



Corporate Policy Statement

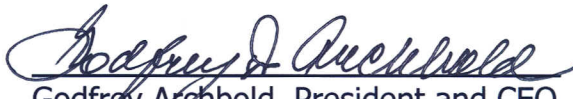
TITLE: Personal Information Protection Policy
(Operational Records)

ISSUANCE: LTSA Executive

IMPLEMENTATION: All LTSA Offices

RELATIONSHIP TO PREVIOUS POLICY: Amendment to October 27, 2006 version

EXECUTIVE APPROVAL:


Godfrey Archbold, President and CEO

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1. Purpose and Scope

This policy describes the principles and practices that the Land Title and Survey Authority of British Columbia ("LTSA") will follow in protecting customers' personal information.

The policy also applies to any service providers that collect, use or disclose personal information on behalf of the LTSA.

This policy has been developed and adopted in compliance with the requirement of British Columbia's *Personal Information Protection Act*.

2. Background

British Columbia's *Personal Information Protection Act*, which came into effect on January 1, 2004, sets out the ground rules for how British Columbia businesses and not-for-profit organizations may collect, use and disclose personal information. The LTSA is subject to this statute.

Providing excellent services to customers requires the LTSA to collect, use and disclose some personal information about customers. Protecting this personal information is one of the LTSA's highest priorities. The LTSA commits to ensuring the accuracy, confidentiality (where applicable), and security of customers' personal information and allowing customers to request access to, and correction of, their personal information.

Most of the personal information collected, used and disclosed by the LTSA is personal information that is included in applications under the *Land Title Act* and *Land Act*. The LTSA may, without an individual's consent, use and disclose personal information which appears in a registry to which the public has a right of access (e.g. the land title registry and the Crown land registry). Personal information is collected, used and disclosed in this manner by the LTSA when dealing with applications under the *Land Title Act* and the *Land Act*.

The LTSA expects that personal information collection for purposes other than managing British Columbia's land title and survey registries will be limited. The *Personal Information Protection Act* permits the LTSA to collect personal information without the formal consent of a customer where the purposes for collecting the personal information are obvious and the customer voluntarily provides his or her personal information for those purposes.

When required to do so, the LTSA will inform customers of why and how personal information is collected, used and disclosed and, when required to do so, the LTSA will obtain customer consent to such collection, use and disclosure. Personal information will be handled in a manner that a reasonable person would consider appropriate in the circumstances.

3. References

This policy statement is consistent with the following:

- *Personal Information Protection Act.* See http://www.qp.gov.bc.ca/statreg/stat/P/03063_01.htm
- *Land Survey and Authority Act.*
See http://www.qp.gov.bc.ca/statreg/stat/L/04066_01.htm.
- Operating Agreement with Province.
See http://www.ltsa.ca/documents/corporate/op_agreement.pdf

4. Definitions

Personal Information – Information about an identifiable individual, but does not include contact information (described below).

Contact information – Information that would enable an individual to be contacted at a place of business and includes name, position name or title, business telephone number, business address, business email or business fax number. Contact information is not covered by this policy or the *Personal Information Protection Act*.

Privacy Officer – The LTSA employee responsible for ensuring that the LTSA complies with this policy and the *Personal Information Protection Act*.

5. Collecting Personal Information

- (a) Unless authorized to collect personal information where consent has been deemed to have been given (since the purposes for collecting the personal information are obvious and the customer voluntarily provides his or her personal information for those purposes - for example, in making application for a land title or survey related registration), the LTSA will communicate the purposes for which personal information is being collected, either orally or in writing, before or at the time of collection.
- (b) The LTSA will only collect customer personal information that is necessary to:
 - Operate British Columbia's land title and survey systems and process requests for Crown grants that are to be executed by the LTSA;
 - Deliver requested products and services, including those provided in operating British Columbia's land title and survey systems and processing requests for Crown grants that are to be executed by the LTSA;
 - Ensure a high standard of products and services to customers;
 - Enable communication with customers;

- Meet statutory and regulatory requirements; and
- Collect and process payments due to or payable by the LTSA, including payments associated with operating British Columbia's land title and survey systems and processing requests for Crown grants that are to be executed by the LTSA.

