

TEAMSTERS LOCAL 213 MEMBERS BENEFIT PLANS

PRIVACY POLICY

1.0 INTRODUCTION

- 1.1 The Teamsters Local 213 Pension Plan (the “Pension Plan”), the Teamsters Local 213 Health and Welfare Plan (the “Benefit Plan”) and the Teamsters Local 213 Miscellaneous Division Health and Welfare Plan (the “Miscellaneous Benefit Plan”) are each administered by a Board of Trustees (the “Pension Board”, the “Benefit Board” and the “Miscellaneous Benefit Board” respectively and the “Boards” collectively).
- 1.2 For many years the Boards have shared administrative responsibilities in respect of the three Plans through a vehicle known as the Teamsters Local 213 Members Benefit Plans (“MBP”).
- 1.3 Each of the Boards has delegated certain administrative responsibilities to the MBP. As a result, while the Boards and the Plans remains separate, administration of the three Plans is centralized within the MBP.
- 1.4 Administration of each of the Plans requires the collection, use and disclosure of personal information about the members of those Plans. Each of the Boards is required to adhere to the relevant personal information protection legislation when dealing with the personal information of its members (and their spouses and eligible dependents), and by extension, the MBP must adhere to that legislation as an agent or delegate of the Boards.
- 1.5 Given the common administrative services provided by the MBP and the fact that most of the personal information that is collected, used and disclosed in the operation of the Plans is collected, used and disclosed by the MBP on behalf of the Boards, the Boards have agreed to adopt one common Privacy Policy. In this Privacy Policy, references to the MBP mean the MBP on behalf of the appropriate Board.
- 1.6 This Privacy Policy explains why personal information will be collected, used and disclosed in respect of the Plans, the principles that will govern such collection, use and disclosure and the steps that will be followed when personal information protection issues arise.
- 1.7 The Boards and the MBP have each reviewed this Privacy Policy and are together responsible for monitoring its application.

2.0 APPLICABLE LEGISLATION

- 2.1 Each of the Boards is required to adhere to the applicable privacy legislation. In light of the location of the Boards the relevant privacy legislation is the *Personal Information Protection Act* of British Columbia. However, given the possible mobility of individuals and the similarity of personal information protection legislation in Canada (and thus the ease of complying with all), this Privacy Policy has also been drafted to comply with the other personal information protection statutes in Canada:

- (a) the *Personal Information Protection and Electronic Documents Act* (Canada); and
- (b) the *Personal Information Protection Act* (Alberta).

3.0 SCOPE AND APPLICATION

3.1 “Personal Information” means information about an identifiable individual including:

- (a) name;
- (b) date of birth;
- (c) address;
- (d) work history;
- (e) personal identification numbers including the Social Insurance Number;
- (f) information relating to an individual’s pension entitlements and elections;
- (g) medical information;
- (h) claims history; and
- (i) identity of spouse and eligible dependents.

Personal Information does not include statistical information or information in the aggregate that does not identify a particular individual.

3.2 This Privacy Policy applies to Personal Information collected or used by the Boards themselves or by the MBP in the course of administering the Plan, including Personal Information about members, former members, spouses and other beneficiaries.

3.3 This Privacy Policy binds:

- (a) each Board;
- (b) the MBP in respect of its administration of each of the Plans, and in this Privacy Policy the term “MBP” includes all staff, agents and contractors of the MBP whose services may involve the collection, use or disclosure of Personal Information;
- (c) all service providers retained by the Boards or by the MBP whose services may involve the collection, use or disclosure of Personal Information; and
- (d) all individuals whose Personal Information is collected, used or disclosed by the Boards or the MBP.

3.4 The Boards and the MBP may collect Personal Information through agents and service providers such as a service provider that adjudicates claims for benefits from the Benefit

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Plan. If such a service provider may collect, use or disclose Personal Information because of the services being provided to the Board or the MBP the service provider will be expected to comply with the applicable privacy legislation and/or this Privacy Policy. The service provider may agree to comply within the service provider's agreement that outlines the services that will be provided or through the use of the agreement attached as Appendix "A" (or other similar form approved by the Board).

