Insurance Council
BRITISH COLUMBIA

Privacy Policy

Contact:	Professional Conduct Department
Date:	January 2025, V.2.0

1.0 PURPOSE

To provide a framework for the Insurance Council of British Columbia (Insurance Council)'s collection, use, disclosure and protection of Personal Information in accordance with applicable privacy legislation, including the *Freedom of Information and Protection of Privacy Act* (FOIPPA). The Insurance Council collects, uses and discloses Personal Information to administer its operations and fulfill its mandate and obligations under the *Financial Institutions Act* (the Act).

2.0 SCOPE

This policy applies to Insurance Council staff, Council members, and third-party service providers working on the Insurance Council's behalf. It also applies to the use of the Insurance Council's IT systems, network, data and any computer systems or networks connected to the Insurance Council's network.

3.0 DEFINITIONS

Contact Information: as defined in FOIPPA, information to enable an individual at a place of business to be contacted, and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.
Personal Information: as defined in Schedule 1 of FOIPPA, recorded information about an identifiable individual other than Contact Information.
Privacy Breach: as defined in section 36.3 of FOIPPA, the theft or loss, or the collection, use or disclosure that is not authorized by Part 3 of FOIPPA[1], of Personal Information in the custody or under the control of a public body.

[1] Part 3 of FOIPPA is about the protection of privacy and covers the collection, protection and retention of Personal Information by public bodies, use and disclosure of Personal Information by public bodies, and privacy management programs and privacy breach notifications.

4.0 POLICY

4.1 General

- The Insurance Council is responsible for all Personal Information that is within its custody or under its control, including the Personal Information of its staff and Council members.
- The Insurance Council has designated a Privacy Officer who is responsible for coordinating the Insurance Council's compliance with this policy and with the Insurance Council's obligations generally under FOIPPA.
    - Questions, comments or complaints about the Insurance Council's privacy practices or policies may be directed to the Privacy Officer at privacy@insurancecouncilofbc.com.
    - The provincial Office of the Information & Privacy Commissioner for British Columbia (OIPC) may also be contacted via their website, for further information about an individual's rights under FOIPPA or for privacy concerns that the Insurance Council is unable to resolve.

4.2 Individuals that Personal Information may be collected from

- The Insurance Council may collect, use and disclose Personal Information through its regulatory functions. In addition to Insurance Council staff and Council members, examples of the individuals that the Insurance Council may collect Personal Information from include:
    - Licence applicants and registrants;
    - Individuals applying to write licence qualification examinations;
    - Existing licensees and former licensees;
    - Members of the public; and
    - Third parties, including insurers and service providers.

4.3 Notice and consent

- In accordance with section 27(2) of FOIPPA, in most cases the Insurance Council will provide notice when collecting Personal Information directly from an individual.
    - This notice will explain the purpose for the collection, identify the Insurance Council's legal authority for collecting the information, and advise the individual who can be contacted at the Insurance Council if they have questions about the collection of their Personal Information.

    - Section 27(3) sets out the circumstances in which the Insurance Council is not required to provide notice.
- Notice is not required to collect Personal Information from third parties about a licence applicant, licensee or former licensee, for the purpose of:
    - Assessing licence applications or registrations; or
    - Conducting investigations into a licensee or former licensee's conduct, including investigating compliance with the terms and conditions of the licence, Insurance Council Rules and/or the Act.
- FOIPPA does not require the Insurance Council to obtain consent for the collection, use and disclosure of Personal Information to administer its programs and for other purposes as described in FOIPPA and the Act.
    - For example, consent is not required if the collection of Personal Information is expressly authorized under the Act, such as when the Insurance Council is collecting information for the purposes of an investigation.
    - Consent is also not required if Personal Information will be disclosed to other regulatory bodies, law enforcement agencies, an applicant's employer, a licensee or former licensee's employer, or insurers, in accordance with applicable law.
- If consent to collect, use or disclose specific Personal Information is required, the Insurance Council will ask for consent and provide information on how the Personal Information will be used, and if applicable, to whom the Personal Information will be disclosed.

4.4 Collection and use of Personal Information

- The Insurance Council collects most Personal Information pursuant to sections 26(a)-(e) of FOIPPA, and pursuant to the Act.
    - The Insurance Council may also collect information about an individual when they visit the Insurance Council's website; see section 4.6 for more information.
- The Insurance Council will only use Personal Information for the purpose for which it was obtained or compiled, or for a use consistent with that purpose, or as otherwise permitted or required by law.
- Some examples of purposes for which Personal Information may be collected and used by the Insurance Council include, but are not limited to:
    - Verifying an individual's identity;
    - Providing an individual with the information and services that they request from the Insurance Council;

