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## 1.0 Purpose

The ENWIN Group of Companies ("ENWIN"), including Windsor Canada Utilities, ENWIN Utilities Ltd., ENWIN Energy Ltd., Windsor Utilities Commission, and any other business unit that may be developed under the ENWIN umbrella have implemented this policy because ENWIN is committed to: (i) safeguarding all personal information in ENWIN's custody or control; (ii) acting in a manner that is respectful of the rights of individuals whose personal information is in ENWIN's custody or control; and (iii) complying with all applicable laws relating to the protection of personal information.

ENWIN complies with the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") and, when applicable, the Personal Information Protection and Electronic Documents Act ("PIPEDA"). MFIPPA and PIPEDA set out rules for how information about any identifiable individual may be collected, used and disclosed that protect the confidentiality of that information and the privacy of that individual. Additionally, ENWIN has adopted the principles for the protection of personal information set out in PIPEDA.


## 2.0 Scope

ENWIN's directors, officers and employees (full time, part-time and contract) and other representatives (for example, volunteers) will adhere to this Privacy Policy, ENWIN's Privacy Statement and all practices and procedures established by ENWIN to support compliance with this Privacy Policy and the Privacy Statement.

Service providers who have access to personal information in the custody or control of ENWIN as a result of the services that they provide to ENWIN will either be bound to comply with this policy or ENWIN will put safeguards in place to protect that personal information including but not limited to having privacy and confidentiality provisions in the applicable contracts.

## 3.0 Definition of Personal Information

**Personal Information** – means information about an identifiable individual. Personal Information may be factual or subjective, and it may be in any form. However, when it is used for the purpose of communicating with an individual in

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relation to their employment, the individual's contact information (name, title, business address and any telephone number or email address used in relation to their employment) is excluded from the definition of Personal Information.

#### **4.0 Authority and Responsibilities**


**4.1** ENWIN's **Boards of Directors** is responsible for:

- Complying with this policy, ENWIN's Privacy Statement and all applicable laws relating to the protection of personal information
- Providing strategic direction in relation to this policy
- Reviewing proposed changes to this policy
- Approving changes to this policy
- Appointing ENWIN's Privacy Officer


**4.2** The **President & CEO** is responsible for:

- Complying with this policy, ENWIN's Privacy Statement and all applicable laws relating to the protection of personal information
- Providing leadership in relation to ENWIN's efforts to comply with this policy, its Privacy Statement and all applicable laws relating to the protection of personal information
- Bringing proposed changes to this policy to the Board of Directors
- Recommending one or more candidates to the Board of Directors when it is necessary to appoint a new Privacy Officer
- Appointing an "Acting Privacy Officer" to fill the role of the Privacy Officer for the period from when the role becomes vacant until a "Privacy Officer" is approved by the Board of Directors
- Providing a recommendation to the Board each year in respect of the amount of ENWIN's budget to be allocated to initiatives relating to the protection of personal information

**4.3** The **Privacy Officer** is responsible for:

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- Complying with this policy, ENWIN's Privacy Statement and all applicable laws relating to the protection of personal information
- Providing leadership in relation to ENWIN's efforts to comply with this policy, ENWIN's Privacy Statement and all applicable laws relating to the protection of personal information
- Proposing changes to this policy when appropriate and providing those changes together with a recommendation that they be approved to the President & CEO for presentation to the Board of Directors
- Implementing approved changes to this policy
- ENWIN's Privacy Statement including but not limited to making sure that it remains consistent with this policy
- With the Corporate Secretary, reviewing and approving proposed exceptions to this policy
- Reviewing and approving proposed exceptions to ENWIN's Privacy Statement
- Overseeing the development and implementation of training materials and programs relating to the protection of personal information for use with ENWIN's employees and other representatives
- Developing and implementing an audit program for checking ENWIN's compliance with this policy and ENWIN's Privacy Statement and addressing any compliance issues identified
- Investigating all allegations of non-compliance with this policy or ENWIN's Privacy Statement that the Privacy Officer receives
- Making information about this policy and ENWIN's privacy practices available to ENWIN's customers
- The implementation of procedures for requesting access to or correction of personal information that is in ENWIN's custody or control and responding to those requests when the requester has complied with those procedures
- Reporting privacy breaches to the appropriate authorities in accordance with applicable law

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While serving as the Privacy Officer, an individual must be an employee of ENWIN.

