



PRIVACY POLICY

The Ontario Association for Behaviour Analysis (“ONTABA”) is committed to protecting the privacy and security of the personal information it collects from its members and others, and to ensuring such information is used only for relevant and appropriate purposes.

Personal Information

Personal information is information about an identifiable individual but does not include the individual's name and information about their businesses, such as their business title, address, and phone number. Information may be stored on paper, electronically or digitally, and includes videos, photographs, and/or audio recordings. ONTABA primarily collects personal information from individuals for membership and event registration, to provide member benefits, and for communications about its initiatives.

Examples of personal information that ONTABA collects include:

- Results of criminal background check (for board members and employees)
- Date of birth and SIN (for board members and employees)
- Information relating to any charges laid or findings of guilt by any court, including criminal offences, in any jurisdiction (for board members and employees)
- Principal residential address and/or personal phone number and contact information, including email address
- Educational history, academic qualifications, certification, and/or regulation qualification(s)
- General employment status (e.g., full- or part-time work, public or private sector work, primary client population, type of primary work, etc.)
- Registration and/or standing in other professional associations
- Licensure in any profession in any jurisdiction
- Information required by the Province of Ontario for health human resource planning
- Information that ONTABA must collect and maintain pursuant to its bylaws
- A person's image (e.g., photographs, videos)
- Details about a member's request for accommodation (including relating to the member's health or other characteristic protected under human rights legislation), e.g., regarding conference and other event attendance

Legal Framework

This privacy policy is drafted in compliance with the [Personal Information Protection and Electronic Documents Act \(“PIPEDA”\)](#). ONTABA is committed to following the principles set out in PIPEDA to the greatest extent possible. However, for purposes of clarity, PIPEDA does not apply to ONTABA because ONTABA is a not-for-profit organization that does not engage in commercial activity as part of its mandate. To the extent that ONTABA may engage in any limited commercial activity, ONTABA is committed to complying fully with PIPEDA.

Under PIPEDA, “commercial activity” means “any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists.” Commercial activities would not include collecting membership fees, compiling a list of members’ names and addresses, and mailing out newsletters, but it would include selling conference tickets and collecting fees from job posters who wish to post jobs on ONTABA’s website, which ONTABA engages in.

Policy Principles

ONTABA’s Privacy Coordinator is the President of the Board of Directors or delegate appointed by President. The Privacy Coordinator will monitor ONTABA’s application of the Privacy Policy and changes in relevant legislation. The Privacy Coordinator will ensure that ONTABA’s procedure and practices comply with the following principles:

- **Accountability** – The Privacy Coordinator is accountable for ONTABA’s compliance with these principles.
- **Purpose** – ONTABA will identify the purpose for collecting personal information before collecting the information. The main purposes for which ONTABA collects personal information include for membership application, renewal, and confirmation; communicating with members; membership surveys and event registration; providing member benefits and opportunities; and to fulfill any government reporting requirements. ONTABA collects personal information from individuals who submit email inquiries through ONTABA’s “Contact Us” page on its website for the purpose of understanding their inquiry and responding to it. ONTABA may also collect personal information from job posters in order to provide members with access to job opportunities.
- **Consent** – ONTABA will seek individuals’ consent to having their personal information collected, used, or disclosed, unless exceptions apply. ONTABA will communicate, either verbally or in writing, to help individuals understand why the information is being collected, disclosed or used, as well as the nature and consequences of the collection, use, or disclosure so that individuals can provide informed consent. Consent can be either implied or explicit.

Consent to Receiving Communications

To the extent that ONTABA may send commercial electronic messages, ONTABA is committed to complying with [Canada’s Anti-Spam Legislation \(“CASL”\)](#). CASL restricts the ability of organizations to send commercial electronic messages without the recipient’s consent. Under CASL, a “commercial electronic message” is any form of telecommunications, including a text, sound, voice or image message, the purpose of which is to encourage participation in a commercial activity.

