

Municipal Pension Board of Trustees Policy on Member & Employer Data and Personal Information

As Administrator of the Municipal Pension Plan (the Plan), the Municipal Pension Board of Trustees (the Board) shall collect, store, use, retain, archive and/or dispose of plan member and employer data in accordance with the following policy.

This policy shall govern the British Columbia Pension Corporation (BCPC) when acting on behalf of the Board, and to any other agent, service provider or employee whom the Board permits to collect, store, use, retain, archive and/or dispose of plan member or employer data.

The BCPC shall be required to confirm its undertaking to uphold the provisions of this policy through the signing of a Service Agreement with the Board.

Authorities:

This policy is subject to the applicable provisions of the following Acts and Regulations as amended from time to time, and to any other Acts or Regulations which are currently, or in the future may be, applicable to the Plan:

Income Tax Act and Regulations (ITA)

Pension Benefits Standards Act and Regulations (PBSA)

Public Sector Pension Plans Act and Regulations (PSPPA)

Family Relations Act and Regulations (FRA)

Freedom of Information & Protection of Privacy Act and Regulations (FOIPPA)

This policy is also subject to the provisions of the Joint Trust Agreement, the Municipal Pension Plan Rules (the Plan Rules) and the Post-Retirement Group Benefits Rules, as amended from time to time.

Responsibilities:

The Board is responsible for the establishment of this policy, and has sole authority to amend it.

The BCPC acts on behalf of the Board pursuant to the PSPPA, the Joint Trust Agreement and the Plan Rules. The BCPC has been delegated the authority, on behalf of the Board, to collect, store, use, retain, archive and/or dispose of plan member and employer data in accordance with this policy and in compliance with all relevant statutes and other authorities. In particular:

- the BCPC has been delegated authority to act on behalf of the Board pursuant to the Plan Rules as amended from time to time; and,

- sections 8(7) and (8) of the PBSA allow the Plan administrator to employ an agent to carry out a portion of its duties. Furthermore, section 8(8) states that the agent of the administrator is subject to the same standards that apply to the administrator

For the purposes of pension administration, the following shall provide to the BCPC the applicable data elements set out in Appendix A:

- employers;
- members;
- retired members;
- beneficiaries of deceased members; and,
- spouses of members who seek a division of pension assets in accordance with the provisions of the FRA

Data Management:

Collection of Data

The BCPC shall collect all data elements required to:

- receive and consider employer applications to participate in the Plan;
- establish employers as participants in the Plan;
- enroll members;
- receive remittances;
- record service and salaries;
- calculate pensions, commuted values and other benefits;
- transfer funds;
- pay pensions;
- communicate with plan members, retired members, former member, limited members, beneficiaries of members or their personal representative, and employers;
- conduct actuarial valuations;
- project plan liabilities;
- administer post-retirement group benefits;
- prepare and submit reports as required by regulatory authorities; and,
- carry out any other administrative function required by statute, the Joint Trust Agreement, the Plan Rules, and/or the Post-Retirement Group Benefit Rules.

Storage and Retention of Data

The BCPC shall ensure that all data relating to employers, members, retired members, beneficiaries of members, former members and any other individuals from whom or about whom data has been collected, is stored and retained in Canada only, in a manner that ensures the confidentiality of individual data. Data may be retained by paper, electronic, or other means, as appropriate.

Archiving and Disposal of Data

The BCPC may archive data, provided it is stored in Canada, in a manner that ensures confidentiality of individual data and provided that it can be retrieved. The BCPC shall dispose of data only in accordance with the provisions of its Records Classification Policy and all relevant statutes.