- 3.5 MBP will require that all of its employees, agents and contractors whose services may involve the collection, use and disclosure of Personal Information to agree to be bound by this Privacy Policy.
- 3.6 In no event shall the terms of this Privacy Policy affect or alter the interpretation of a Plan. In the event of a conflict between any provision of this Privacy Policy and the text of a Plan, the text of the Plan will prevail.

4.0 THE PRIVACY OFFICER

- 4.1 Each of the Boards has an obligation to appoint a Privacy Officer. The Privacy Officer for each Board is the Administrator of the MBP.
- 4.2 The Privacy Officer may involve other individuals including staff at the MBP or members of the Boards to fulfill his or her duties as Privacy Officer.
- 4.3 MBP shall make available to the public upon request, the name and contact information for the Privacy Officer.

5.0 WHY PERSONAL INFORMATION IS COLLECTED

- 5.1 The MBP collects Personal Information for a variety of purposes related to the administration of the Plans. Those purposes include:
- (a) determining eligibility for participation in a Plan;
 - (b) determining eligibility for benefit coverage under a Plan;
 - (c) determining entitlements under a Plan;
 - (d) determining whether the Member has terminated membership;
 - (e) ensuring compliance with the statutory and regulatory requirements that apply to the Plans; and
 - (f) regulating and managing the Plans including the financial and funded status of the Plans (including for valuations and audits as needed).
- 5.2 The MBP will limit its collection and use of Personal Information to the extent reasonably necessary to administer the Plan.
- 5.3 To the extent that the Personal Information is required to administer the Pension Plan, nothing in this Policy detracts from section 65 of the *Pension Benefits Standards Act*

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(British Columbia) (or similar provision in the PBSA or other applicable statute), which places the onus on a person seeking an entitlement under the Plan to prove his or her entitlement to the Pension Board's satisfaction. If a person from whom the Pension Board or the MBP seeks Personal Information to administer the Pension Plan refuses to provide that Personal Information or later withdraws consent previously provided, and such withdrawal or refusal impairs the ability of the Pension Board or the MBP to determine the individual's entitlement to a benefit or the calculation of the benefit or to otherwise administer the Pension Plan, the Pension Board or MBP may refuse participation to the individual or deny the benefit claimed.

- 5.4 Without limiting the effect of section 5.3 above, for all of the Plans the applicable Board or the MBP will determine the effect of an individual refusing to consent or withdrawing previously provided consent to the collection, use and disclosure of Personal Information.

6.0 HOW PERSONAL INFORMATION IS COLLECTED

- 6.1 The MBP will strive to obtain and rely on an individual's express consent in order to collect, use and disclose his or her Personal Information. Much of the member related Personal Information that the MBP collects and uses is collected through membership application forms that include an authorization for the MBP (on behalf of the Boards) to collect, use and disclose the individual's Personal Information to the extent required to administer the Plan.

For example, as of the date that this Privacy Policy was approved the enrolment form for the Pension Plan states:

The information on this form is being collected for the purpose of pension benefit management and administration, and is protected as per Privacy legislation. From time to time, the Pension Plan will share information with other service providers, as necessary, for the management and administration of the pension benefits under the Teamsters Local 213 Pension Plan or any successor Plan.

The enrolment form goes on to obtain the following express consent from the individual signing the form:

I hereby ... Consent to the collection, use and disclosure of my personal information as is required to administer my entitlements and obligations under the Pension Plan

Therefore, any individual who has signed the enrolment form has provided his or her express consent to the collection, use and disclosure of his or her Personal Information as reasonably necessary to administer the Plan. See section 5.1 for the purposes of collecting, using and disclosing Personal Information.

- 6.2 The MBP also relies upon implied and deemed consent when permitted and appropriate in the circumstances. For example, there may be situations where the MBP does not have a direct relationship with the individual whose Personal Information is required in order to administer the Plan, such as information about a spouse of a member who is covered under the Benefit Plan. In such a situation the MBP would be entitled to rely on the spouse's implied or deemed consent to collect his or her Personal Information.

