

American Federation of Musicians' and Employers' Pension Welfare Fund (Canada) (the "Fund")

PRIVACY POLICY

Effective January 1, 2004

If the Fund changes its personal information management practices, is required by law to make certain revisions, or for any other reason it considers advisable, it may revise this Privacy Policy, without notice.

A. Privacy Statement

The Board of Trustees of the Fund (the "Trustees") takes very seriously the protection of personal information about its beneficiaries (including active members, deferred vested members and pensioners) and other individuals with an interest in the Fund (including spouses, former spouses and children).

This Privacy Policy has been developed with the above mentioned commitment in mind.

"Personal Information" in the context of this Privacy Policy means information about an identifiable individual.

The terms of this Privacy Policy meet the requirements of the federal *Personal Information Protection and Electronic Documents Act* ("PIPEDA"), and those of the applicable provincial privacy legislation.

B. Application of the Fund's Privacy Policy

This Privacy Policy applies to the collection, use, disclosure, retention, and disposal of personal information and personal health information by:

- The Fund's Board of Trustees (the "Trustees") and its employees;
- Persons, both individuals and organizations, who perform services on behalf of the Fund, in respect of the Fund's purpose and not their own purposes, including consultants, lawyers, auditors, and actuaries.

This Privacy Policy applies to personal information and personal health information about the Fund's former members, active members, and retirees, whether living or deceased. It also applies to personal information about each member's or retiree's former or current spouse or partner, together with their children, dependents and beneficiaries.

This Privacy Policy **does not** apply to any collections, uses, or disclosures of personal information and personal health information that do not relate to the administration of the Fund and are not otherwise permitted or required by the Trust Agreement governing the Fund.

C. The Fund's Privacy Practices

1. Accountability

- 1.1 Ellen Versteeg-Lytwyn is the Fund's Chief Privacy Officer. She can be reached by telephone at (416) 497-4702 and by email at ellen@afmepw.com. Her mailing address is:

American Federation of Musicians' and Employers'
Pension Welfare Fund (Canada)
Suite A110 - 2255 Sheppard Avenue East
Toronto, ON M2J 4Y1

- 1.2 The Fund protects personal information in its custody and under its control.
- 1.3 The Trustees' approach is to obtain contractual commitments from third parties to whom the Fund has transferred personal information for processing and who collect, possess and use personal information on the Trustees' behalf, to protect that information in accordance with the relevant privacy legislation and the Fund's privacy policy.

2. **Identifying Purposes**

- 2.1 The Fund collects, uses and discloses personal information for the purpose of administering the Fund in accordance with the Fund's Trust Agreement, legislative requirements and the Trustees' fiduciary and other legal obligations.

3. **Consent**

- 3.1 Where applicable, the Fund obtains consent from members and other beneficiaries, as applicable, for the collection, use, and disclosure of personal information and personal health information. When personal information or personal health information is collected, used, or disclosed for a purpose other than the identified purpose, the Fund documents the new purpose and obtains the individual's consent.
- 3.2 When express consent is required, the Fund generally uses preprinted forms both to obtain consent and to collect information. The Fund may also use these forms to advise individuals of the use that will be made of the information; to which types of organizations the information may be transferred or disclosed, if any; and of their right to withdraw their consent, together with the consequences of the withdrawal.
- 3.3 The Fund obtains consent either from the individual to whom the information relates or from the applicant, claimant, or enrollee, if different from the individual. The Fund may also obtain consent from an individual who is an authorized representative or substitute decision-maker, such as a legal guardian or a person having power of attorney in respect of the person to whom the information relates.
- 3.4 The Fund does not obtain consent in circumstances including, but not limited to, the following:

- When it is inappropriate to do so;
- Where legal, medical, or security reasons may make it impossible or impractical to obtain consent; or
- Where the collection, use, or disclosure is permitted without consent under PIPEDA or other applicable provincial privacy legislation. For example, in accordance with subsection 7(3) of PIPEDA, the Fund does not obtain consent when personal information is provided to the Fund's consultants and actuaries that enables the actuaries to prepare forms and reports, as required by the applicable pension legislation.

4. **Limiting Collection**

- 4.1 The Fund limits the collection of personal information to what is necessary for the purpose identified above.
- 4.2 On occasion, the Fund collects personal information and personal health information about members (former, active, and prospective), members' spouses/partners (current and former), retirees, dependents, and beneficiaries.
- 4.3 The Fund collects personal information either directly from the individual to whom it relates or indirectly from sources including, but not limited to, employers, the American Federation of Musicians ("AFM"), and Locals of the AFM.
- 4.4 The personal information that the Fund collects may include information about physical or mental health as it relates to rights under the Pension Plan.
- 4.5 The personal health information the Fund collects includes, but is not limited to: information about physical or mental health, including treatments, test results, and prognosis; and information about the nature of a disability or illness and its occurrence.
- 4.6 The Fund collects personal information primarily in writing from a variety of documents including the following: preprinted enrolment forms, application forms, and claims forms, remittance forms from employers, identification documents (birth certificate, citizenship certificate, and passport), and death certificates.
- 4.7 The Fund rarely collects personal information orally, by telephone or by other methods where it is difficult to verify the identity of the individual or the accuracy of the information.
- 4.8 The Fund may also collect personal information by way of fax and email.

