons with Legal Custody of the Children in Early Learning and Care Programs**

Personal information regarding children or parents or caregivers of children in play-based learning and care programs, sometimes must be collected as part of the College's regulatory function. The focus of these inquiries is the protection of the public. The College only collects such personal information to satisfy this regulatory purpose.

### **Information Related to Administering the Act**

The College collects and uses personal information regarding individuals who are employed, retained, elected or appointed for the purpose of administering the ECE Act, including the following:

- to review prospective candidates and retain or appoint persons for the purpose of the administration of the ECE Act;
- to conduct Council elections;
- to maintain records to ensure accurate remuneration and payment of expenses and all documentation required by law and by the various levels of government in accordance with sound accounting practices;
- to communicate with the person (e.g., home contact information);
- to maintain accurate and fair accounts of any disputes, possible conflicts of interest or misconduct involving a person employed, retained or appointed for the purpose of the administration of the ECE Act or a member of the Council or committee of the College;
- to comply with reporting requirements to relevant government entities;
- to make payments and provide benefits.

### **Specifying the Identified Purpose**

Where practicable, the College will make a reasonable effort to specify the identified purposes to the individual from whom the personal information is collected, either at the time of collection or after collection but before use, except where to do so would defeat the purpose of the ECE Act or be inconsistent with the ECE Act.

Where personal information is collected for one purpose, the College reserves the right to use and disclose the information for another regulatory purpose where it is in the public interest to do so.

### ***Principle 3 – Consent to Collect, Use and Disclose Personal Information***

The College will only collect, use and disclose personal information without the knowledge and consent of the individual for the purpose of the administration or enforcement of the ECE Act /or in accordance with any applicable provisions of the ECE Act.

### ***Principle 4 – Limiting Collection, Use, Disclosure or Retention***

The College makes reasonable efforts to only collect personal information that is required to administer and enforce the ECE Act.

The College uses personal information only for the purposes identified in Principle 2 and in accordance with the provisions of the ECE Act. Personal information is only disclosed in accordance with the provisions of section 51 of the ECE Act or as required by law.

### ***Principle 5 – Accuracy***

It is in the best interest of the public that the College collects, uses and discloses only accurate personal information in regulating the profession. The College therefore uses its best efforts to ensure that the information it collects, uses and discloses is accurate.

Members are required to provide the College with accurate information and to advise the College of changes in a timely manner.

### **Challenging Accuracy and Completeness of Personal Information**

An individual has the right to request a correction of what in his or her view is erroneous information. Where the information forms part of a record created by another organization, the College will refer the individual to that organization.

Where an individual is able to demonstrate successfully that personal information held by the College that is of a factual nature (not, for example, the expression of an opinion) is inaccurate or incomplete, the College will amend the information (i.e., correct or add information). In addition, where appropriate, the College will notify any third parties to whom the College has disclosed the erroneous information.

### ***Principle 6 – Safeguards***

The College takes reasonable steps to ensure that the personal information it holds is secure from loss, theft and misuse.

The College ensures that personal information is stored in electronic and physical files that are secure. These measures include restricting access to personal information to authorized personnel and ensuring that physical files are under lock and key. The College takes all reasonable steps to protect personal information from unauthorized uses and disclosures, including when personal information is stored with a third party provider. A third party provider may be located outside of Canada. While personal information is in another jurisdiction, it may be accessible to law enforcement and national security authorities of that jurisdiction. The College reviews its security measures periodically.

Employees of the College receive an orientation and ongoing training regarding the information safeguards required for personal information and their importance.

The College uses a number of consultants and agencies that may, in the course of their duties, have limited access to personal information held by the College. These include investigators, information technology consultants, building services, bookkeepers and accountants, temporary workers and our landlord. The College restricts their access to any personal information held by the College as much as possible. The College enters into privacy agreements with external consultants and agencies that have access to personal information held by the College.

## ***Principle 7 - Individual Access***

### **Access**

Where the College holds personal information about an individual, upon written request, the College may allow access to the information to that individual, unless providing access could reasonably be expected to interfere with the administration or enforcement of the ECE Act or it is impracticable or impossible for the College to retrieve the information.

Examples of situations where access may be denied include:

- Information contains references to another individual(s) that cannot be severed;
- Disclosure may result in risk of harm to the requestor or another person;
- Information was collected or created in the course of an inspection, investigation, inquiry, assessment or similar procedure;
- Access may defeat the purposes for which the information was collected;
- Information cannot be disclosed for legal, security or commercial proprietary reasons;
- Information is subject to solicitor-client or other privilege;
- Information was generated in the course of a dispute or resolution process; and
- The request is frivolous, vexatious, made in bad faith or otherwise an abuse of process.

In cases where the personal information forms part of a record created by another organization, the College may refer the individual to the organization that created the record.

While the College's response will typically be provided at no cost or minimal cost to the individual, depending on the nature of the request and the amount of information involved, the College reserves the right to charge a cost recovery fee. In these circumstances, the College will inform the individual of the approximate cost to provide the response and proceed upon payment by the individual of the cost.

The College will make every effort to respond to the request in a timely manner.

Individuals should send their written request for access, with contact information and sufficient information about themselves to identify them, to the Privacy Officer.

In the event the College refuses to provide access to all of the personal information it holds, the College will provide reasons for denying access. The individual may then choose to file a complaint with the College's Registrar & CEO.