6. Consent

- (a) The LTSA will obtain customers' consent to the collection, use or disclosure of personal information, except where the LTSA is authorized to do so without formal consent, or where consent is deemed to have been given.
- (b) Consent can be provided orally, in writing, electronically, through an authorized representative of the customer or it can be implied (in other words, be deemed to have been given) where the purpose for collecting, using or disclosing the personal information is obvious and the customer voluntarily provides personal information for that purpose.
- (c) Subject to certain exceptions (e.g. the personal information is necessary to provide a product or service, or the withdrawal of consent would frustrate the performance of a legal obligation), customers can withhold or withdraw their consent for the LTSA to use their personal information in certain ways. A customer's decision to withhold or withdraw their consent to certain uses of personal information may restrict our ability to provide a particular product or service. If so, this situation will be explained to the customer.
- (d) The LTSA may also collect, use or disclose personal information without the customer's knowledge or formal consent in the following circumstances:
 - When the collection, use or disclosure of personal information is permitted or required by law, which is the case for most personal information collected by the LTSA in operating British Columbia's land title and survey systems and processing requests for Crown grants that are to be executed by the LTSA;
 - When the personal information is available from the LTSA's land title register or the Crown land registry, since that personal information appears in a registry to which the public has a right of access, and the personal information is permitted to be collected under the *Land Title Act* or *Land Act*, both of which are enactments of the government of British Columbia; such collection, use and disclosure of personal information without consent is authorized by the *Personal Information Protection Act* and section 6 of the *Personal Information Protection Act Regulations*;
 - When the LTSA requires legal advice from a lawyer;
 - For the purposes of collecting a debt;
 - To protect the LTSA and customers from fraud; and

- To investigate an anticipated breach of an agreement or a contravention of law.

7. Using and Disclosing Personal Information

- (a) A customer's personal information will only be used or disclosed where necessary to fulfill the purposes identified at the time of collection or for a purpose reasonably related to those purposes including:
- When the use or disclosure of personal information is permitted or required by law, which is the case for most personal information collected by the LTSA in operating British Columbia's land title and survey systems and processing requests for Crown grants that are to be executed by the LTSA;
 - When the personal information is available from the land title registry operated by the LTSA or the Crown land registry, since that personal information appears in a registry to which the public has a right of access, and the personal information is permitted to be collected under the *Land Title Act* or *Land Act*, both of which are enactments of the Government of British Columbia; such collection, use and disclosure of personal information without consent is authorized by the *Personal Information Protection Act* and section 6 of the *Personal Information Protection Act Regulations*;
 - When the LTSA requires legal advice from a lawyer;
 - For the purposes of collecting a debt;
 - To protect the LTSA and customers from fraud; and
 - To investigate an anticipated breach of an agreement or a contravention of law.
- (b) The LTSA will not use or disclose customer's personal information for any additional purpose unless customer consent is obtained, or where the use or disclosure is authorized by law.
- (c) The LTSA will not sell or provide lists or personal information of customers to other parties. (However, such personal information may be included in registry documents which are available to be searched on an individual property / title basis in the land title register and for which fees are charged by the LTSA and its service provider [Access BC Information Services Ltd.] to conduct such searches.)

8. Retaining Personal Information

- (a) If the LTSA uses a customer's personal information to make a decision that directly affects a customer, that personal information will be retained for at least

one year so that the customer has a reasonable opportunity to request access to it.

- (b) Subject to policy 7(a), a customer's personal information will be retained only as long as necessary to fulfill the identified purposes or a legal or business purpose.