4.4 The **Corporate Secretary** is responsible for:

- Complying with this policy, ENWIN's Privacy Statement and all applicable laws relating to the protection of personal information
- With the Privacy Officer, reviewing and approving proposed exceptions to this policy
- When the Privacy Officer is not available, receiving reports of possible violations of this policy

4.5 **Management** is responsible for:

- Complying with this policy, ENWIN's Privacy Statement and all applicable laws relating to the protection of personal information
- Providing leadership and guidance to their subordinates in relation to ENWIN's efforts to comply with this policy, ENWIN's Privacy Statement and all applicable laws relating to the protection of personal information
- Providing guidance to their subordinates on how this policy and ENWIN's Privacy Statement apply to their areas of operation
- Consulting with the Privacy Officer when developing practices, procedures or systems involving personal information
- Supporting training initiatives relating to the protection of personal information
- In relation to each sphere of operation under its control, conducting an annual inventory of the personal information being collected and determining which collection streams can and should be scaled back or ended
- Promptly bringing any suspected violation of this policy to the attention of the Privacy Officer or, in the absence of the Privacy Officer, to the Corporate Secretary

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**4.6 ENWIN's Employees and other individuals who are bound by this policy** are responsible for:

- Complying with this policy, its Privacy Statement and all applicable laws relating to the protection of personal information
- Promptly bringing any suspected breach of this policy to the attention of the Privacy Officer or, in the absence of the Privacy Officer, to the CEO

**5.0 Adoption of PIPEDA Principles**


**5.1 Accountability**

When ENWIN has personal information in its custody or control, ENWIN is accountable for its protection. This is reflected in the roles and responsibilities set out in section 4.0 of this policy, and it is reflected in: (i) ENWIN's commitment to having an audit program for checking ENWIN's compliance with this policy and ENWIN's Privacy Statement; (ii) ENWIN's commitment to addressing any compliance issues identified by those audits or reported to ENWIN; and (iii) ENWIN's commitment to investigate each actual or suspected violation of this policy or ENWIN's Privacy Statement that comes to its attention.

**5.2 Identifying Purpose**

Prior to or when seeking an individual's consent to the collection, use or disclosure of their personal information, ENWIN will disclose each purpose for which it will use the collected personal information. When doing so, the scope of each purpose disclosed should be narrowly defined and the language used to communicate it should be clear.

ENWIN's Privacy Statement describes several types of personal information that ENWIN collects and a number of purposes for which that information may be used. They are purposes that ENWIN considers to be acceptable. Any other purpose should be reviewed with the Privacy Officer prior to its use as part of a request for consent. To better comply with this policy, the Privacy Officer may recommend changes to the scope or wording of the purpose.

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### **5.3 Consent**

When ENWIN seeks consent to the collection, use or disclosure of personal information, the consent may be express or implied. When choosing between seeking express or implied consent, ENWIN will take into account the reasonable expectations of the individual, the circumstances surrounding the collection and the sensitivity of the personal information involved. Express consent is preferred to implied consent.

When express consent to the collection, use or disclosure of personal information of an individual's personal information is obtained from that individual, the consent should be documented.

Should ENWIN wish to use personal information in its custody or control for a previously undisclosed purpose, ENWIN will only do so as permitted by law or with the consent of the affected individuals.


ENWIN will maintain a general procedure that permits an individual to withdraw a consent that the individual previously provided to ENWIN. ENWIN will also maintain use-specific procedures for withdrawing a consent when: (i) ENWIN is required by law to do so (for example, including links to unsubscribe in electronic newsletters); or (ii) it is reasonable to do so (for example, automatically stopping the collection of an individual's personal information in relation to a conservation or other program when the individual stops participating in the program).

ENWIN may collect personal information without the individual's knowledge or consent only as permitted by law.

### **5.4 Limiting Collection**

ENWIN will limit the amount and type of information gathered to what is necessary for the identified purpose(s).

Each year, ENWIN will inventory the streams of personal information that it collects and determine which streams can be scaled back or ended.

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## **5.5 Limiting Use, Disclosure and Retention**

ENWIN will only collect, use or disclose personal information as permitted by law or with the consent (express or implied) of the affected individuals.


ENWIN's Records and Information Management (RIM) Policy sets out ENWIN's policies regarding the retention of information including personal information. In relation to records that include personal information, the retention periods reflect ENWIN's commitment to keep personal information while it is required for the purposes for which it was retained and not any longer unless a longer retention period is required or expressly permitted by law. For example, when personal information has been used to make a decision about a customer, ENWIN is required to retain that personal information for a reasonable period of time after making the decision. The additional time is to allow the customer sufficient time to access and, possibly, correct the information.

## **5.6 Accuracy**

ENWIN recognizes the importance of ensuring that the personal information in its custody or control is accurate. Consequently, ENWIN has put in place safeguards to protect that information from unauthorized changes.

Individuals may review any personal information that identifies them and is in ENWIN's custody or control by following a procedure set out on ENWIN's website and paying a small fee. If there is a disagreement over the accuracy of the affected information, ENWIN will: (i) inform the individual of the existence of mechanisms for challenging ENWIN's determination that the information was accurate; and (ii) keep a record of the dispute on the customer's account so that it can be available to anyone who may be making decisions based on the affected information.

Individuals may request the correction of any personal information that identifies them and is in ENWIN's custody or control by following a procedure set out on ENWIN's website and paying a small fee. If the personal information is inaccurate, ENWIN will correct the personal information.

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The Privacy Officer is responsible for: (i) these procedures; (ii) setting the amount of the small fees in accordance with applicable legislation; and (iii) responding to these requests.

### **5.7 Safeguards**

To protect personal information from unauthorized access, loss, theft, use, disclosure, modification, or destruction, ENWIN uses technical, physical and administrative security safeguards.

