

PRIVACY POLICY OF THE MUNICIPALITY OF WALTHAM .

CONSIDERING THAT the Municipality of Waltham (hereinafter the "Municipality") is a public body subject to the Act respecting Access to documents held by public bodies and the Protection of personal information, CQLR c. A-2.1 (hereinafter the "Access Act");

CONSIDERING THAT the Municipality is committed to protecting the personal information it collects and processes in the course of its activities in compliance with applicable laws and regulations; WHEREAS the Access Act provides that a public body, including a municipal body, must adopt a confidentiality policy if it collects personal information by technological means;

CONSIDERING that such a policy must be published on the Municipality's website and disseminated by any means likely to reach any person concerned;

CONSIDERING THAT such a policy applies in a complementary manner to the Administrative Policy concerning the rules of governance for the protection of personal information of the Municipality; WHEREAS in order to fulfill the obligations set out in the Access Act, this Municipality of Waltham Privacy Policy is hereby established.

ACCORDINGLY, THE COMMISSION ORDERS THE FOLLOWING:

CHAPTER I — APPLICATION AND INTERPRETATION

1. DEFINITIONS For the purposes of this policy, the following expressions or terms have the following meanings: CAI: Refers to the Commission d'accès à l'information established under the Access Act; Council: Refers to the municipal council of the Municipality of Waltham; Employee: Refers to an elected officer or employee, full-time or part-time, permanent, seasonal or contract; Life cycle: Refers to all stages of existence of information held by the Municipality and more specifically its creation, modification, transfer, consultation, transmission, preservation, archiving, anonymization or destruction; Access Act: Refers to the Act respecting Access to documents held by public bodies and the Protection of personal information, CQLR v. A -2.1; Data Subject: Refers to any natural person for whom the Municipality collects, holds, communicates to a third party, destroys or anonymizes, one or more personal information; Stakeholder: Refers to a natural person in relation to the Municipality in the context of its activities and, without limiting the generality of the foregoing, an employee or supplier; PRP Governance Policy: Refers to the administrative policy concerning the Municipality's privacy governance rules; PRP: Refers to the protection of personal information; Personal information (or PI): Refers to any information that relates to a natural person and that allows him to be directly or indirectly identified, such as: postal address, telephone number, email or bank account number, whether personal or professional data of the individual; Sensitive Personal Information (or PI): Means any personal information that gives rise to a reasonable expectation of privacy for any individual, including because of the potential harm to the individual in the event of a privacy incident, such as financial information, medical information, biometrics, social insurance number, driver's licence number or sexual orientation; Responsible for Access to Documents (or FDR): Refers to the person who, in accordance with the Access Act, performs this function and responds to requests for access to documents

2. OBJECTIVES The Privacy Policy has the following objectives: · State guidelines and guiding principles to effectively ensure the confidentiality of any PI collected by any technological means; · Protect the confidentiality of any PI collected by the Municipality throughout its life cycle; · Indicate the technological means used to collect any PI, the purposes for which it is collected and its processing within the Municipality; · Ensure public confidence in the Municipality, be transparent about the processing of PRI and PRP measures applied by the Municipality and provide access to them when required

CHAPTER II — COLLECTION OF PERSONAL INFORMATION AND CONSENT

3. CONFIDENTIALITY

3.1. The Municipality keeps confidential any PI collected and makes it accessible only to employees who need it in the performance of their duties.

3.2. The Municipality shall specify its confidentiality practice when obtaining any consent from the person concerned to the collection of any PI.

3.3. The Municipality shall apply equivalent security measures, regardless of the sensitivity of the PI inmates, to prevent breaches of their confidentiality and integrity, subject to the exceptions provided for in the Access Act.

4. TYPES OF PERSONAL INFORMATION COLLECTED BY THE SERVICES The Municipality determines, on a regular basis and at least annually, the type of PI collected, the purposes for which it is collected, the category of employees of the Municipality who have access to such PI and the means by which it is collected and collected in accordance with the table in Appendix I of this Policy. [Time to be adapted according to the needs of the Municipality]

5. CONSENT TO THE COLLECTION OF PERSONAL INFORMATION

5.1. The Municipality does not collect and store any PI without the consent of the person concerned, subject to the exceptions provided for in the Access Act

5.2. It is understood that consent is given for specific purposes, for a period necessary to achieve the purposes for which it is requested, and must be: a) Manifesto: which means that it is obvious and certain; b) Free: which means that it must be free of constraints; (c) Enlightened: which means that he or she is informed of the facts

5.3. Except in the circumstances permitted by the Access Act, the Municipality does not transmit to a third party a PI concerning a person concerned without the specific consent of that person to such transfer.

