

EHS Alumni Foundation
Summary of Director's Reports
Monday April 20, 2020

Background:

At the EHS Alumni Foundation Directors' Meeting on January 20, 2020, the next Directors' meeting was set for Monday, April 20, 2020. Around the beginning of March news was circulating about an epidemic in China of a novel coronavirus, subsequently named Covid-19, which was infecting scores of people in the city of Wuhan. By mid-March the provincial medical health officer was issuing a number of orders intended to curtail the spread of the disease in B.C. By about the beginning of April it became clear that as a result of those orders the Foundation's Directors' meeting could not proceed as originally scheduled for April 20. Instead, it was decided to circulate Directors' reports on areas for which each Director had responsibility to all Directors of the Foundation and the Alumni Association with an invitation to comment or question as they wished, the whole process to be completed by Wednesday April 22, 2020.

Reports:

Dave reported on the silent Auction of Joan Thompson's art items and RibFest 2020. His notes for his report are attached and marked as Appendix "A".

Ryan reported on the financial position of the Foundation as follows. *Financials* One cheque for Society fees cleared of \$40. \$0.08 in interest over the past 3 months. Current account balance **\$3,260.24**.

George reported on the Privacy Policy which applies to both EHS Alumni societies, the Foundation and the Association. His report is attached and it deals with two issues: correction of an error in the definition of "Personal Information" in the Privacy Policy and whether or not there is anything in the Policy that would preclude the Association from sharing contact information of its members with reunion organizers to assist them in organizing a reunion. His conclusion was that there was nothing in the Policy that would preclude such sharing. A copy of his report is attached and marked as Appendix "B". He also recommended that when the contact information is provided it be accompanied by a caution to the organizers to get appropriate advice if they wished to use the contact information for a non-reunion purpose. The rationale for this caution is attached as Appendix "C". Finally, a draft motion intended to correct the error in the definition of "Personal Information" in the Policy was circulated to the Directors and there was unanimous approval of the draft motion. The text of the draft motion is attached as Appendix "D".

Appendix "A"

Information report from Dave replacing meetings of April 20, 2020

1) EHS Alumni Association –

- a) Heritage – No work yet started as the school has been closed to public.
- b) Distinguished EHS Alumni – The following steps have occurred so far:
 - 1) Criteria for a similar program at Spectrum, Oak Bay and Mt.Doug have been received. Waiting for material from Vic High.
 - 2) Sheri Robinson, Wes Umphrey and Geoff Orme have agreed to help with this project. Still have several others to approach for the recommendation committee.
 - 3) Wes has already started a possible list of candidates.
- c) Turf Field – No final answer yet, but no news is not good as it appears the application did not make the cut provincially and Ottawa has not seen the application at all.

2) EHS Foundation –

- a) **Art Auction** – As noted in the spring edition of the newsletter we have had to move this event to the spring of 2021. Please see the outline below as this is what has been done and will be done next year.

Outline for Silent Auction of Joan Thompson's art items:

- 1) Items received at the school from Flora Thompson – received January 2020
- 2) Photos and short descriptions of art pieces and biography of Joan Thompson from Flora Thompson – received February 2020
- 3) Request display of art at school year-end Fine Arts Night (June 10) and Art Department display (late May) – several hundred people - done March 2020.
- 4) Geoff Orme will assist setting up web page of art items, form for bids and list of art items with the latest bid price. Web page will be set up by early April 2021.
- 5) Lorna will review information for spring 2021 newsletter – late March 2021
- 6) Have information in Alumni Association spring newsletters – early April 2020 and 2021– about 800 e-mails to be sent
- 7) Share information with Esquimalt Arts community through Wendy Swan – Early 2021– I still have this to do.

- 8) Shared information with Esquimalt resident through Sheri Robinson – end of March 2020 – Sheri has several key community contacts to get the information sent out in 2021.
- b) **RibFest 2020** – Although no final decision has yet been made about RibFest 2020, it is looking more and more likely it will be postponed until September 2021. With the PNE and other summer festivals being cancelled due to COVIS-19 and also several other Ribfests in the province cancelling it is likely in the next few weeks the Esquimalt RibFest committee will be cancelling this year's event. I will keep Alumni executive members posted about this.

Appendix "B"

Privacy Policy Report

This report deals with two issues:

1. Correction of an error in the definition of personal information in the policy adopted by EHS Alumni Association and EHS Alumni Foundation; and
2. Disclosure of member contact information to EHS Class Reunion organizers.

1) Correction of an error in the definition of personal information in the policy.

The Privacy Policy defines “Personal Information” as “Information about an identifiable individual including, but not limited to, name, age, sex, financial information, etc., but does not include contact information”.

The *Personal Information Protection Act* defines “Personal Information” in the following fashion:

“**personal information**” means information about an identifiable individual and includes employee personal information but does not include

- (a) contact information, or
- (b) work product information;

The Privacy Policy as drafted is in error because it does not specifically distinguish between contact information concerning employees of the organization holding the information and contact information concerning non-employees held by that organization. The former, employees’ contact information, is not protected by the Act whereas the latter, non-employees’ contact information, is subject to all of the protections in the Act.

The Privacy Policy should be amended so that the definition of “Personal Information” reads as follows: “Information about an identifiable individual including, but not limited to, name, age, sex, financial information, contact information etc., but does not include contact information for an employee, if any, of the EHS Alumni Foundation or EHS Alumni Association”. This amendment can be implemented by majority vote of the Board of Directors.