7.0 HOW PERSONAL INFORMATION IS DISCLOSED

7.1 The Boards and the MBP will disclose Personal Information when reasonably necessary to administer the appropriate Plan and when permitted by the applicable privacy legislation. For greater clarity, Personal Information may be disclosed when the individual has provided express consent or where consent to disclose is deemed to have been given or is implied.

An individual is deemed to have consented to the disclosure of his or her Personal Information if the disclosure is to serve a purpose that would have been obvious to a reasonable member at the time he or she enrolled in a Plan, and the information was provided voluntarily. For example, the Plan's enrolment form may not specify every disclosure that will be made of the individual's Personal Information, but if the disclosure would have been obvious to a reasonable member, the individual will be deemed to have consented.

7.2 To the extent that the MBP collects Personal Information it does so on behalf of one or more of the Boards. Therefore, MBP may disclose any Personal Information in its custody or control to the Board for which that Personal Information was collected.

7.3 Generally speaking, consent to disclose Personal Information will not be required if:

- (a) the disclosure is to the Board's legal counsel;
- (b) the disclosure is necessary to collect a debt owed to the Plan or to repay the individual money owed to him or her; or
- (c) the disclosure is for the purpose of complying with a subpoena, warrant or order issued or made by an entity with jurisdiction to compel the disclosure.

7.4 An individual's Personal Information may also be disclosed if the recipient is the agent of the individual such as where the recipient is acting under a valid power of attorney or representation agreement.

7.5 The Boards and the MBP will limit their disclosure of Personal Information to the extent reasonably necessary to administer the Plan.

8.0 RETENTION OF PERSONAL INFORMATION

8.1 The MBP shall keep all Personal Information collected in respect of an individual for as long as the Personal Information is needed for a legal or business purpose and in any event for at least one year after the Personal Information is used to make a decision about the individual. Further, if the Personal Information relates to an individual with a current or former entitlement under the Pension Plan, the Personal Information will be retained for the time period required by the applicable pension standards legislation and the *Income Tax Act* (Canada).

8.2 If Personal Information is in the care or custody of an agent of or service provider to the Boards or the MBP, the MBP will ensure that the agreement with the agent or service

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provider clarifies how Personal Information will be dealt with upon termination of the arrangement.

9.0 ACCURACY OF PERSONAL INFORMATION

9.1 Personal Information that is collected by the MBP shall be as accurate, complete and up-to-date as is necessary for the purposes for which it is to be used.

10.0 SECURITY SAFEGUARDS

10.1 The MBP shall protect Personal Information by security safeguards appropriate to the sensitivity of the information.

10.2 The MBP shall protect Personal Information against such risks as loss or theft, unauthorized access, disclosure, copying, use, modification or destruction, through appropriate security measures. To the extent that the MBP uses the storage facilities of another person or entity, it shall inquire as to the security provisions taken in respect of the Personal Information being stored.

11.0 OPENNESS CONCERNING POLICIES AND PRACTICES

11.1 Information about this Privacy Policy will be made available to individuals upon request who have an existing or contingent right to a benefit from any of the Plans.

12.0 ACCESS BY AN INDIVIDUAL TO HIS OR HER PERSONAL INFORMATION

12.1 An individual may request access to his or her Personal Information to review or clarify that Information by completing the "Request for Access to Personal Information Form" (the "**Form**") approved by the Boards and MBP and appended as Appendix "**B**" to this Privacy Policy or as is otherwise approved by the Boards.

12.2 When the individual has submitted a Form the Privacy Officer will:

- (a) estimate the fee to provide access to that information; and
- (b) advise the individual of the estimated fee and ascertain whether the individual seeks to continue with his or her request.