5.4. Subject to the obligations of any law or regulation, a person concerned may refuse to consent to the collection of personal information and still receive services from the Municipality.

5.5. In order to express his refusal to the collection, use and possession of PI concerning him, the person concerned must: - Following the listening of a telephone message indicating the recording of his conversation, by addressing the employee of the Municipality answering the call, notifying him of his refusal to said recording and the collection, use and retention of personal information disclosed during the said conversation; - Following receipt of a form from the Municipality or any other document containing a request to obtain its consent to the collection of personal information, by notifying its refusal by not signing the form and notifying the employee of the Municipality who sent it the said form; - During any procedure made directly on the website of the Municipality, in order to benefit from any service provided by the Municipality, by following the indications in the place provided for in the form to register their refusal.

5.6. A person concerned may be refused access to various services of the Municipality when he does not give his consent to the collection and possession of any PI.

5.7. Notwithstanding the foregoing, a person concerned will be refused access to any service of the Municipality in the following circumstances: - The refusal by an employee candidate to collect any PI for the purpose of evaluating his candidacy for any job offered by the Municipality;

- The refusal by any owner of a building to be the subject of a property assessment to the collection of any PR by the service to the members of the property assessment of the Municipality;

5.8. Consent to the collection of any PI by means of a voice or visual recording entails the right for the Municipality to reproduce or broadcast any such recording, if justified according to the purposes for which it was collected. Each reproduction is subject to the same rules for the protection of personal information.

CHAPTER III – RIGHTS OF ACCESS AND RECTIFICATION 6. ACCESS RIGHTS

6.1. Any person has the right to be informed of the existence of any PI concerning him or her and kept in a PI file, subject to the exceptions provided for in the Access Act;

6.2. Unless otherwise provided for in the Access Act, any person concerned has the right to receive information relating to any PR held by the Municipality concerning him;

6.3. The Municipality shall provide access to information relating to any PR of the person concerned, to the person concerned, by allowing him to read it remotely or in the offices of the Municipality during regular business hours, from Monday to Friday, and to obtain a copy of it;

6.4. Where the person concerned is handicapped, the Municipality shall take reasonable accommodation measures to enable him to exercise the right of access provided for in this section 6. To this end, the Municipality shall take into account the policy established under section 26.5 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (CQLR c. E-20.1);

6.5. A data subject's access to any PI concerning him or her is free of charge. However, a fee not exceeding the cost of transcribing, reproducing and transmitting the PR may be charged to that person. The Municipality establishes the amount and terms of payment of these fees in accordance with the requirements of the By-law respecting fees payable for the transcription, reproduction and transmission of documents and personal information, CQLR c A-2.1, r 3;

6.6. Where the Municipality intends to charge a fee, it must inform the person concerned of the approximate amount that will be requested before proceeding with the transcription, reproduction or transmission of the document.

7. RIGHT TO RECTIFICATION

7.1. Any data subject who receives confirmation of the existence in a file of any PI relating to him or her may, if it is inaccurate, incomplete or equivocal, require that the file be corrected. The same applies if its collection, communication or retention is not authorized by the Access Act;

7.2. When the Municipality refuses in whole or in part to accede to a request for rectification of a file, the person concerned may demand that this request be registered;

7.3. The Municipality, when it accedes to a request for correction of a file containing any PR, shall issue to the requesting person concerned, free of charge, a copy of any amended or added PR or, as the case may be, an attestation of its withdrawal.

8. ACCESS OR RECTIFICATION PROCEDURE

8.1. A request for communication or rectification may be considered only if it is made in writing by a natural person proving his identity as the person concerned or as representative, heir or successor or liquidator of the succession, or beneficiary of life insurance or death benefit of the latter or holder of parental authority even if the minor child has died.

8.2. Such request shall be addressed to the RPRP of the Municipality.

8.3. The APR shall notify the applicant in writing of the date of receipt of the application.

8.4. This acknowledgement of receipt indicates the time limits for responding to the request and the effect that the Access Act attaches to the failure of the person in charge to comply with them. The notice shall also inform the applicant of the application for review provided for in Division III of Chapter IV of the Access Act.

8.5. The person in charge shall respond to a request for communication or rectification diligently and at the latest within twenty days of the date of receipt.

8.6. If the processing of the application within the time limit set out in this policy seems impossible to comply with without interfering with the normal conduct of the Municipality's activities, the RPRP may, before the expiry of that period, extend it by a period not exceeding ten days and give notice thereof to the applicant, by any means of communication allowing the person concerned to be contacted

8.7. The APR must give reasons for any refusal to grant a request and indicate the provision of the Access Act on which the refusal is based.