Although commercial activities would not include activities such as mailing out newsletters, ONTABA is committed to ensuring that recipients consent to receiving communications, are informed about the identity and contact information of the sender, and have the opportunity to unsubscribe from communications if desired.

Implied Consent

ONTABA relies on implied consent when users access the ONTABA website. ONTABA’s website may use cookies to provide users with tailored information. A cookie is an element of data that a website can send to a user’s browser to be stored on their hard

drive so that ONTABA can more easily recognize users when they return to the ONTABA website. Users of the website are deemed to consent to the collection and use of this information for the purpose of monitoring website activity. Such information will not identify users personally. It is statistical data about visitors and their use of the site. This statistical data does not identify any personal details whatsoever. Users may set their browsers to notify them when a cookie is received so that they can choose to decline, delete or disable it. Users should be aware that by declining, deleting, or disabling a cookie, they may not be able to access or run certain applications on the ONTABA website.

ONTABA will also obtain implied consent including when applicants seek ONTABA membership and renewal, event registration, and participation by providing and submitting their personal information on the relevant forms. When this occurs, individuals are deemed to provide implied consent to ONTABA collecting that information. Job posters seeking to post employment opportunities on the ONTABA website for its members to access are also deemed to provide implied consent to ONTABA when they submit their personal information on the relevant form.

Explicit Consent

Explicit consent can be obtained verbally or in writing. ONTABA will obtain explicit consent, including in the following situations:

- From members opting to provide their information on ONTABA's Member Portal.
- From individuals requesting specific accommodations to attend ONTABA events before disclosing accommodation plans and related personal information to event centres and locations or other third parties involved in implementing the accommodations at the events.
- From individuals to release photos and videos of them participating at ONTABA events for the purpose of archiving those events on ONTABA's website and/or newsletter(s) and keeping its current and potential membership informed about ONTABA's activities.

Withdrawing Consent

Individuals can withdraw their consent to ONTABA collecting, using, or disclosing their personal information. Individuals can withdraw consent in whole or in part at any time upon providing reasonable written notice to ONTABA. ONTABA will inform the individual of any potential consequences from withdrawing their consent (e.g., associated administrative fees, removal from mailing lists, removal of content from publication, closure of membership application, withdrawal from membership, etc.). Withdrawing consent is on a go-forward basis. It does not apply to personal information that ONTABA has already collected, used, or disclosed.

Contact information to withdraw consent: contact@ontaba.org

Members who no longer wish to receive the ONTABA newsletter, promotional materials, or communications regarding benefit programs may select the "unsubscribe" or "opt out" option as provided, or by emailing the email address directly above.

Exceptions to Requiring Consent

ONTABA may only collect, use or disclose personal information without consent if an exception under PIPEDA applies. For example, ONTABA may collect, use or disclose information that is already publicly available, for example, a member's business information.

- **Limiting Collection** – Collection of personal information will be done by fair and transparent means and will be limited to what is needed and proportionate to meet the purpose that ONTABA has identified.
- **Limiting Use, Disclosure, and Retention** – Collected personal information will only be used, disclosed, and retained for the identified purpose. Members residing in Europe should be aware that their personal information may be subject to the General Data Protection Regulation ("GDPR"), and may be subject to disclosure, oversight and enforcement in accordance with the laws of the European jurisdiction where the applicant resides. For members residing in Europe, the GDPR also provides a right to data erasure. ONTABA will endeavour to delete or destroy personal information if requested by the individual and if permitted by law. ONTABA may deny access to membership and membership benefits where an applicant or member withholds consent for ONTABA to process data for the requested purpose and/or requests the deletion or destruction of such data.

Third-party Organizations

ONTABA may provide personal information to third-party organizations, for example, third-party service providers that may administer ONTABA's promotional activities, or to ONTABA's affinity program partners so that members are eligible to receive the partners' products and services at favourable rates. In the event that ONTABA uses a third-party service provider, organization, and/or affinity partner that may store or process personal information outside of Canada, those third-party entities may be subject to the GDPR. In those cases, the personal information may also be subject to disclosure in accordance with the laws of the foreign jurisdiction in which the data resides.

