

Policy on confidentiality

Preamble

GIVEN that in the matter of nominative information, AENQ is governed by the following statutes:

- article 5 of the *Charter of Human Rights and Freedoms* which provides, for all persons, the right to respect for privacy;
- the following articles of the *Civil Code of Québec*:
 - Art. 35 C.c.Q.: every person has the right to respect of his reputation and privacy;
 - Art. 37 C.c.Q.: anyone who compiles a file on another person must have a legitimate reason for doing so;
 - Art. 38 C.c.Q.: every person has the right to consult and correct a file that another person has on him or her;
 - Art. 39 C.c.Q.: no person keeping a file on another can deny the latter access to the information contained in it;
 - Art. 40 C.c.Q.: everyone has the right to correct information contained in a file concerning him or her.
- The *Act respecting the protection of personal information in the private sector* which concerns the gathering of personal information and the administration of files organisations possess concerning their members as well as any membership lists;
- **GIVEN** that AENQ should take whatever measures are necessary to protect the confidentiality of personal information concerning the employees it represents;
- **GIVEN** that AENQ should adopt rules to ensure the confidentiality of all information compiled, used or transmitted regarding the employees it represents.

AENQ will respect the following basic principles and advise the employees it represents of their rights and recourse with regard to protection of their nominative information:

I. Definition of nominative information

All personal information concerning a physical person that permits his or her identification, through any medium whatsoever (written, visual, digital, electronic, sound, or other)

For purposes of the present policy on confidentiality, the following are, in particular, considered to be personal information: name, birth date, age, residential address, telephone number, social insurance number, the contents of or reference to a file of a union nature, medical or other.

II. Collection of nominative information

AENQ collects and maintains only nominative information necessary to the performance of its duties of representation under the *Labour Code*, particularly with reference to its obligations to the employees it represents regarding:

- application of the collective agreement;
- grievance;
- appeals to the CNESST or the TAT;
- personal appeal to the TAT;
- any other recourse arising from the obligation of representation.

AENQ also collects and maintains nominative information necessary to the internal operations of the union.

III. Confidentiality of nominative information

AENQ will keep any files of employees that it represents that contain nominative information in file folders, under lock and key, at the union's principal offices.

Only staff of AENQ and members of the Executive Committee acting for and in the name of the Association shall have access to the employee files and this, only if it is necessary to the performance of their duties or the fulfilment of their mandates.

No nominative information concerning an employee represented by AENQ may be communicated by its staff or by members of the Executive Committee to any third party or used for any purpose not related to the file unless the person concerned gives his or her express consent.

In the performance of their duties, AENQ staff and the members of the Executive Committee shall take into account:

- the confidential nature of the files of employees represented by AENQ, particularly with regard to the filing of grievance or any discussion pertaining thereto, as well as any out-of-court settlement, as the case may be;

- any nominative information concerning employees represented by AENQ that may come to their attention.

IV. Nominative lists of AENQ members

AENQ will not communicate any nominative lists of employees it represents, except to the following:

- the *Centrale des syndicats du Québec* (CSQ);
- the *Fédération des syndicats de l'enseignement* (FSE-CSQ);
- the *Fédération du personnel de soutien scolaire* (FPSS-CSQ);
- the *Fédération des intervenantes en petite enfance du Québec* (FIPEQ-CSQ);
- Any other organization with whom the AENQ could become affiliated;

so that those union organisations can use the information contained in such lists for statistical or internal administrative purposes.

V. Right of access, consultation, rectification and correction

AENQ shall confirm to any person making the request the existence of a personal, medical or other file concerning him or her.

AENQ shall inform such person of his or her right of access, consultation, rectification and correction.

VI. Archiving and destruction of documents

When AENQ closes a person's file, the file will be retained in archives for a period of 7 years.

When a personal file is removed from archives at the expiry of the aforementioned period of 7 years, AENQ will ensure its destruction by an accredited shredding firm in order to ensure the confidentiality of the nominative information contained in the file.