8.8. The RPP shall render its decision in writing and send a copy to the applicant. It shall be accompanied by the text of the provision on which the refusal is based, if any, and by a notice informing him of the application for review to the CAI provided for in Division III of Chapter IV of the Access Act and the time within which it may be exercised.

8.9. The PAPR shall ensure that the information that is the subject of the request is retained for the time required to allow the applicant to exhaust the remedies provided for in the Access Act.

9. RETENTION AND PROTECTION OF PERSONAL INFORMATION.

- 9.1. The Municipality shall host and process itself, in Québec, any PR collected.
- 9.2. Where the Municipality, in certain circumstances, entrusts the collection, possession or processing of any PI by a service provider in Québec or outside Québec, it shall take the best possible measures to ensure that the rights of the persons concerned provided for in this policy are respected by that provider. The laws of jurisdictions outside Quebec may affect the rights of data subjects.

10. TRANSFERS OF PERSONAL INFORMATION OUTSIDE THE MUNICIPALITY

- 10.1. Except for an authorization provided for in the Access Act or a specific consent obtained to that effect from the person concerned, the Municipality does not transfer any PR to a third party outside the Municipality.
- 10.2. Where any PI is transferred to a third party through a technological means, the privacy policy of a third-party organization, if any, will apply to such PI from now on.

11. RIGHT OF ACCESS TO A MUNICIPAL DOCUMENT

- 11.1. The Access Act applies to any document held by the Municipality, whether it is the Municipality that ensures their preservation or a third party.
- 11.2. The Act also applies to any document in any form: written, graphic, audio, visual, computerized or otherwise.visual, computerized or otherwise.
- 11.3. Any person who so requests in writing has the right of access to the documents of the Municipality, except as provided for in the Access Act. The right of access relates only to documents whose communication does not require calculations or comparison of information or special preparation;
- 11.4. To be admissible, an application for access to a document must be sufficiently precise to enable it to be found.
- 11.5. The FDR must respond to a request for access no later than twenty days after the date of its receipt. If the processing of the request within the prescribed time seems impossible without interfering with the normal conduct of the Municipality's activities, the person in charge of access to information may extend the time limit by a maximum of 10 days. The Minister must then notify the applicant, by any means of communication that makes it possible to reach the person concerned, within the first 20 days after receiving the access request.
- 11.6. The applicant may obtain a copy of the document, by any means of communication enabling him to be contacted, unless its reproduction would prejudice its preservation or raise serious practical difficulties because of its form. The right of access to a document may also be exercised by on-site consultation during the Municipality's regular working hours or remotely.
- 11.7. The right of access is free of charge. However, fees not exceeding the cost of its transcription, reproduction or transmission may be charged to the applicant in accordance with the Regulation respecting fees payable for the transcription, reproduction and transmission of documents and personal information (CQLR c. A-2.1, r. 3).
- 11.8. If the applicant is handicapped, at his request, the Municipality shall take reasonable accommodation measures to enable him to exercise the right of access provided for in this section 8. To this end, the Municipality shall take into account the policy established under section 26.5 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (CQLR c. E-20.1);
- 11.9. The person in charge must give reasons for any refusal to grant a request and indicate the provision of the Access Act on which the refusal is based.

12. PERSON RESPONSIBLE FOR THE PROTECTION OF PERSONAL INFORMATION

- 12.1. Any request for access to a document of the Municipality to a document or file containing any PR must be addressed in writing to the person responsible for access to information and the protection of personal information at the following coordinates:
- 12.2. Anyone may have a question regarding this Municipality's Privacy Policy.

CHAPTER IV — ADMINISTRATIVE MEASURES 13.

- COMPLAINTS 13.1. Any person who feels aggrieved by the way the Municipality manages the protection of a PR may file a complaint by following the provisions of the Administrative Policy concerning the rules of governance for the protection of personal information published on the Municipality's website.
- 13.2. Where the applicant's written request for access to a document of the Municipality has been refused in whole or in part by the person in charge of access to information or where the time limit for responding has expired, any applicant may apply to the Commission d'accès à l'information for a review of the decision. The request for review must be made in writing within 30 days of the date of the decision or the expiry of the time granted to the access to information officer. It may briefly explain why the decision should be reviewed.

14. FINAL PROVISIONS

- 14.1. This privacy policy must be published on the Municipality's website in a section dedicated to it.
- 14.2. This privacy policy and any amendment thereto come into force upon its adoption by the board of directors of the Municipality
- . 14.3. Any modification to this policy must be the subject of consultation with the RPRP and must be preceded by a 15-day notice of amendment published on the Municipality's website.

Adoption of the policy: Prepared by the Director General on September 22, 2023 Fernand Roy DG PROVINCE OF QUEBEC  
MUNICIPALITY OF WALTHAM MRC DE PONTIAC