Disclosure of Data

The BCPC shall:

- prepare and submit reports of individual and aggregate data to regulators in compliance with statute, including Pension Adjustments, Revised Pension Adjustments, Past Service Pension Adjustments, Pension Adjustment Reversals, and pension income to the Canada Revenue Agency;
- prepare and distribute reports of individual data to plan members in compliance with statute, including the Annual Member Statements, Retirement Estimates, Termination Options, and Retirement Options;
- release to the beneficiary and/or executor of the estate of a deceased member such individual data as may be required to administer the death benefit;
- release such individual data as may be required to administer a division of pension benefit in accordance with the FRA;
- release such individual data as may be required to comply with a subpoena, warrant or order made by a court, person or body in Canada with jurisdiction to compel production of the information; and,
- prepare and distribute reports of individual data to the Plan Actuary for the purposes of the actuarial valuation or individual actuarial calculations.

The BCPC may:

- provide plan member data to employers for pension administration purposes;
- confirm individual plan member data with employers, as required, to ensure the accuracy of data;
- prepare estimates and calculations related to early retirement-incentive options for employers; and,
- verify individual data with members, as required, to ensure accuracy.

With the exception of the circumstances listed above, the BCPC shall not disclose individual data to anyone other than the plan member concerned without the member's written consent.

The BCPC shall not disclose any personal information to a person, place or thing outside of Canada, nor shall the BCPC permit the disclosure of any personal information outside of Canada, except as allowed by FOIPPA.

Disclosure of data shall be in accordance with the FOIPPA ("Ten Guiding Principles", based on the FOIPPA principles, are attached as Appendix B to this Policy).

Data may be reported in aggregate as part of one of the reports listed in Appendix C.

The data disclosed by the BCPC, and to whom it is provided, are summarized in Appendix D.

Subject to the provisions of this Policy, the BCPC may provide data and reports in hard copy format, through electronic media, by telephone, in person, or any other means as may become available.

Member Information Submitted Pursuant to Article 8 – Appeals to the Board:

Pursuant to Article 8 of the Municipal Pension Plan Joint Trust Agreement, a person or organization directly affected by a written decision of the BCPC can initiate an appeal to the Board.

In accordance with the Board's established appeal process, any information submitted to the Board by the parties to an appeal, and any information related to an appeal that may subsequently be provided by the Board to the BCPC for comment, is subject to the provisions of this Policy.

The BCPC has been delegated the authority, on behalf of the Board, to collect plan member and employer data in accordance with this Policy and in compliance with the appeal process. In order to process an appeal, the BCPC may collect other information not listed in this policy. All data collected will be in accordance with section 27 of the FOIPPA.

Disclosure of information gathered and received in the appeal process is limited to the affected parties and shall be disclosed only in accordance with the FOIPPA. At its discretion, the Board may disclose information pertinent to an appeal to legal counsel who, in turn, is bound by solicitor-client privilege.

Following the consideration of an appeal, both the Board and the BCPC will retain a single copy of the appeal information. Any additional copies will be destroyed.

Release of Data to Third Parties:

The BCPC may release standard reports and/or ad hoc reports to third parties subject to compliance with the provisions of this policy and all applicable statutes. For greater certainty, no individual data shall be disclosed to any third party except in accordance with the Disclosure of Data provisions of this policy and the FOIPPA.

The BCPC may deny third party requests for standard and/or ad hoc reports.

In the case of ad hoc reports, the BCPC shall recover the cost of designing, developing and producing the report from the third party making the request.

The BCPC shall report annually to the Board all third-party requests for data and/or reports, whether and to what extent such requests were granted, and the cost and cost-recovery applicable in each case.

The BCPC shall immediately report to the Board all third-party requests for data and/or reports if such third parties are located outside of Canada.

Effective: 2004-10-07

Revised: 2005-03-17

Appendix A Data Collected & Triggering Events

“List A” details the data collected by the BCPC. The BCPC may also collect information not listed that may be required for pension administration purposes. All data shall be collected in accordance with section 27 of the FOIPPA. The Board delegates to the BCPC the ability to amend the types of data, and the manner in which it is collected, as required to facilitate administration of the Plan. If the BCPC finds it necessary to either add or delete a category of data to be collected, or to add or eliminate a manner of collecting data, BCPC will report such a change to the Board at the earliest opportunity.

