

# PRIVACY POLICY

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SOCAN

Society of Composers, Authors and  
Music Publishers of Canada

Société canadienne des auteurs,  
compositeurs et éditeurs de musique

# SOCAN PRIVACY POLICY

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# SOCAN PRIVACY POLICY

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## YOUR PRIVACY IS PROTECTED

At SOCAN, we are committed to respecting and protecting your right to privacy. As such, we have put in place privacy policies to ensure that our members', customers' and employees' information and affairs are kept in strict confidence.

## WHAT IS PROTECTED

SOCAN will protect the "personal information" of its members, customers, employees and those with whom it conducts business. Personal information means any information, recorded or not, about an identifiable individual with the exception of the name, title or business address or telephone number of an employee of an organization.

## PRIVACY PROTECTION IN CANADA

This privacy policy has been developed to meet the compliance standards established by Canada's *Personal Information Protection and Electronic Documents Act (PIPEDA)*. The *Act* sets out ground rules for how private-sector organizations may collect, use, retain, and disclose personal information, and ensures that an organization's legitimate need for personal information can be balanced with the privacy rights of individuals.

## OUR TEN PRIVACY PRINCIPLES — IN BRIEF

SOCAN will adhere to the following ten principles for the protection of personal information:

### **Principle 1 – Accountability**

SOCAN will be accountable for collecting, using and disclosing your personal information.

### **Principle 2 – Identifying Purposes**

SOCAN will provide an explanation of the purpose(s) underlying any collection, use or disclosure of your personal information.

### **Principle 3 – Consent**

SOCAN will obtain your consent prior to the collection, use or disclosure of your personal information except where required or permitted by law.

### **Principle 4 – Limiting Collection**

SOCAN will only collect the information needed to conduct its business.

### **Principle 5 – Limiting Use, Disclosure, and Retention**

SOCAN will only use, disclose and retain personal information needed for it to conduct business.

### **Principle 6 – Accuracy**

SOCAN will take necessary steps to ensure that the personal information is accurate.

### **Principle 7 – Safeguards**

SOCAN will implement safeguards for your personal information.

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## **Principle 8 – Openness**

SOCAN will disclose to its members, customers and employees its Privacy Policy and make information available concerning the policies and practices that apply to the management of their information.

## **Principle 9 – Individual Access**

SOCAN will facilitate individual access by members, customers and employees to their respective personal information.

## **Principle 10 – Challenging Compliance**

SOCAN will establish the means by which individuals can challenge SOCAN's compliance with the obligations set out in this privacy policy.

## **OUR TEN PRIVACY PRINCIPLES — IN DETAIL**

### **Principle 1 – Accountability**

To ensure SOCAN remains accountable for the manner in which it uses, collects and discloses your personal information, SOCAN has appointed a Privacy Compliance Officer, who will be accountable for ensuring its compliance with this policy.

Questions pertaining to SOCAN's privacy policy or the application of this policy may be directed to:

Privacy Officer  
SOCAN  
41 Valleybrook Drive  
Toronto, ON M3B 2S6  
Telephone:(416) 445-8700  
Toll-free: 1-800-55-SOCAN (that's 1-800-557-6226)  
E-mail: [privacy.officer@socan.ca](mailto:privacy.officer@socan.ca)

### **Principle 2 – Identifying Purposes**

When you first become a SOCAN member, customer or employee, we let you know that, besides your name, address and telephone number, we need your information in order to:

- Establish your identification
- Provide the ongoing service of administering the performing rights in Canada and internationally of our members, and of licensing users of SOCAN's repertoire of musical works
- Comply with legal requirements
- Protect you and SOCAN from error and fraud

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For these reasons, the type of information we usually collect may include:

From our Members:

- Name
- Home address
- Telephone number(s)
- E-mail address
- Date of birth
- Social Insurance Number
- Citizenship
- Works details
- Writer/publisher contracts
- Demand/bankruptcy documents

Personal information collected about you is typically used by SOCAN to communicate with you, to comply with the *Income Tax Act* and to administer your performing rights.

From our Customers:

- Address
- Telephone number(s)
- E-mail address
- Financial information

Typically, the personal and financial information collected about you is used by SOCAN to administer your licence, communicate with you, fulfil SOCAN's legal and legitimate business requirements and to provide you with the services you have requested.

From our Employees:

- Social Insurance Number
- Date of birth
- Banking information
- Emergency contact(s)

Typically, the personal information collected about you is used by SOCAN to ensure you are properly identified as an employee of SOCAN, you are on the payroll and to comply with the *Income Tax Act*. Emergency contact information is required in case we need to notify anyone of your involvement in an emergency situation while at work.

### **Principle 3 – Consent**

Prior to collecting, using or disclosing any personal information about our members, customers or employees, SOCAN will obtain your informed consent. SOCAN will make reasonable efforts to explain to you the purpose for which the information will be used or disclosed unless it is self-evident.

SOCAN will not, as a condition of membership or in order to obtain a licence from, or be employed by SOCAN, require you to consent to the collection, use or disclosure of personal information beyond that required to fulfil the explicitly specified and legitimate purposes.

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Your consent may be given at the time you become a member, customer or employee, or subsequently in the following ways:

- Through an application form where you are informed of 1) the use that will be made of the personal information, and 2) that by completing and signing the form, you will consent to the collection and the specified uses;
- As subsequently requested by SOCAN per a written or oral request.