9. Ensuring Accuracy of Personal Information

- (a) Reasonable efforts will be made to ensure that a customer's personal information is accurate and complete where it may be used to make a decision about the customer or be disclosed to another person or organization.
- (b) A customer may request a correction to their personal information in order to ensure its accuracy and completeness. A request to correct personal information must be made in writing and provide sufficient detail to identify the personal information and the correction being sought.

A request to correct personal information should be forwarded to the LTSA's Privacy Officer, but if the request relates to personal information appearing in the land title register operated by the LTSA, the request must comply with the *Land Title Act* and be forwarded to the Registrar of Land Titles.

- (c) If the personal information which is the subject of a correction request is demonstrated to be inaccurate or incomplete, the LTSA will correct the information as required and send the corrected information to any organization to which the personal information has been disclosed in the previous year. ("Disclosed" as used in this context does not include where another organization has obtained such personal information by conducting a search of the land title register operated by the LTSA.) If the requested correction is not made, the customer's correction request will be noted in the file.

10. Securing Personal Information

- (a) The LTSA is committed to ensuring the security of customers' personal information in order to protect it from unauthorized access, collection, use, disclosure, copying, modification or disposal or similar risks.
- (b) The following primary measures will be implemented to ensure customers' personal information security:
 - Operational land title and survey records will be stored in secure vaults with direct physical access to the records limited only to LTSA employees and eligible external parties who have been accredited with direct access privileges under the LTSA's 'Direct Access to Operational Records' policy.
 - External parties who are accredited with direct access privileges to the LTSA's operational records will be limited to researching registry information that pertains to individual properties / titles. They are not permitted to perform 'bulk searches' or to 'graze' operational records other than that

required for a conveyancing, survey, or land title / survey / historical research purpose.

- The LTSA will not conduct or permit computer searches of its relational databases of operational records where the search parameters relate to personal information.
- The LTSA will use state-of-the art data security and disaster recovery standards and technology which are characteristic of mission-critical computer systems.
- Appropriate security measures will be followed when destroying customers' personal information.

11. Providing Customers Access to Personal Information

- (a) Customers have a right to access their personal information, subject to limited exceptions, including situations where:
 - the information is protected by solicitor-client privilege;
 - the information was collected without consent for the purposes of an investigation and the investigation and associated proceedings have not been completed; and
 - disclosure would reveal personal information about another individual.
- (b) A request to access personal information must be made in writing and provide sufficient detail to identify the personal information being sought.
- (c) Upon request, customers will be told how their personal information is used, and to whom it has been disclosed, if applicable.
- (d) Requested information will be made available within 30 business days. If additional time is required to fulfill the request, written notice of a time extension will be provided.
- (e) A minimal fee may be charged for providing access to personal information. Where a fee applies, the customer will be informed of the cost. The LTSA may require a deposit, and request further direction from the customer on whether or not the LTSA should proceed with the request.
- (f) If a request for access to personal information can be conducted by way of a search of records or another service under the *Land Title Act* or *Land Act*, customers will be required to proceed in that manner, and the LTSA will not process the request for access to personal information other than to inform the customer of the manner in which to conduct that search or obtain that service.

- (g) If a request is refused in whole or in part, the customer will be notified in writing, providing the reasons for refusal and the recourse available to the customer.

12. Privacy Officer

- (a) The employee of the LTSA who will perform the role of the LTSA's Privacy Officer is the Vice President and Corporate Counsel. This position is responsible for ensuring and monitoring LTSA compliance with this policy and the *Personal Information Protection Act*.
- (b) Customers should direct any complaints, concerns or questions regarding the LTSA's compliance in writing to the Privacy Officer. If the Privacy Officer is unable to resolve the concern, the customer may also contact the Information and Privacy Commissioner of British Columbia.

Contact information for the LTSA's Privacy Officer:

Privacy Officer
Corporate Affairs
Land Title and Survey Authority of BC
PO Box 9390 (3rd Floor – 3400 Davidson Avenue)
Victoria, BC V8W 9M8
Tel: (250) 952-5021