In determining what safeguards to use, ENWIN is guided by its Information Technology / Operational Technology (IT/OT) Security Policy, industry best practices, the Ontario Cyber Security Framework and the sensitivity of the personal information.

### **5.8 Openness**

ENWIN will make this policy, its Privacy Statement and additional information relating to its efforts to protect the personal information in ENWIN's custody or control. The primary vehicle for this will be ENWIN's website. Additionally, frontline staff will be required to review this Privacy Policy at least annually.

When modifying this policy or the Privacy Statement, ENWIN will make a conscious effort to ensure that the documents are easy to understand.


The primary vehicle for making this policy, ENWIN's Privacy Statement and additional information relating to ENWIN's efforts to protect the personal information in ENWIN's custody or control available to employees and other representatives of ENWIN is ENWIN's Learning Management System.

### **5.9 Individual Access**

Individuals may review any personal information that identifies them and is in ENWIN's custody or control by following a procedure set out on ENWIN's website and paying a small fee.

### **5.10 Challenging Compliance**



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Section 4 sets out ENWIN's employees' obligation to report actual or suspected violations of this policy.

If an individual believes that ENWIN has handled their personal information other than in accordance with this policy or ENWIN's Privacy Statement, ENWIN has a process bringing the concern to the attention of ENWIN's Privacy Officer. This can be done by: (i) following a procedure set out on ENWIN's website; or (ii) contacting ENWIN's Privacy Officer directly.

The contact information for ENWIN's Privacy Officer is:

Privacy Officer  
 ENWIN Utilities Ltd.  
 4545 Rhodes Dr.  
 Windsor, ON N8W 5T1  
 Telephone: (519) 255-2727  
 Email: [privacy@enwin.com](mailto:privacy@enwin.com)

ENWIN will investigate all complaints received and when appropriate, take corrective measures.

#### **5.11 Privacy Breaches**


ENWIN will respond to privacy breaches in accordance with the following policies and all applicable laws:

- ENWIN IT Incident Response Plan
- IT/OT Security Policy

### **6.0 Employee Awareness**

ENWIN will make its employees and other representatives aware of the importance of maintaining the confidentiality of personal information.

ENWIN's employment agreements include confidentiality provisions and require employees to comply with ENWIN's policies.

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As appropriate for them to fulfill their duties, privacy awareness training and training on this policy is delivered to employees and, on a case-by-case basis, to third parties who may have access to personal information that is in ENWIN's custody or control.

## **7.0 Exceptions to this Policy**

From time to time circumstances may arise that make it necessary to create an exception to this policy. Exceptions must be requested in writing and approved in advance of any reliance on it. Requests for exceptions are directed to the Privacy Officer.

Each request for an exception to this policy will be reviewed by the Privacy Officer and the Corporate Secretary. If they agree that the proposed exception should be made as requested, they will document that agreement and the exception is approved. If they agree that a modified version of the proposed exception should be made, they will document that agreement and the modified exception is approved. Otherwise, the request is rejected. Once a request is rejected by the Privacy Officer and the Corporate Secretary, only the Board of Directors may approve its implementation.


Either the Privacy Officer or the Corporate Secretary may withdraw the approval of an exception to this policy at any time.

If the circumstances that necessitate an exception to this policy necessitate changes or exceptions to other policies, those changes and exceptions must be approved by the owners of those policies, and the exception to this policy will not be effective until those approvals are in place (even if the exception has been approved).

Each exception to this policy will be reviewed annually by the Privacy Officer who will consult with the Corporate Secretary on that review.

## **8.0 Violations of this Policy**

Employees found to be in violation of this policy will be subject to discipline (including but not limited to remedial training, a verbal warning, a written warning,

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suspension and termination). The severity of the violation will be taken into account when determining the severity of the discipline.

## **9.0 Flowcharts**

None.

## **10.0 References & Related Documents**

### Laws and Regulations

Personal Information Protection and Electronic Documents Act, (S.C. 2000, c. 5)  
Municipal Freedom of Information and Protection of Privacy Act, (R.S.O. 1990, c. M.56)  
Ontario Energy Board Cyber Security Framework

### ENWIN Policies

Records and Information Management (RIM) Policy  
IT/OT Security Policy  
Call Recording Policy  
Release of Personal and Employment Information Policy  
Integrity of Customer Account Information Policy

### ENWIN Standard Operating Procedures


ENWIN Cyber Security Incident Response  
ENWIN Request for Temporary Access or Employee Data  
ENWIN IT Incident Response Plan  
ENWIN Customer Complaints Resolution Process  
ENWIN Freedom of Information Access Request

### ENWIN Forms

ENWIN Information Incident Report  
ENWIN Municipal Freedom of Information & Protection of Privacy (MFIPPA) Request Form

## **11.0 Attachments**

None.

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## **12.0 Policy History & Approval**

This policy was originally approved:

By ENWIN Utilities Ltd. Board on: February 20, 2019

By ENWIN Energy Ltd. Board on: February 20, 2019

By WUC Commission on: February 20, 2019

By WCU Board on: February 20, 2019

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This version takes effect from: May 1, 2019

This policy will be reviewed by: March 1, 2020