You may withdraw your consent at any time, subject to legal or contractual restrictions and reasonable notice. SOCAN will inform you of the implications of such a withdrawal.

SOCAN will not be required to seek your consent to collect, use or disclose your personal information in the following circumstances:

- Information collected for the detection and prevention of fraud or other contraventions of the law, or for law enforcement or other legal proceedings taken to protect SOCAN, its members', its customers' or its employees' rights;
- As required by law;
- If you are seriously ill or mentally incapacitated and obtaining consent is otherwise impossible or impractical;
- For security reasons;
- If SOCAN does not have a direct relationship with you;
- If the information is publicly available; or
- In any other circumstance where obtaining consent would be inappropriate.

### **Principle 4 – Limiting Collection**

SOCAN will only collect personal information needed for it to properly conduct its business and only collect it by fair and lawful means.

### **Principle 5 – Limiting Use, Disclosure, and Retention**

SOCAN will not use or disclose personal information for purposes other than those for which it was collected except with the consent of the individual or as required by law. In fact:

- We keep your information and the business you do with us in strict confidence;
- Your information is not sold or otherwise disclosed to anyone outside of SOCAN unless required by law or to properly conduct SOCAN business;
- You have control over how we obtain, use and give out information about you.

In addition, your personal information will only be retained as long as necessary for SOCAN to administer performing rights on behalf of its members to license the users of SOCAN's musical works and only as required by law. Documents containing personal information no longer required are carefully disposed of in the following manner:

- Documents containing sensitive data are shredded; and
- Electronic documents are deleted.

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## **Principle 6 – Accuracy**

Upon you demonstrating to us the inaccuracy or incompleteness of your personal information, SOCAN will correct any errors and take steps to ensure that your personal information is kept up to date.

### **Members:**

New information is updated as it is received from members.

### **Customers:**

Information pertaining to our customers is updated annually. Customers are provided with Licence Applications/Report Forms that they are asked to fill out and return to SOCAN.

### **Employees:**

New information is updated as it is received from employees.

## **Principle 7 – Safeguards**

SOCAN safeguards personal information by taking the following steps:

- Employees are made aware of SOCAN's Privacy Policy and of the restrictions in dealing with any personal information.
- SOCAN endeavours to ensure that physical documents containing personal information are properly stored in secure storage contained in each department. Access to these departments is restricted to SOCAN employees only. Highly sensitive information is stored in locked filing cabinets. Physical security is maintained over paper files and data security over digital files. Access is granted only to those who require it for authorized purposes.
- Personal information contained in an electronic format is accessible only by those individuals who have been provided access by way of a password. Highly sensitive personal information may be contained on disk and is disclosed only to those individuals who need to know as part of their particular function.
- When disposed of, documents containing personal information are shredded, or if in electronic format, deleted.
- SOCAN may, from time to time, hire temporary personnel, contractors or companies to undertake a work project. When we do, we select the company carefully and confirm that it uses security standards comparable to ours.

In addition, any outside contractors engaged who may come in contact with personal information are required to sign a confidentiality agreement preventing them from using or otherwise disclosing any information they may have come across during their work with SOCAN.

- SOCAN regularly monitors developments in technology and ensures that any new technology (e.g. faxes, internet, cell phones, etc.) or processes are reasonably secure (e.g. by way of passwords, encryptions, security clearances, or any other technological measures) and otherwise comply with SOCAN's privacy policy.

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- The Privacy Compliance Officer will conduct periodic reviews of various SOCAN practices to determine compliance with this policy. The Privacy Compliance Officer will make all recommendations necessary to ensure compliance and determine whether any revisions to this policy are required in light of new practices, processes, technologies or other changes.

### **Principle 8 – Openness**

SOCAN will disclose to its members, customers and employees this Privacy Policy and make information available concerning the policies and practices that apply to the management of their personal information.

### **Principle 9 – Individual Access**

You may request access to your personal information by submitting a written request to the manager responsible for that information. The appropriate manager will respond to the request within 30 days of receipt. SOCAN will indicate the use that has been made of this information and will provide an account of the third parties to whom the information has been disclosed.

SOCAN may choose not to allow access to personal information in its possession for any of the following reasons:

- The information is subject to solicitor-client or litigation privilege or is otherwise considered privileged under the law;
- The information was collected for the detection and prevention of fraud or for law enforcement or other legal proceedings taken to protect SOCAN, its members', its customers' or its employees' rights;
- For any other legal reasons;
- For security reasons;
- For commercial proprietary reasons;
- Providing the information would be prohibitively costly; and/or
- The information contains information about other individuals that may not be severed.

Should SOCAN refuse access, the person requesting access to the personal information will be informed in writing of the basis for the refusal and their recourse.

### **Principle 10 – Challenging Compliance**

Any concerns regarding SOCAN's compliance with this policy can be reported in writing to the Privacy Compliance Officer (at the afore-mentioned address). The Privacy Compliance Officer shall acknowledge receipt of the correspondence within 15 days of receiving it.

The Privacy Compliance Officer shall investigate all complaints received and shall render a decision within 60 days of receiving the complaint. If the complaint is found to be justified, SOCAN will take appropriate measures including, if necessary, amending its policies and practices.

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## **UPDATING THIS POLICY**

SOCAN reserves the right to modify or amend this Privacy Policy at any time. Nothing contained herein is intended to create a contract or agreement between SOCAN and any other party. We recommend that you review this Privacy Policy periodically so that you are aware of any changes.

This Privacy Statement was last modified on November 25, 2004.