

Privacy Policy

Protection of Personal Information

1.0. Introduction

The Qalipu Mi'Kmaq First Nation Band (QMFN or the Band) is an **Indian Act** Band established pursuant to the provisions of the Agreement for The Recognition of the Qalipu Mi'kmaq First Nations Band. The Qalipu Mi'kmaq First Nations Band is governed through a Band Council selected in accordance with the Qalipu Mi'Kmaq First Nations Band Custom Election Rules.

The Qalipu Mi'Kmaq First Nation Band Council has been recognized by the Government of Canada to have the authority to govern the Band's affairs. It has responsibility for the processes by which employees are hired, programs and services are delivered, financial management, policy development, and for developing planning and controlling systems. This includes the responsibility to manage the Band's assets, appoint auditors and approve financial statements.

QMFN places the highest value on ensuring the confidentiality of information concerning our members, including any personal information provided to us. QMFN considers the protection and privacy of personal information to be the cornerstone to our ongoing commitment to providing our members with excellent service and support.

Outlined below we describe how we will protect your privacy and your personal information as stored on the Qalipu Mi'Kmaq First Nation Band Membership Database (QMFN Member Database) and as stored and maintained at QMFN's Offices and Information Storage Facilities.

As QMFN continues to grow, the use of electronic means to maintain our membership list and to generate our voters' list as well as to communicate with members, will be critical. The Band believes in providing fair and equal access to all QMFN members, and we see this website and the QMFN Membership Database as the best tool to accomplish this goal.

In the course of providing our services, QMFN collects personal information. We have prepared this privacy policy to inform you about QMFN's ongoing commitment to ensure that any personal information we collect remains accurate and confidential.

2.0. What is Personal Information?

2.1: We consider personal information to mean any information, recorded in any form, about an identified individual or an individual whose identity may be determined from such information, other than business contact information, which includes the name, title, business address or telephone number of an employee of an organization.

2.2: Membership information is personal information that relates solely to the fact that you

are a member of QMFN or have taken part in any QMFN programs and services, and consists of your name, contact address, email and contact telephone number.

3.0. Membership Database (Ginu)

QMFN has created a Membership Database (Ginu) using information with respect to you as a member of the band. The database contains basic contact information on each member and will be used to generate the Band's official membership and voters list.

4.0. For what purposes will my Personal Information be collected and used by QMFN?

4.1: Your information will be collected and used by us only for the following purposes:

- developing and maintaining the QMFN membership list.
- generating the official voters list for QMFN.
- communicating with members about news, events, information on programs and services as well as communicating information on elections and voting.
- providing a broad spectrum of programs and services to all members; from support for education and training, to provision of eligible non-insured health benefits, to connection to cultural and special events as well as the ability to become involved in economic development activities.

QMFN will not collect, use or disclose personal information for any other purpose without prior consent.

4.2: There are circumstances where the use and/or disclosure of personal information may be justified or permitted without consent. Such circumstances may include:

- where required by law or by order or requirement of the court, an administrative agency or governmental tribunal;
- where QMFN believes, upon reasonable grounds, that it is necessary to protect the rights, privacy, safety or property of an individual or identifiable person or group (i.e. when disclosure is necessary to identify an injured, ill or deceased person or where there might be an emergency that threatens the life, health or safety of an individual or group);
- where it is necessary to establish or collect monies owing to QMFN;
- where it is necessary to permit QMFN to pursue available remedies or limit any damages that we may sustain (i.e., disclosing information to legal counsel or during legal proceedings or when personal information must be disclosed when investigating a workplace incident);
- where the information is public; or
- where QMFN is obliged to disclose information.

4.3: Where obliged or permitted to disclose information without consent, QMFN will not disclose more information than is necessary and required.

5.0. Consent

5.1: Unless permitted by law, no personal information is collected used or disclosed without first receiving the concerned individual's consent to do so.

5.2: You must give QMFN consent to use your personal information for any other purposes, besides developing and maintaining a membership list and creating the official voters list. You must give QMFN consent before the discloser of information to a third party.

5.3: You must acknowledge that you are not entering any information you know is wrong or false. You must also agree that you are not entering personal information about another member without their permission to do so.

5.4: If you are the legal guardian or parent (with legal custody status) of a member who is under 18 years of age, or have the power of attorney over an adult member with a disability, you may update his/her information if you agree to the same terms and conditions for accuracy and legal responsibility to update the information. To be able to enter information on behalf of a minor or an adult member with a disability, you must first sign a parent/guardian consent form and it must be on file with the Indian Registrar Assistant in the QMFN Band Office. To download a copy of the form see "Membership" under the Programs and Services tab. Then mail/fax it to the QMFN Indian Registrar Assistant. Note: only once the form has been received will access to the minor or the adult member with a disability member database information be granted.

6.0. Opting Out

6.1: In most cases, any member is free to refuse or withdraw his or her consent at any time, as long as reasonable, advanced notice is given. That member will be informed of the consequence of the withdrawal of consent, as certain programs and services can only be offered if the person provides their personal information to QMFN.