12.3 The Privacy Officer will then work with the Boards' agents and service providers to determine what is to be disclosed in response to the request and what is required and permitted under the applicable privacy legislation. For greater clarity, no document shall be disclosed to the individual who made the request for access where:

- (a) the document is protected by solicitor/client privilege;
- (b) disclosure would reveal confidential commercial information that could, in the opinion of a reasonable person, harm the competitive position of the Plan;
- (c) disclosure could reasonably be expected to threaten the safety or physical or mental health of an individual other than the individual who made the request;

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- (d) disclosure could reasonably be expected to cause immediate or grave harm to the safety or to the physical or mental health of the individual who made the request;
- (e) the disclosure would reveal personal information about another individual; or
- (f) the disclosure would reveal the identity of an individual who has provided Personal Information about another individual and the individual providing the Personal Information does not consent to disclosure of his or her identity.

12.4 Once the information has been reviewed and edited where necessary the Privacy Officer will advise the individual who made the request of the fee, collect the fee and provide the information to be disclosed. If requested by the individual the Privacy Officer will advise how the Personal Information was used and to whom it was disclosed.

12.5 If necessary, the Privacy Officer may seek the assistance of the legal counsel to respond to a request.

13.0 CORRECTION OF PERSONAL INFORMATION

13.1 The MBP will correct an individual's Personal Information if appropriate, and if a correction is required the MBP will advise all of its agents and service providers as appropriate.

APPENDIX A

AGREEMENT WITH THE AGENTS AND SERVICE PROVIDERS

[Teamsters Local 213 Members Benefit Plans Letterhead]

[address]

[Date]

[Name of Agent]

[Address of Agent]

Attention: [Contact at office of Agent]

**Teamsters Local 213 Members Benefit Plans
Privacy Policy**

The Members Benefit Plans (“MBP”) (on behalf of the Boards of Trustees of the Teamsters Local 213 Pension Plan, the Teamsters Local 213 Health and Welfare Plan and the Teamsters Local 213 Miscellaneous Division Health and Welfare Plan, has adopted a Privacy Policy. The Privacy Policy governs the collection, use and disclosure of personal information for the purposes of administering the Plans administered by the Members Benefit Plans (the “MBP”).

The Boards of Trustees are responsible for ensuring that, to the extent that their agents and service providers collect, use or disclose personal information in the course of providing services to the Boards (through the MBP), their agents and service providers comply with the privacy legislation that applies to the Boards.

I enclose a copy of the Privacy Policy for your review.

As an agent of or service provider to one or more of the Boards, you may collect, use or disclose personal information. I would therefore ask you to review the Privacy Policy, and then sign and return the enclosed duplicate copy of this letter to me. By doing so you are agreeing to observe the Privacy Policy in all of your actions on behalf of the Board for whom you provide services.

I appreciate your prompt attention to this matter.

Yours truly,

[Administrator of the MBP]

Enc.

AGREED.

Per: _____
[Name of Agent]

Date

Title: _____

APPENDIX B

REQUEST FOR ACCESS TO PERSONAL INFORMATION FORM

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**TEAMSTERS LOCAL 213 MEMBERS BENEFIT PLANS
REQUEST FOR ACCESS TO PERSONAL INFORMATION**

Last Name	First Name	Middle Name	Date of Birth
Address, Street (Apartment No., P.O. Box, R.R. No.)		City/Town	Province/Country
Postal Code	Phone No. (home and mobile)	Email address	Member ID Number

Personal information contained on this form will be used only for the purpose of responding to your request.

I request access to the following documents that:

- contain my personal information;
- are dated between _____ and _____;
- relate to (state if your request relates to a specific issue or benefit) _____;
- Any application forms I completed in respect of _____;
- Print-outs setting out information concerning the contribution remittances to the Plan on my behalf;
- Other (please set out your request in detail)

I understand that there are limits on my right to access my personal information. Among the restrictions on my right to access, I am not entitled to receive information that is subject to solicitor-client privilege or that would reveal the personal information of a third party.

I understand that a fee will be charged for providing the personal information and that a cost estimate will be provided to me. I understand that I will not be given the personal information requested until the fee is paid.

I prefer (select one)

- Electronic copies of the documents or Paper copies of the documents

Signed _____ Dated _____