5. **Limiting Use, Disclosure and Retention**

(a) Use

- 5.1 The Fund uses personal information and personal health information for the identified purposes.
- 5.2 The Fund does not use or disclose personal information or personal health information for purposes unrelated to the administration of the Fund unless permitted or required to do so by law.
- 5.3 The Fund's administrative staff's uses of personal information include, but are not limited to:
- Maintaining a master file containing members' personal information;
 - Crediting pension contributions;
 - Preparing account statements for members;
 - Enrolling new members;
 - Verifying eligibility;
 - Paying pensions and transfers;
 - Answering in writing, written questions posed by members or members' spouses or partners; and
 - Assessing and adjudicating pension applications.
- 5.4 The Trustees use personal information and personal health information for the identified purpose and in accordance with the provisions of the Fund's Trust Agreement and to meet the Trustees' fiduciary and other legal obligations. The Trustees' uses of personal information include, but are not limited to:
- Making decisions with respect to the Fund;
 - Monitoring the administrative staff; and
 - Hearing appeals, if any.

(b) Disclosure

- 5.5 The Fund discloses personal information for the identified purposes which may include making payments, reporting benefits paid and income tax reporting.
- 5.6 Any personal information or personal health information in the custody or under the control of the Fund may be disclosed in order to fulfill the identified purpose.

- 5.7 Types of organizations and individuals to whom the Fund discloses information include, but are not limited to members, employers; Federal or Provincial government agencies, departments or organizations, including Canada Revenue Agency and pension regulators; fraud investigators and investigative or security agencies; law enforcement; other trust funds and their respective administrators; and financial institutions.
- 5.8 The Fund discloses personal information and personal health information orally, electronically (by email), by fax, by mail, over the telephone and in person.
- 5.9 At the time of collection by the Fund, the Fund notifies the individual that his or her personal information may be disclosed to certain types of organizations or individuals and obtains the individual's consent to the disclosure, if it is required. In some situations, the Fund may provide notice to the member **after** the disclosure has been made.
- 5.10 Generally: The Fund's administrative staff will record disclosures in the members' files.

(c) Retention and Destruction

- 5.11 The Trustees retain personal information and personal health information while it is required to fulfill the identified purpose.
- 5.12 The Trustees destroy personal information when it is no longer required to fulfill the identified purpose or by law.
- 5.13 The Trustees obtain contractual commitments from third parties to whom the Trustees or administrative staff transfer personal information for processing, that those third parties will abide by the applicable privacy legislation and the Fund's Privacy Policy by retaining personal information only while it is required to fulfill the identified purpose, and destroying the personal information when it is no longer required to fulfill the identified purpose.

6. Accuracy

- 6.1 The Fund keeps personal information as accurate, complete, and up-to-date as is necessary for the identified purposes. The Fund also requires the members to participate in maintaining the accuracy of their own personal information.

7. **Safeguards**

- 7.1 The Fund protects personal information by security safeguards appropriate to the sensitivity of the information, including personal information that is in transit, by way of mail, email, and fax, for example.

8. **Openness**

- 8.1 The Fund has developed and made available this Privacy Policy, which describes its information management practices; provides contact information for the Fund's Chief Privacy Officer; explains how to make an access request and how to make a complaint; and describes the type of personal information and personal health information held by the Fund including a general account of its use.

9. **Individual Access Requests**

- 9.1 The Fund responds to written requests from individuals who seek access to their personal information in accordance with PIPEDA or other provincial privacy legislation, subject to any exceptions in subsection 9(3) of PIPEDA, or any exceptions in other provincial privacy legislation, that may apply.
- 9.2 The Fund responds to written requests from individuals who wish to challenge the accuracy and completeness of their information and to have it amended, in accordance with PIPEDA, or otherwise subject to any exceptions that may apply.
- 9.3 If the Fund has disclosed a member's inaccurate or incomplete information to other persons or organizations, it shall, if it is reasonable to do so, notify those parties of the amended information.
- 9.4 Individuals are advised to contact the Fund's Chief Privacy Officer for more information about the relevant procedures.

10. **Challenging Compliance**

- 10.1 The Fund receives and responds to written complaints regarding its information practices, in accordance with PIPEDA.
- 10.2 The Fund responds to inquiries about its policies and practices relating to the handling of personal information.

10.3 Individuals are advised to contact the Fund's Chief Privacy Officer for more information.

This policy was approved by the Board of Trustees, December 13, 2005 and the Trustees have executed a copy of the policy below as follows:

Bobby Herriot

Gérard Masse

E. Eddy Bayens

Pierre Racicot

Stanley Shortt

John Sinclair