“List B details various events that trigger the collection of data.

List A: Data Collected (Effective 2004-06-16)

- Full name
- SIN
- Gender
- Birth date
- Address
- Address changes
- Pension plan
- Org ID
- Bargaining unit
- Employee group
- Service event type
- Service event start date
- Service event end date
- Annual salary
- Pensionable service
- Contributory service
- Pensionable salary
- Contributions
- Special agreement contributions
- Hire date
- Contribution start date
- Birth certificate*
- Marriage certificate*
- Current driver’s license*
- Passport*
- Canadian citizenship papers*
- Immigration papers*
- Phone number*
- Spouse’s full name*

- Spouse's birthday*
- Work location changes*
- Pension option *
- Retirement date*
- Banking information*
- Tax credit information*
- New or updated minimum/additional tax requests*
- Family Maintenance Enforcement Program garnishee deductions*
- Beneficiary information*
- Proof of age & identity*
- MSP number*
- Health benefits selected*
- Termination date*
- Date of death*
- Spousal declaration*
- Employer purchase approval*
- Member's request to purchase*
- Work address*
- Dates of non-contributory service*
- Dates of leave of absence*
- Salary frequency*
- Percentage of full-time*
- Full-time equivalent base salary*
- LTD acceptance date*
- Status prior to LTD*
- Service event adjustments*
- LTD carrier*
- LTD end date*
- Medical details*
- PA amount
- APA amount*
- PSPA amount*
- PAR amount*
- Member's authorization to transfer service*

* Denotes data that may be required only at retirement or as needed.

List B: Triggering Events (Effective 2004-06-16)

- Enrolment
- Employer reporting
- Adhoc reporting
- Long term disability
- Disability pension
- PA's
- APA's
- PSPA's
- PAR's
- Member benefit statements
- Purchases of eligible service
- Reciprocal transfers
- Retirement estimate
- Retirement
- Termination
- Change of Address
- Death in-service estimate
- Death in-service payment

Appendix B

Ten Principles for the Protection of Privacy

1. Be accountable

- Ensure that the organization complies with the ten principles for the protection of privacy.
- Consider “what a reasonable person would consider appropriate in the circumstances”.
- Be responsible, by contractual or other means, for all personal information under an organization’s control, including personal information that is not in its custody.
- Appoint an individual (or individuals) to be responsible for compliance and communicate the name or title and contact information to staff and the public.
(Note: The BCPC has made this appointment.)

2. Identify the purpose

- Identify the purpose(s) for which personal information is needed and how it will be used and disclosed before or at the time personal information is collected.
- Ensure that the collection of personal information is necessary to fulfill the purpose(s) identified.
- Ensure that the purpose(s) is limited to what a reasonable person would consider appropriate in the circumstances.

3. Obtain consent

- Obtain consent from the individual whose personal information is collected, used or disclosed.
- Obtain the individual’s consent before or at the time of collection, as well as when a new use is identified.
- In determining what form of consent to use (e.g., written, oral, implied, opt-in or opt-out), consider both the sensitivity of the personal information and what a reasonable person would expect and consider appropriate in the circumstances.
- Never prohibit an individual from withdrawing consent to the collection, use or disclosure of personal information unless it would frustrate the performance of a legal obligation.

*(Under FOIPPA, direct consent must be obtained from the individual concerned unless directed by another statute. The Plan does not require individual consent as both the PBSA and *Income Tax Act* provide for the collection of personal information in order to facilitate the administration of benefits under the Plan.)*
(Note: sections 26(a) and 27(1)(a)(iii) of the FOIPPA give deemed consent for the collection of information required to administer the Plan. In addition, both the PBSA and the ITA provide for the collection of personal information in order to facilitate the administration of benefits under the Plan.)

4. Limit collection

- Only collect personal information for purposes that a reasonable person would consider appropriate in the circumstances.

