

## Water Account Privacy Statement

### 1. INTRODUCTION

Alectra Utilities Corporation handles all billing for the City of Hamilton and Hamilton Water (the City). In order to provide you with water, wastewater and stormwater services, Alectra Utilities Corporation (Alectra Utilities) collects and maintains personal information for the use of the City. This information is collected by Alectra Utilities for the City under the legal authority of the *Municipal Act (Ontario)* Part III – Sections 78 - 91, 96, 97 and Part XII – Sections 391 and 398.

All personal information collected is protected under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. The City is committed to protecting information about identifiable individuals who are its customers. The City uses the Personal Information of its Customers to provide services, manage its water, wastewater and stormwater operations, promote water, wastewater and stormwater programs including the water/wastewater protection plan and grants that may be available to its customers.

This Privacy Statement will be reviewed from time-to-time for revisions to reflect changes to the City's operations or MFIPPA. The date of the last revision appears at the bottom of this document. Customers are encouraged to review this Privacy Statement from time-to-time for revisions.

Customers who receive products and services from the City will be deemed to have accepted the terms and conditions of this Privacy Statement.

### 2. DEFINITIONS

**Collection:** The act of gathering, acquiring, recording or obtaining Personal Information from any source, including third-parties, by any means.

**Consent:** The act of voluntarily agreeing to the collection, use and disclosure of Personal Information for defined purposes. Consent can be either express or implied and can be provided directly by the individual or by someone authorized to provide consent on behalf of the individual. Express consent may be given orally, electronically or in writing and does not require any inference on the part of the City or Alectra Utilities. Implied consent may be reasonably inferred from an individual's action or inaction by the City or Alectra Utilities.

**Customer:** An individual who uses, or applies to use the services of the City as billed by Alectra Utilities.

**Disclosure:** The act of making Personal Information available to a third-party.

**Personal Information:** Personal Information about a customer, including e-mail addresses, a customer's credit information, billing and consumption records, water, wastewater and stormwater service connection and equipment, property location and attributes, and any recorded complaints.

**Third-Party:** An individual other than the customer or his/her agent and an organization other than the City or Alectra Utilities.

**Use:** The treatment, handling, and management of Personal Information, including the de-identification of Personal Information.

### **3. POLICY**

#### PRIVACY QUESTIONS/REQUESTS

If you have any questions or concerns about this Privacy Statement, please direct inquiries to [privacy@hamilton.ca](mailto:privacy@hamilton.ca).

#### NOTICE OF PURPOSES: COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

The City uses the Personal Information of its Customers to provide services, manage its water, wastewater and stormwater operations, promote water, wastewater and stormwater programs including the water/wastewater protection plan and grants that may be available to its Customers.

This personal information will be used to provide you with ongoing service for billing, collection and conservation, which includes the following purposes:

- For establishing and maintaining responsible commercial relations with customers including providing services, billing for services, sending notices about services, responding to customer enquiries and otherwise providing customer service;
- For settlement, processing and the collection of past due accounts including notification of landlords (where applicable) of the opening of an account and of unpaid accounts;
- For law enforcement purposes and complying with legal requirements, including purposes consistent with those for which the information was obtained; and
- For effective water, wastewater and stormwater management and provision of ongoing service to customers, including system planning, conservation planning, programs and initiatives including a water/wastewater protection plan.

The City or Alectra Utilities on its behalf may give notice of other purposes for the collection and use of Personal Information. In connection with particular services, for example, this would be through materials other than this Privacy Statement such as application forms and agreements. Individuals are invited to ask the City for an explanation of the purposes the City has identified for the use of Personal Information. Individuals should direct their questions to [privacy@hamilton.ca](mailto:privacy@hamilton.ca).

Unless permitted or required by law, the City shall not use Personal Information for any new purpose without first obtaining consent.

The City or Alectra Utilities on its behalf may collect Personal Information from sources other than the individual to which it relates. This includes credit bureaus, employers and former employers, personal references or other third-parties that represent that they have the right to disclose the information. This also includes situations where the City or Alectra Utilities on its behalf has obtained the individual's consent. Where permitted by law, the City or Alectra Utilities on its behalf may indirectly collect Personal Information without the consent of the individual to whom it relates. This includes, for example, where the information is collected for the purpose of a proceeding, such as before a court or tribunal or for the purpose of law enforcement.