  - Contacting and corresponding with individuals;
  - Administering licence qualification examinations;
  - Assessing and administering licensing applications and renewals;
  - Regulating the conduct of licensees or former licensees in accordance with the Act, the Insurance Council Rules and the Code of Conduct;
  - Creating and maintaining the publicly available Licensee Directory, which contains information such as licensee name, licence number and class, agency, direct writer, or firm name, and any conditions imposed on the licensee;
  - Conducting practice audits;
  - Processing payment of licence fees;
  - Processing, investigating and managing complaints;
  - Conducting investigations and disciplinary hearings;
  - Providing individuals with access to and enabling their use of the Insurance Council Online Portal;
  - Meeting the Insurance Council's legal obligations and for regulatory purposes; and
  - With respect to the Personal Information of staff and Council members:
    - Managing the employment relationship, including administration of employee benefits and payroll, determining compensation and performance reviews; and
    - Performing the statutory functions of Council, including the appointment, remuneration and assessment of members.
- While in most cases Personal Information will be collected directly from an individual, the Insurance Council may collect Personal Information from third parties, such as:
  - Other licensees or former licensees (including nominees and agencies);
  - Clients of licensees or former licensees;
  - Other regulators; and
  - Insurance companies or financial institutions

  for the purpose of assessing licence applications, conducting investigations into a licensee or former licensee's conduct, and assessing compliance with the terms and conditions of the licence, Council Rules, the Code of Conduct, and/or the Act.
- The Insurance Council may also use third-party service providers to collect Personal Information, such as third-party service providers who perform criminal record verification on the Insurance Council's behalf.

4.4.1 Accuracy and correction of Personal Information

- Insurance Council Rule 7(4)(a) requires that licensees ensure that their Personal Information is accurate, complete and up-to-date, as the Insurance Council uses this information for the purposes set out above.
- Licensees may notify the Insurance Council of changes to their Personal Information via their account on the Online Portal.
    - A request for correction of Personal Information by a licensee will take into consideration their obligations under the Act to provide certain information to the Insurance Council.
- Applicants, examinees and former licensees may contact the Licensing department to correct their Personal Information.
- All other requests to correct Personal Information may be made via the Insurance Council's Privacy Officer.

4.5 Disclosure of Personal Information

- The Insurance Council will not share an individual's Personal Information with third parties, except as described in this policy or in other situations where the Insurance Council has provided notice, obtained consent, or is otherwise obligated or permitted by FOIPPA or other applicable law.
- The Insurance Council may disclose Personal Information that it collects to:
    - Other regulatory bodies, such as the BC Securities Commission and the BC Financial Services Authority, should those organizations need information related to a licence applicant, licensee or former licensee;
    - Law enforcement and governmental authorities, should those entities need information to assist in the investigation of complaints, to assist in a prosecution or to help protect, investigate and deter against fraudulent, harmful, unauthorized, unethical or illegal activity;
    - The Canadian Insurance Regulators Disciplinary Actions (CIRDA) database, for the purpose of publishing a disciplinary decision;
    - The Canadian Insurance Participant Registry (CIPR) database;
    - An agency or firm that a licensee is authorized to represent, or that a former licensee was formerly authorized to represent;
    - Insurers or witnesses, if there is a need to provide context related to a transaction that the Insurance Council is investigating; or
    - Third-party service providers, in the course of providing necessary services such as website support, content review, or database support.

- Pursuant to its obligations under the Act, the Insurance Council must make certain records available to the public, which may contain Personal Information. These records include:
    - A copy of every licence issued;
    - Decisions concerning the issue, amendment, suspension, or cancellation of a licence, including disciplinary decisions;
    - Records of appeals;
    - Copies of approvals required under the Council Rules;
    - The Insurance Council's annual Statement of Financial Information; and
    - The Insurance Council's annual audited financial statements.
- With respect to disciplinary decisions, the Insurance Council may, in accordance with FOIPPA and the Act, publish Personal Information about a licensee or former licensee that is contained in a decision made by Council.
    - The Insurance Council will, wherever possible, anonymize in its decisions any Personal Information of complainants and witnesses who are not licensees or former licensees.
    - A licensee or former licensee may request that the Insurance Council anonymize their Personal Information. See "Redaction Requests" in the "Guide to the Insurance Council of BC's Disciplinary Process" for more information.

4.6 Collection of information via the Insurance Council website

- The Insurance Council may collect or access information about an individual's device when they visit the Insurance Council website, including:
    - The Internet Protocol address and domain name used;
    - The type of browser and the operating system used;
    - The date and time of the visit; and
    - The web pages or services accessed.
- The Insurance Council will only use the above information to assess system performance and improve online services and website management.
- The Insurance Council will not use the above information to determine an individual's identity, unless required to do so as part of an internal investigation or law enforcement purpose.
- The Insurance Council may also use tracking technologies, such as cookies, to help understand activity on the Insurance Council's website, such as user demographics or behaviour, to support more effective communication.
    - The Insurance Council only tracks this information and does not store it.

- The Insurance Council also collects Personal Information when individuals:
    - Conduct certain activities via the Online Portal (for example, pay licence fees, register for an exam or register for continuing education courses); and
    - Conduct certain activities via the Insurance Council's website (for example, complete a survey or questionnaire to provide feedback, or submit a job application).
- Note that this policy does not apply to third party websites that the Insurance Council website may provide links to.

