



POLICY M7

CAPE - Policy on the use and distribution of membership lists to locals and local organizing committee chair and co-chairs.

Background

Locals and local organizing committee chair and co-chairs require access to lists of the members of their Locals to carry out some of their functions.

This policy sets out the obligations regarding the use and protection of these lists as well as the procedure for obtaining these lists.

A - Use of Membership Lists

Locals and local organizing committee chair and co-chairs require membership lists and email addresses in order to fulfill the following roles:

- Serve as a link between the members at the Local level, the National Office and the National Executive Committee,
- Actively and systematically organize members of a local on nationally and locally approved campaigns;
- Inform and be informed of matters of concern and of interest to members in the workplace,
- Inform members about the Association and its activities,
- Assist in the promotion of the Association's policies and programs,
- Aid in recruiting Rand members, and
- Endeavour to develop a team atmosphere in the workplace.

The National Office is responsible for providing advice, information and support to local officials to ensure CAPE speaks with one voice while recognizing the specific character of each individual group.

Locals do not have the authority to make use of membership lists for a purpose not specified above without the specific authorization of the President or Executive Director or designate. For example, Locals cannot make use of membership list for the purpose of campaigning in a local or national election process. Local organizing committees only have the authority to make use of membership lists on campaigns explicitly approved by the CAPE National Office.

All communications to members must clearly identify at the start of each communication that it originates from the Local in order to avoid confusion with communications generated from the National Office.

B - Privacy Obligations and Commitments

Unions are subject to provincial privacy legislation in Alberta, British Columbia, and Quebec. In the rest of Canada, the privacy legislation that may be applicable to unions is the Personal Information Protection and Electronic Documents Act ("PIPEDA"). 2

PIPEDA, unlike the provincial privacy legislation, only applies when an "organization" (including a trade union) is collecting, using, or disclosing personal information in the course of commercial activities. The term "commercial activities" is defined in PIPEDA as "any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists." As such, PIPEDA may apply to Unions based on the use that is being made of personal information.

Regardless of the jurisdiction and whether legal obligations exist, members of the Association have come to expect that their personal information will be safeguarded as if the Association were legally bound to do so.

The Association has therefore adopted a Privacy Policy that commits to adhering to the principles contained in PIPEDA. The Association's privacy policy provides that the Association commits to protect the privacy, confidentiality, accuracy and security of its members' personal information and to adhere to the highest standards of confidentiality and that personal information will only be used or disclosed for purposes that are consistent with the reasons why the information was collected.

This commitment extends to membership lists as these contain personal information.

The responsibility to protect the information contained in membership lists extends to elected officials of Locals who are in possession of such information pursuant to this Policy. All communications to members must protect the personal information of other members. To do so, all group communications to members shall be done using the "blind copy" function in order to protect personal email addresses.

All communications to members must provide an ability to opt out of receiving messages in the future. Locals are responsible for ensuring that the wishes of members are respected.

C- Procedure for Locals, chair, and co-chairs of Local Organizing Committees to Access Membership Lists

The National Office is responsible for gathering and updating membership lists for each Local on a monthly basis. The lists contain the most up-to-date information provided by members and the Employer, therefore CAPE is not responsible for its accuracy.

Requests for membership lists can only be made by members of a Local Executive or local organizing committee chair and co-chairs approved by the National Office. For inactive Locals, or locals without local organizing committee, the Labour Relations Officer assigned to the Local may request a list.

The request will be made by completing and submitting the form attached at Appendix A.

The request must identify who will have access to the list and confirm the Local's commitment to uphold the Policy by using the list only for its intended purpose and ensuring safeguards are in place to protect personal information at all times.

The President or designate and the Privacy Officer of the Association must approve all requests for membership lists by Locals or local organizing committee chair and co-chairs. If the President or designate, or the Privacy Officer of the Association deny a request, the matter will be referred to the National Executive Committee for a final determination.

Once approved, the individuals identified on the form attached at Appendix A shall receive an email containing a secure link to obtain the most up to date version of the list. The link can be accessed as frequently as needed and will remain available for as long as the local executive is authorized to access the list.

D- Content of the Information Contained in Membership Lists

The membership lists for a Local will contain the following information:

- (i) First and last name of members in the local,
- (ii) Member Status (member, pending member, Rand or inactive),
- (iii) Personal email address for the members to the extent that it is known and that consent has been provided by the member to the National Office for the sharing of this information,
- (iv) Member Department.
- (v) Individual member database identification (unique ID).

E – Sharing of Membership Lists

The sharing of membership lists is limited to the members of a Local Executive or local organizing committee chair and co-chairs approved by the National Office; who have signed the Request for Membership List Form (attached at Appendix A). The sharing of the list to anyone who have not signed the Form, is strictly prohibited.

F – Responsibilities of Local Executives and Local Organizing Committee chair and co-chairs

For clarity, the possession of membership lists constitutes confidential internal matters referred to in the solemn declaration taken by each Local Executive upon being elected or acclaimed, or by local organizing committee chair and co-chairs following National Office approval. This solemn declaration specifies that this information is to be kept confidential. Local Executives and/or local organizing committee chair and co-chairs must have sworn a solemn declaration prior to being granted access to a local membership list.

Local Executives and/or local organizing committee chair and co-chairs must ensure that membership lists are used in accordance with this Policy. Failure to do so may result in their removal from office and/or suspension from the Association.

Local Executives and/or local organizing committee chair and co-chairs must ensure that membership lists are appropriately safeguarded at all times in order to meet the Association’s privacy obligations. For maximum security, it is advised that membership lists be destroyed immediately after its use and that a new refreshed list be obtained following the processed detailed in Section C the next time it is required.

To ensure Local Executives and/or local organizing committee chair and co-chairs are aware of their obligations and commit to uphold them, they are required to sign a solemn declaration included in the Request for Membership List Form (attached at Appendix A).

G – Privacy concerns

Members wishing to report a concern regarding the use of their personal information can reach out to the Association’s Privacy Officer.

H – Review

The Policy will be reviewed if deemed necessary, or one year after its approval in consultation with local leaders.

I – Effective date

The Policy is effective May 31, 2024.

Appendix A

FORM FOR REQUESTING A MEMBERSHIP LIST AND ACKNOWLEDGEMENT OF RESPONSIBILITIES

Solemn Declaration

All of the undersigned hereby solemnly declare to have read and understood the POLICY ON THE USE AND DISTRIBUTION OF MEMBERSHIP LISTS TO LOCALS and hereby commit to uphold the Policy by using the list only for its intended purpose and ensuring safeguards are in place to protect personal information at all time.

Identification of the Local

Name of the Local: _____

Number of Local: _____

List of all Local Executives or local organizing committee chair and co-chairs who will have access to the membership list:

Names and position of persons

Signature of each person

Name

Signature

Position

Email address

Date

This form, once completed and signed is to be sent to general@acep-cape.ca for processing.