2) Disclosure of member contact information to EHS Class Reunion organizers.

A question has arisen: is there anything in the Privacy Policy that would preclude the Association from disclosing its members’ contact information for a particular Class Year or Years to a committee organizing a reunion for that Class or Classes?

The answer is: The Association can disclose its members’ contact information to a reunion organizing committee to facilitate the committee contacting Association members who are eligible to attend the reunion. The reasoning is as follows.

Broadly speaking, the *Personal Information Protection Act* has a blanket prohibition against collection, use and disclosure of personal information by an organization which includes a society registered under the Societies Act, such as the EHS Alumni Association and the EHS Alumni Foundation. There are a number of exceptions to that blanket prohibition, the most important of which is the collection, use and disclosure of personal information with consent. Under the Act, consent may be either express, written or verbal, or implied. Implied consent arises when the purpose would be obvious to a reasonable person and personal information is voluntarily supplied (obvious purpose - implied consent) or when the organization gives an opportunity to decline consent and the person does not decline when given a reasonable opportunity to do so (opt-out - implied consent). Section 8 says:

Implicit consent

8 (1) An individual is deemed to consent to the collection, use or disclosure of personal information by an organization for a purpose if

- (a) at the time the consent is deemed to be given, the purpose would be considered to be obvious to a reasonable person, and
- (b) the individual voluntarily provides the personal information to the organization for that purpose.

...

(3) An organization may collect, use or disclose personal information about an individual for specified purposes if

- (a) the organization provides the individual with a notice, ... , that it intends to collect, use or disclose the individual's personal information for those purposes,
- (b) the organization gives the individual a reasonable opportunity to decline within a reasonable time... ,
- (c) the individual does not decline, within the time allowed... , and
- (d) the collection, use or disclosure of personal information is reasonable having regard to the sensitivity of the personal information in the circumstances.

It is well known that high school Alumni Associations, in general, either organize reunions of former students of that school or support the organization of such reunions (see for example Vic High Alumni website, <http://vichigh.com/reunions.php>, Mount Doug website, <https://www.mountdougalumni.com/about-us.html>, Spectrum Alumni Association website <https://spectrumanalumni.com/reunions/>, etc). The EHS Alumni Association Bylaws explicitly provide for this function by having a Director of Reunions sit on the Board of Directors having the following duties:

Director of Reunions – is responsible for coordination between the Association and any reunions of former students of Esquimalt High School, Esquimalt

Junior/Senior Secondary School or Esquimalt Community School. EHS Alumni Association Bylaws Part 7 section 45

When a former student of EHS decides to join the Alumni Association he/she voluntarily provides contact information in full recognition of the fact that the Association may use and disclose that contact information for the purpose of organizing or assisting former students in organizing reunions. A reasonable person would be aware of that fact when they choose to join the Association. There is implicit consent to that use and disclosure.

In order to ensure that there can be no doubt that there is such implicit consent, the Membership Application Form on the Alumni Association website contains the following information about the Privacy Policy:

Personal information provided to the Esquimalt High School Alumni Association and Esquimalt High School Alumni Foundation will be used and disclosed only to support the purposes of the societies; i.e., to provide financial and other support to the school and its students, **to facilitate reunions and communications amongst Esquimalt High School Alumni** and to document the history of the school. By giving your email address you will subscribe to our emailing of notices and information on events.

By voluntarily joining the Association and providing contact information an EHS alumnus is implicitly consenting to the use and disclosure of that personal information for the purpose of facilitating reunions and communications amongst EHS alumni.

Finally, I would recommend that if the Association chooses to disclose to reunion organizers contact information of former EHS students that it do so with a caution along the following lines:

You have requested contact information concerning former EHS students in the Class of _____ (Year of graduation for the Class) who are members of the EHS Alumni Association. We are providing that information on a confidential basis to be used or disclosed only for the purpose of organizing a reunion of the Class of _____. If you propose to use or disclose the information for any other purpose not reasonably related to organizing a reunion of the Class of _____ we strongly recommend that you seek legal advice before doing so.

Submitted by

George Copley

Appendix "C"

Hi Dave:

Yes, the only change with respect to release of contact information to reunion groups is the addition of the final statement. The consent implied when a person joins the Association is consent to use the person's personal information for organization of a reunion. If the organizers propose to use that information for a different purpose they will have to go back and get further consent from the person to whom the personal information relates for that different use. Since we cannot anticipate all of the possible future scenarios the simplest way of exercising our due diligence with respect to maintaining the confidentiality of the contact information is to advise the organizers to get their own legal advice before proceeding to use the personal information for a non-reunion purpose. If the organizers decide to proceed without legal advice and without further consent then they potentially expose themselves to a complaint and investigation by the Information and Privacy Commissioner under the PIPA.

George

Appendix "D"

Motion

Motion: That the EHS Alumni Association Privacy Policy and the EHS Alumni Foundation Privacy Policy be amended as follows: the definition of "Personal information" in the third paragraph is repealed and replaced by the following definition: "Personal Information is information about an identifiable individual including, but not limited to, name, age, sex, financial information, contact information etc., but does not include contact information for an employee, if any, of the EHS Alumni Foundation or EHS Alumni Association".