

Membership List Policy

Preamble

The Professional Institute of the Public Service of Canada (PIPSC) is committed to protecting the privacy, confidentiality, accuracy and security of its members' personal information by adhering to the highest standards of confidentiality. As part of its operations, PIPSC is called upon to create and maintain a list of its membership and has the responsibility to protect the information contained therein.

Application

This policy relates to the collection, management and distribution of the membership list.

Policy Requirements

The following policy outlines PIPSC's practices concerning the disclosure of its membership list in order to meet the requirements established by the *Canada Not-For-Profit Corporations Act* (CNPCA), *Personal Information Protection and Electronic Documents Act* (PIPEDA) and analogous provincial privacy legislation in the provinces of Alberta, Québec and British Columbia (the "*Provincial Acts*").

Membership List

The membership lists are considered to be the property of PIPSC, and the information contained therein is confidential. Such lists may only be used for authorized PIPSC business and in accordance with the CNPCA and any other applicable legislation.

Definitions

Membership List, as defined by the CNPCA, refers to the names, in alphabetical order, and addresses of the members along with each members' class or group if any¹.

Officer, for the purpose of this policy, refers to all individuals identified as officers in the PIPSC by-laws, as well as any PIPSC members elected to serve on a constituent body executive.

Member, for the purpose of this policy, refers to all categories of members found in article 6 of PIPSC By-Laws and Regulations.

¹Canada Not-for-profit Corporations Regulations, SOR/2011-223, s.6. Members' class or group means their PIPSC category of membership set out in article 6 of the PIPSC's By-laws and Regulations, not their bargaining unit or employee classification group.

Effective Date

This Policy takes effect on October 1, 2016.

Disclosure

CNPCA Requests

Pursuant to section 23 of the CNPCA, PIPSC members or their representative may, once per calendar year or before each special meeting of members for which the member was provided notice, make a request to see the membership list.

As per the CNPCA, such list may only be used by the requesting PIPSC member in an attempt to influence voters, to requisition a meeting of PIPSC members or for any other matter relating to the affairs of PIPSC.

Only the Board of Directors may approve a request for a listing of more than fifty percent (50%) of the total membership. The President or other designated official may approve other requests.

PIPSC may decide not to allow, in whole or in part, access to corporate records or not to furnish, in whole or in part the requested membership list if it reasonably believes that allowing the access or furnishing the information would be detrimental to any member or to the Institute. In the event PIPSC declines the member's request, it will seize itself of the process provided for by the CNPCA.

Request by Officers

Officers may request a copy of the membership list of constituent bodies they represent.

The sole authority to approve a request for a listing of more than fifty percent (50%) of the total membership, rests with the Board of Directors. The Board's decision is final and without appeal.

If the request represents less than (50%) of PIPSC membership, the President or any other designated official may approve it.

PIPSC may decide not to allow, in whole or in part, access to corporate records or not to furnish, in whole or in part, the requested list of membership if it reasonably believes that allowing this access or furnishing the information would be detrimental to any member or to PIPSC.

Notwithstanding this Policy, officers are expected to communicate with their constituents through PIPSC-established communications procedures.

Procedures

PIPSC members requesting a copy of the membership list are expected to abide by the requirements set forth by the CNPCA and other relevant privacy legislations. As such, a request for the membership list shall:

1. be made, in writing, to the Privacy Officer;
2. describe the population to be listed;
3. indicate the information, or data fields, requested for each listed member;
4. state the reason for the request, including the intended use of the list;
5. disclose any intention to distribute the list, or parts of the list, to others; and
6. Provide a statutory declaration which:
 - a. the applicant states its name and address. If the applicant is a body corporate, its address for service;
 - b. the applicant states that the list of members or the information contained in the register of members obtained will not be used except as provided for by the CNPCA.

There are four applicable uses allowed for requesting a membership list.

1. Influence the voting of members;
2. Requisitioning of a meeting of members;
3. Any other matter relating to the affairs of the corporation; and
4. A debt obligation holder who obtains a list of members under this section shall not use the list except in connection with an effort to influence the voting of members on any issue that the holder has a right to vote on

Officers requesting a copy of the membership list are not only expected to comply with the procedure established above, with the exception of (6b), they will also be required to demonstrate the bona fide nature of their request, as well as the approval of the constituent body they represent.

The method of delivering the list shall be limited to such methods as PIPSC deems appropriate, pursuant to all applicable legislation, to ensure the security of the information and the privacy of all members. A reasonable fee may be required to provide the applicant with an extract from the list.

Timelines

Pursuant to the CNPCA Regulations, PIPSC endeavours to respond to the members request within 10 days after receipt of the statutory declaration.

References

The following laws and policies are relevant to this policy:

Relevant legislation and regulations:

1. *Alberta Personal Information Protection Act*,
2. *British Columbia Personal Information Protection Act*,
3. *Canada Not-For-Profit Corporation Act*,
4. *Personal Information Protection and Electronic Documents Act*,
5. *Quebec Civil Code*;
6. *Act Respecting Protection of Personal Information in the Private Sector* (Quebec);