The City or Alectra Utilities on its behalf may disclose a Customer's Personal Information:

- To its employees, agents or consultants who require the information in the performance of their duties for the City or Alectra Utilities on the City's behalf;

- To an agent retained by the City or by Alectra Utilities on its behalf in connection with the collection of the Customer's account or otherwise to collect a debt;
- To credit grantors and reporting agencies;
- To a person who, in the reasonable judgment of the City or Alectra Utilities on its behalf, is seeking the information as an agent of the Customer;
- To persons as permitted or required by Applicable Law, including, for example, compelling circumstances affecting the health or safety of an individual or compassionate circumstances to facilitate contact with a relative or friend of an injured or ill individual or for insurance purposes; and
- For purposes consistent with those for which the information was obtained.

The City (or Alectra Utilities on its behalf) may disclose Personal Information to external (third-party) consultants and service providers ("Service Providers"), including legal counsel or insurance providers. These Service Providers include, for example, legal and information technology services, which require the information to provide their services to the City or Alectra Utilities. By contract, the City and Alectra Utilities require Service Providers to protect Personal Information to the same degree as they protect the information.

Your personal information is not shared with any third parties without your prior Consent except for the above or a consistent purpose and where required by law. By providing the information, you are Consenting to the collection, use and disclosure of your information for the above purposes.

#### CONSENT

In general, the use of services by a Customer, constitutes implied Consent for the City to collect, use and disclose Personal Information for the purpose of providing the services.

A Customer may withdraw Consent to the continued use of his or her Personal Information on reasonable notice. This is, however, subject to any legal requirements for the City or Alectra Utilities on its behalf to continue to use the information. Customers are invited to discuss the implications of withdrawing consent to any particular use or disclosure of their Personal Information with the City. Customer inquiries should be directed to [privacy@hamilton.ca](mailto:privacy@hamilton.ca).

#### SECURITY OF PERSONAL INFORMATION

The City and Alectra Utilities on its behalf limits access to Personal Information to those of its employees and agents who require the information to perform their duties.

Where Personal Information has been used to make a decision about a customer, the City will retain the information in accordance with its records retention by-law, unless otherwise agreed to with the customer. The City will maintain reasonable systematic controls, schedules and practices for records retention and destruction. Personal Information that is no longer necessary or relevant for the identified purposes or required to be retained will be destroyed, erased or made anonymous in compliance with legal obligations.

The City and Alectra Utilities employ a number of different security safeguards to protect Personal Information against risks. These risks include, for example, loss, theft, unauthorized access, disclosure, copying, use, modification or destruction. The security safeguards include, for example, technological

ones such as firewalls and passwords, physical ones such as controlled access to its facilities, and administrative ones such as enforcing compliance with this Privacy Statement.

The City requires all of its employees and agents who have access to Personal Information, as a condition of their employment, to treat Personal Information in accordance with its MFIPPA obligations and this Privacy Statement and provides its employees with training about Personal Information management.

#### ACCESS TO ONE'S OWN PERSONAL INFORMATION

Upon written request, the City will provide a customer or employee a reasonable opportunity to review his or her own Personal Information, except in limited circumstances set out in MFIPPA. The City will provide notice if there will be a fee for accessing Personal Information and, as a security measure, may require identification before providing access.

The City will correct or complete a record of Personal Information (unless it believes that the information is accurate or complete) and will record any unresolved differences as to accuracy or completeness in the individual's file.

#### CHALLENGING COMPLIANCE

A Customer may challenge the City's compliance with this Privacy Statement by contacting the City at [privacy@hamilton.ca](mailto:privacy@hamilton.ca).

The City will investigate all complaints concerning compliance with the Privacy Statement. If a complaint is found to be justified, the City will take appropriate measures including, if necessary, changing its practices.

Privacy Statement Revision Date: June 18, 2020