If you have questions about a certain third-party entity or if you wish to opt-out of these third-party programs, please contact ONTABA's Privacy Coordinator.

- **Accuracy** – Personal information will be as accurate, complete, and updated as needed to meet the identified purpose for use.
- **Safeguards** – Security measures proportionate to the sensitivity of personal information will be used. ONTABA will:
 - Encrypt data when it is transit or stored on its systems and backup devices
 - Avoid, when possible, storing and sending confidential and sensitive data unencrypted over email and via removable devices
 - Ensure that ONTABA workers use dedicated workstations or laptops to ensure only authorized software is installed, device or data is encrypted, and that workers do not have to access data from unauthorized devices
 - Require workers to secure their devices to prevent access by others, avoid sharing passwords, and be careful about using the computer to access data in public places

- Always endeavour to collect the least amount of data required for a specified purpose and not send any additional data if it is not necessary
 - Ensure that data is only shared with authorized individuals on a need-to-know basis
 - Routinely monitor and review passwords to ensure password strength
 - Personal information may be disclosed to a third party to fulfill any purposes identified in this privacy policy, as required or authorized by law, or with individual consent. Where this occurs, ONTABA will make all reasonable efforts to ensure that the third party has appropriate security procedures in place for the protection of the personal information transferred to it.
- **Openness** – ONTABA will communicate its privacy policy and practices openly by posting the policy on its website.
 - **Individual Access** – Individuals may request access to their personal information that ONTABA has on file or that ONTABA has used or disclosed, and they may request to amend that information for accuracy and completeness. Where access has been provided and where the information is demonstrated to be inaccurate or incomplete, ONTABA will amend the information as required. Where access cannot be provided, ONTABA will notify the individual making the request, in writing, of the reasons for the refusal. To make a request, the individual should contact the Privacy Coordinator at:

Privacy Coordinator - President - president@ontaba.org

- **Challenging Compliance** – Individuals with a privacy concern should contact the Privacy Coordinator who will respond in writing. Where ONTABA may engage in commercial activities, individuals may challenge ONTABA's compliance with these principles by writing to the Privacy Coordinator who will initiate an investigation into all complaints. If an individual wishes to challenge a decision made by the Privacy Coordinator, they may make an appeal in writing to the Board of Directors. The Board of Directors will then consult with the Office of the Privacy Commissioner of Canada ("OPC").

Privacy Breach Notification

Where ONTABA believes that a breach of security safeguards carries a real risk of significant harm to an individual, ONTABA will report the breach to the individual involved as soon as is feasible upon discovering the breach unless otherwise prohibited by law. In these circumstances, notification from ONTABA will provide sufficient information to allow the individual to understand the significance to them of the breach and to take steps, if any are possible, to reduce the risk of harm or mitigate that harm. "Significant harm" includes bodily harm, humiliation, damage to reputation or relationships, loss of employment, business or professional opportunities, financial loss, identity theft, negative effects on the credit record and damage to or loss of property. In circumstances where a breach relates to a commercial activity that ONTABA may engage in, ONTABA will report the breach to the OPC as soon as is feasible upon discovering the breach.

Privacy Policy Administration

This privacy policy will be posted publicly and made available to any requesting entity. Inquiries and/or complaints about ONTABA's handling of personal information can be made in writing to

ONTABA's Privacy Coordinator. The Privacy Coordinator will investigate the complaint and provide a written response that may include results of the investigation, and actions that ONTABA will have taken or will take, if any, such as amending ONTABA's policy and procedures.

Individuals may file complaints or report concerns to the OPC where the concern relates to a commercial activity that ONTABA may engage in. Information is available on the OPC website here: <https://www.priv.gc.ca/en/report-a-concern/>, or by calling the OPC office at: 1-800-282-1376.