- Limit the amount and type of personal information collected to what is necessary to fulfill the identified purposes.
- Collect personal information directly from the individual it is about unless the Act or the individual authorizes the collection of personal information from another source.

(Note: The Plan Rules have provisions that require employers to provide member information that is necessary for the administration of the Plan:

80 (1) An employer must do all of the following:

(a) provide to the plan administrative agent, in the manner and within the time limits specified by the plan administrative agent, complete, accurate and sufficient personal information and records respecting any member as may be necessary for the administration of this Plan.

5. Limit use, disclosure and retention

- Use or disclose personal information only for the purpose(s) for which it was collected, unless the individual consents to the new purpose, or the use or disclosure is otherwise authorized by the Act.
- Only use or disclose personal information for purposes that a reasonable person would consider appropriate in the circumstances.

6. Be accurate

- Minimize the possibility of using incorrect or incomplete information when making a decision that affects an individual by making reasonable efforts to ensure that the personal information is accurate and complete.

7. Use appropriate safeguards

- Make reasonable security arrangements to protect personal information under your control. Safeguard personal information from unauthorized access, collection, use, disclosure, copying, modification or disposal by both individuals outside the organization as well as within.

8. Be open

- Make the following information available to customers, clients and employees on request:
 - information that explains personal information policies and practices;
 - name or title and contact information of the person who is accountable for personal information policies and practices;
 - how an individual can gain access to his or her personal information and contact information of the person to whom access requests should be sent; and,
 - the process for making a complaint about its personal information practices.

(Note: The BCPC, on behalf of the Board, provides this information on request to interested parties in accordance with the principles of the FOIPPA.)

9. Give individuals access

- Upon Request, provide applicants with:

- access to their personal information;
- an explanation of how their information has been used; and,
- a list of any individuals or organizations to which personal information has been disclosed.
- If all or part of the requested information is refused, provide the applicant with a response that includes:
 - Reasons and the provisions of the Act on which the refusal is based; and
 - Information on how to request a review by the Information and Privacy Commissioner.

(Note: In addition to the FOIPPA principles regarding individual access to information, the BCPC is required to provide members with access to all personal pension information in accordance with the PBSA.)

10. Provide recourse

- Develop and implement simple complaint handling procedures.
- Investigate all complaints received.

Appendix C
Standard Reports Available (Effective 2004-01)

1. Number of non-retired members, by actuarial status (active, LTD, LOA, vested and deferred, inactive), by age group (in 5-year ranges) by plan, for all plans, at a current date or at the fiscal year end of the plan. (IPAS Report 19)
2. Number of non-retired members, by actuarial status (active, LTD, LOA, vested and deferred, inactive), by employer, within a plan, at a current date or at the fiscal year end of the plan. (IPAS Report 70)
3. Number of non-retired members, by actuarial status (active, LTD, LOA, vested and deferred, inactive), by gender, by normal retirement age category (age 65 or 60), by plan, at the plan's fiscal year end. (IPAS Report 68)
4. Number non-retired member (active, LOA, LTD, vested and deferred) by total of age + service for members age 55 and greater; available by plan and by employer. (IPAS Report 20)
5. Number of normal pensions granted in the fiscal year for a plan, by years of service category (< 10 years; 10-14 years..., 40+ years) and age category (<=55, etc.). (PIPS – RO3)
6. Number of pensions granted (all allowance types) in the fiscal year for a plan, by type of allowance, by gender, and by normal retirement age category – a detailed listing of members, but also a one-page summary without names is available within the report. (PIPS – RP2)
7. Listing of members who have had normal pensions processed in the fiscal year of the plan, by years of service ranges. Details listed are SINS, names, age at retirement pensionable service, HAS, normal form monthly pension amount, and commuted value amount. This report also provides the average HS<average annual normal for pension and average commuted value for pensions granted for each year of service range and is used for the plan's annual report statistics. (IPAS R73)
8. Demographic statistics – member totals, by actuarial status, by age and service. A matrix report with totals by age and totals by years of service; available by plan and employer. (IPAS Report 21)

