

Dawson Support Staff Union (D.S.S.U.)

Syndicat du personnel de soutien de Dawson (S.P.S.D.)

## **BYLAW No. 2**

### **PROTECTION OF PERSONAL INFORMATION**

Considering the fact that unions are governed in matters of protection of personal information by the following legislation:

- the ***Quebec Charter of Human Rights and Freedoms***:  
section 5: every person has a right for respect of his private life.
  
- The ***Quebec Civil Code***:  
section 35: respect of reputation and privacy;  
section 37: the need to have a serious and legitimate reason for establishing a file on another person;  
section 38-40: a person's right to examine and rectify his file;  
sections 39-4: the right to access information contained in a file and the right to rectify this information.
  
- The ***Act Respecting the Protection of Personal Information in the Private Sector***,  
this legislation addresses the way personal information is collected, the management of personal membership files which organizations possess, and membership lists.

Consequently, the **Union must apply measures to protect the confidentiality of personal information of its members**. In order to do this, it is very important that the Union adopt bylaws to ensure the confidential treatment of information which it collects, uses or transmits.

The following are the basic principles governing these bylaws whose purpose is to inform members of their rights and recourse in matters related to the protection of personal information.

## 1. DEFINITION OF PERSONAL INFORMATION

Any information related to a person's identity which would help someone else identify this person, regardless of form: written, recorded, visual, automated or any other form.

## 2. THE COLLECTION OF PERSONAL INFORMATION

The Union will collect and preserve only the information it needs to execute its mandate with respect to the general application of the collective agreement or more specific mandates such as:

- the handling of a grievance;
- a CSST contestation;
- medical expertise;
- etc ...

## 3. THE SOURCES OF INFORMATION

By virtue of the collective agreement, the employer is obliged to send to the Union certain personal information of employees such as:

- general information;
- notices of disciplinary measures or administrative measures;
- the various types of leaves of absence;
- the awarding of hiring contracts;
- work accident reports;
- the use of sick-leave days with or without monetary value;
- etc ...

Any other personal information must be received from the member concerned unless this member gives written consent allowing a third party, such as the Human Resources Department, to release this information.

With **written authorization** from the employee, the Union **could obtain access**, from the Employer, to the employee's:

- **personnel file;**
- **medical file;**
- **CSST file;**

by completing the **form letter attached** to this document.

In this last case, the source of the information should also be identified in the member's file.

**Note:** The employee should sign three copies:

- one for the Employer
- one for the employee
- one for the Union file.

#### **4. CONFIDENTIALITY**

Personal files are stored under lock and key in the union office and may only be consulted by people elected to the Executive Committee acting on behalf of the Union, and only in the performance of functions related to their mandates as union officers.

Furthermore, no personal information may be communicated to third parties or used for purposes not related to the case, without the consent of the person concerned.

#### **5. MEMBERSHIP LISTS**

The Union may not give its membership list to anyone, except to the CSQ (Centrale des syndicats du Québec) or the FPSES (Fédération du personnel de soutien de l'enseignement supérieur) or to organizations that produce statistics on affiliated unions.

A membership list is a list comprised of members' names, addresses, telephone numbers, birth dates, status, etc, ...

#### **6. THE RIGHT TO ACCESS AND RECTIFY FILES**

The Union shall inform its members of the existence of:

- a personal file;
- a medical file, if such a file exists;
- a CSST file, if such a file exists;

concerning its members, the procedures for accessing these files and the member's right to make rectifications and corrections to these files.

#### **7. THE DESTRUCTION OF DOCUMENTS**

When the Union wishes to dispose of a member's files, they must ensure that these documents are shredded in order to ensure confidentiality.

This bylaw was adopted by the General Assembly held on June 14, 2013

**FORM LETTER**

Date \_\_\_\_\_

Coordinator  
Human Resources Department  
Dawson College

Subject: **CONSULTATION OF PERSONNEL AND MEDICAL FILE**

I, the undersigned, \_\_\_\_\_ authorize the union representative \_\_\_\_\_ to consult my personnel and medical file in my employer's Human Resources Department.

I also authorize the union representative to obtain any other document she deems to be relevant.

Yours truly,

\_\_\_\_\_  
employee's signature

**Note:** The employee must sign three copies,

- one for the Employer
- one for the employee
- one for the employee's Union file