6.2: If you do not wish to share your personal information with QMFN, you may advise us by contacting the QMFN Indian Registration Administrator by sending an email to cbath@qalipu.ca or calling 709-679-2142.

7.0. Updating and Storing Files

7.1: It is important that any personal information in QMFN's possession is accurate, current and complete. If we become aware that personal information is incomplete or out of date, we will revise the information and use our best efforts to relay all changes to any third party that may have had access to the information.

We urge members to continuously manage their own password-protected member profiles on our database and keep their personal information up to date. It is important to supply us with current personal information in order for us to maintain communications with you.

7.2: Personal information will only be kept by QMFN as long as it is needed. The length of time information is needed will vary depending on the nature of the information and any programs and services it is used for. When no longer needed, we have procedures to destroy, delete, erase or convert information into an anonymous form.

8.0. Protection of Personal Information

8.1: QMFN uses the following security measures to protect against loss, theft, unauthorized access or misuse of personal information held in this database:

- All data is stored securely in a Band-owned office with secure backup in place
- A VeriSIGN SSL Security Certificate is used as well as QMFN's own internal security
- All login information is encrypted for transmission (similar to bank security)
- All third parties interacting with data on the band's behalf must follow the same security measures

QMFN also follows all necessary security measures within its Office and Information Storage Facility to protect your personal information. This also applies to our disposal or destruction of personal information. Access to your information is further protected by restricting access to only those employees of QMFN or QMFN council members that need to know that information in order that we might provide our programs or services or to generate the official voters list for QMFN.

8.2: If any employee of QMFN, individual or organization misuses personal information, this will be considered a serious offence for which action shall be taken, up to and including termination of employment or any agreement made with QMFN.

8.3: At no point will your personal information from this database be disclosed, sold, shared or provided to any government department, agency, private or public company, body, individual or organization without your prior consent, unless we are required to do so by law.

8.4: In the event of a suspected privacy breach, QMFN will respond by implementing the following steps:

- The breach will be contained and a preliminary assessment of the situation will be conducted.
- The risks associated with the breach will be evaluated.
- Affected individuals may be notified.
- The Privacy Commissioner Canada or the Privacy Commissioner of Newfoundland may be notified.
- Police may be notified.
- Measures will be set in places to prevent a recurrence of the situation.

9.0. Access to your Personal Information

9.1: QMFN will permit an individual to access and review any personal information held by us, and will provide any information within a reasonable time frame (usually no later than thirty (30) days following the request). As a security measure, we may require sufficient information before granting access or making any corrections.

9.2: Access may not be provided in the event that:

- it may result in harm (physical or emotional) to the individual concerned
- it may result in harm or interference to QMFN or any third party
- it may harm or interfere with any law enforcement activities or any other investigations or regulatory functions
- the information does not exist or cannot be found
- is not readily retrievable and the burden or cost of providing the information would be disproportionate to the nature or value of the information
- the information is subject to solicitor-client or litigation privilege
- the information may disclose personal information, including opinions, about another individual or a deceased individual
- the information may be legally withheld
- the information may disclose trade secrets or other confidential business or financial information that may harm QMFN or the competitive position of QMFN or a third party or would interfere with contractual or other negotiations of QMFN or any third party

9.3: Where information will not or cannot be disclosed, the individual making the request will be provided with the reasons for nondisclosure. QMFN will not respond to repetitious or vexatious requests for access.

9.4: QMFN will not charge you for verifying or correcting your information, however, there may be a minimal charge if you need a copy of records, when permitted by applicable law.

10.0. Website

10.1: QMFN provides members and others with general access to our public website. Our web server tracks general information about visitors such as their domain name, time and duration of visit and which pages are being accessed. This information is used to help us:

- manage our site;
- diagnose any technical problems; and
- improve the content of our website.

10.2: The personal information provided to third parties whose websites have been accessed through links on our website will be protected by the privacy policy of that third party. We encourage everyone to read the privacy policy of every website they visit.

11.0. Receiving information Via Email

11.1: When you log on to your personal member information form, there is a view to keep your email address. By inserting an email address, you will be agreeing to give permission to QMFN to send information to you electronically.

11.2: If you do not enter an email address, QMFN will assume you will seek any information yourself by checking the Qalipu website.

12.0. Inquiries and Complaints

12.1: When a complaint or dispute regarding any of QMFN's privacy practices is received, an investigation will be initiated. The complexity of the investigation will be dependent on individual complaints or disputes. All investigations will include the documentation of the issue, who has asked it, the date the issue was communicated to QMFN and any response given. All complaints will be responded to as soon as possible. If the initial investigation does not lead to the resolution of the complaint or dispute, QMFN will take all reasonable steps necessary to resolve the issue.

12.2: If you have any questions or complaints concerning access to your personal information or any information included within this policy; please contact the QMFN Privacy Officer by sending an email to tsaunders@qalipu.ca or calling 709-634-5972