9. Demographic Statistics – Member Age plus Contributory Service Details. This report lists by actuarial status, the age (columns in the report) and contributory service (rows in the report) for a given plan or list of employers. Totals are provided on the age and years of service. A final total for the plan or for each employer is also provided. Actuarial status will be active, LTD, LOA, vested, deferred or inactive. (IPAS Report 20)

**Appendix D
Data Disclosed by the BCPC**

Recipients have access to the following data from the BCPC, along with any additional information that may be required for pension administration purposes. In order to facilitate administration of the Plan, the Board delegates to the BCPC the ability to amend the categories of data collected and the manner in which it is gathered and reported. If the BCPC finds it necessary to add or delete a category of data to be reported, it will inform the Board at the earliest opportunity.

RECIPIENT	INFORMATION PROVIDED BY THE CORPORATION
Active Member	Pension Adjustment Statement; Member's Benefit Statement; "T" slips; Annual Report Summary. As required: Amended Pension Adjustment Statement, Past Service Pension Adjustment Statement, and Pension Adjustment Reversal. Personal information in the custody of the BCPC (provided in accordance with the provisions and policies established by the FOIPPA).
Retired member	Annual Report summary; banking information to financial institutions; information as agreed upon by the retired member to the Retired Members' Association. Personal information in the custody of the BCPC (provided in accordance with the provisions and policies established by the FOIPPA).
Separated/divorced spouse (or personal representative)	Personal information in accordance with the requirements of the FRA.
Estates/Beneficiaries of Members	Personal information in accordance with the requirements of the PBSA
Municipal Pension Board of Trustees	Quarterly and Annual Financial Statements; Annual Report Summary; Administrator's Report, including statistics on First Pension Payments, Final Pension Options, Monthly Pensions Paid on Time, Termination Information Letters, Full Termination Options, Purchase Cost Quotes, written enquiries, telephone and web statistics, and collection of contributions; surveys; appeal reports.
Employer	Standard reports which allow an employer to request applicable data (cumulative service, salary, etc.) for a specified list of member employees (typically provided to enable the employer to perform pension estimates, usually within the context of an approved early retirement initiative); within the confines of FOIPPA and corporate resources, any information they request.
Canada Revenue Agency	Pension Adjustment Statements; Amended Pension Adjustment Statements; Past Service Pension Adjustment Statements; Pension Adjustment Reversals; Annual information Returns

	(via the Financial Institutions commission); “T” slips; surveys (as resources permit); within the confines of the FOIPPA, any information they request.
Financial Institutions Commission	Annual Information Returns; within the confines of the FOIPPA, any information they request.
Pacific Blue Cross/Medical Services Plan	Plan member information, provided a member receives group benefits upon retirement and has given consent for the sharing of personal information. (BCPC shall request and retain the Pacific Blue Cross privacy policy.)
Ombudsman	In the event of a query, the Corporation, with the consent of the member concerned, would provide personal member information.
Other Pension Plans	Information related to transfers into and out of the Plan
Other Pension Plans	Within the confines of FOIPPA and corporate resources, surveys and any other information requested.
BC Mail Plus	Employer and/or member address information.
Plan Auditors	Any information required to conduct an audit.
Actuary	Any information required for the calculation of a pension benefit.
Freedom of Information Commissioner	In the event of a query, the Corporation, with the consent of the member concerned, would provide personal member information.
Members of the Legislative Assembly	In the event of a query, the Corporation, with the consent of the member concerned, would provide personal member information.
Legal Counsel	Member data as required.
Miscellaneous	Standard demographic reports, ad hoc reports and surveys, as resources permit.

Application: Trustees & Alternate Trustees of the Municipal Pension Board of Trustees

Effective: 2004-10-07

Rev: 2005-03-17