4.7 Freedom of Information (FOI) requests

- As stated in section 4 of FOIPPA, individuals may make FOI requests for access to records in the custody or under the control of the Insurance Council, including records containing the individual's Personal Information.
    - Records that are already publicly accessible via the Insurance Council's website are available without the need for an FOI request.
- As stated in section 5 of FOIPPA, individuals must submit their FOI requests in writing, and the request must include sufficient detail to enable the Insurance Council to identify the specific information that is being requested.
    - FOI requests should be directed to the Insurance Council's Privacy Officer.
    - Insurance Council staff may ask for further information to confirm the nature of the information that is being requested.
- As stated in section 75 of FOIPPA, the Insurance Council may charge a fee for access to information that does not contain the requesting individual's Personal Information.
    - If fees are applicable, the Insurance Council will provide a fee estimate.
- The Insurance Council will respond to all FOI requests in accordance with the time limits set out in FOIPPA.
- The Insurance Council may refuse access to all or part of the requested records under the exceptions set out in Division 2 of Part 2 of FOIPPA.
    - If this is the case, as stated in section 8 of FOIPPA, the individual will be advised of the reasons for refusing access.
- With respect to staff or Council members, subsection 22(4) of FOIPPA states that information about their position, functions or remuneration as an employee or Council member, or travel expenses incurred by that employee or member on Council business, should be disclosed when part of an FOI request.

4.8 Safeguarding Personal Information

- While the Insurance Council cannot always guarantee the security of Personal Information, there are several measures in place to protect any Personal Information in the Insurance Council's custody from unauthorized collection, use, disclosure or disposal.
- Access to the Insurance Council's electronic records is protected by security measures and only accessible through multi-factor authentication.
- With respect to third-party service providers, such as those that support the Insurance Council's database and website, the Insurance Council will ensure that they are aware of their privacy obligations under FOIPPA when collecting and/or processing Personal Information on the Insurance Council's behalf.
- Insurance Council staff and Council members:
    - Must keep all information related to Insurance Council matters confidential;
    - May only access Insurance Council records that are necessary for the performance of their duties;
    - Are not permitted to copy Council records onto any device that has not been approved for use for Council purposes, unless permission is granted to do so by the Director of Enterprise Technology and Business Solutions; and
    - Are not permitted to use a personal e-mail address when performing their responsibilities on behalf of the Insurance Council.
- The Insurance Council may monitor or audit employee access to electronic records in order to ensure compliance.
    - Staff who improperly access Insurance Council records may be subject to discipline.

4.9 Privacy Breach response

- Insurance Council staff and Council members must immediately report any Privacy Breach, whether actual or suspected, to the Privacy Officer.
- The Insurance Council will review and escalate as necessary, based on its internal Information Incident Response Plan.
- All reported and suspected Privacy Breaches will be investigated.
- If a review finds that a Privacy Breach has occurred, the Insurance Council will abide by the mandatory notification requirements that are set out in FOIPPA and reflected in section 4.9.1 below.
- If a review finds that there has been no Privacy Breach, then it may be logged into the Insurance Council's Incident and Near Miss Log.

4.9.1 Notifications

- In accordance with FOIPPA, the Insurance Council will, in most cases, notify the affected individual(s) if the Privacy Breach could reasonably be expected to result in significant harm to the individual.
    - Section 36.3(3) of FOIPPA sets out the circumstances in which notification is not required.
    - Significant harm includes identity theft or other significant harms as described in section 36.3 of FOIPPA.
    - Refer to section 4.9.2 of this policy for the factors that the Insurance Council considers when assessing whether there could be significant harm.
- If notification is required, the Insurance Council will provide notification to each affected individual within one week of determining that a Privacy Breach has occurred, unless immediate harm is possible.
    - In accordance with section 11.1 of the FOIPPA Regulation, the notification to each affected individual must contain specific information, including the date on which the Privacy Breach came to the Insurance Council's attention and a description of the Privacy Breach.
    - The notification may be provided directly or indirectly, as set out in section 11.1 of the FOIPPA Regulation.
- The Insurance Council will also notify the provincial Information and Privacy Commissioner of a Privacy Breach when the significant harm threshold has been met.
    - In accordance with section 11.1 of the FOIPPA Regulation, the notification to the Information and Privacy Commissioner must be in writing and contain the same information as the notification to affected individuals. It must also contain an estimate of the number of affected individuals.

4.9.2 Assessing significant harm

- In determining whether a Privacy Breach could reasonably be expected to result in significant harm to an individual, the Insurance Council will consider several factors, including the following:
    - The sensitivity, context and amount of Personal Information involved;
    - The affected individuals;

- The relationship between the recipient of the breached information and the individual whose information was breached; and
- The ability to contain the Privacy Breach, particularly if it cannot be contained quickly.

4.10 Record retention and disposal

- The Insurance Council retains and disposes of Personal Information in accordance with the Act, FOIPPA and the Insurance Council's retention schedules and records management policies.

5.0 RESOURCES

Financial Institutions Act
Freedom of Information and Protection of Privacy Act
Freedom of Information and Protection of Privacy Regulation
Guide to the Insurance Council of BC's Disciplinary Process
Insurance Council Rules and Code of Conduct