

## DIRECTIVE ON PRIVACY AND PERSONAL INFORMATION PROTECTION

### 1. APPLICATION

This directive applies to the **MONTRÉAL SCIENCE CENTRE FOUNDATION** (the “**Foundation**”) and to all units or personnel of the **OLD PORT OF MONTRÉAL CORPORATION** (the “**OPMC**”) being brought to lend support to the Foundation as part of the Trust Arrangement between the Foundation and the OPMC; it replaces any and all previous directives relating to privacy and personal information protection and is applicable notwithstanding said previous directives.

### 2. OBJECTIVE

The aim of this directive is to ensure compliance with the applicable provisions of the Civil Code of Québec CQLR c CCQ-1991 (the “**Civil Code**”) and the Québec Charter of Human Rights and Freedoms CQLR, c. C-12 (the “**Charter**”), (the Civil Code and the Charter hereinafter known collectively as the “**Laws**”). The Laws are intended to protect the privacy of individuals and to grant them access to personal information that concerns them.

More specifically, this directive aims to clearly outline how personal information is collected and handled in cases, including but not limited to, where a donation is made, a tax receipt is requested, newsletters are subscribed to, or Foundation events are attended, including events managed by the OPMC on behalf of the Foundation.

### 3. DEFINITIONS

For the purposes of this directive, the following terms are defined as follows:

“**File**” is defined as any record, regardless of format, generated or received by the Foundation as part of conducting its business that it retains for a given period of time as proof of its functions, policies, decisions, procedures, operations, or other activities.

“**Personal Information**” is defined as any information in any format that relates to an individual personally by virtue of the information:

- Disclosing something of a personal nature about an individual; or
- Having a reasonably foreseeable capacity to identify an individual (on its own or in combination with other information).

Examples of what constitutes Personal Information includes, but is not limited to, the following:

- A person’s personal address, personal email address and/or personal phone number(s);
- a person’s employment file;
- a person’s social insurance number;
- information about a person’s credit card number;
- a person’s personal location data or IP addresses;

- video surveillance recordings or other images in which an individual can be recognized;

Personal Information does not include a person's publicly available business information.

**"Compatible Use"** or **"Use compatible with"** define a sufficiently direct link between the initial purpose behind the collection of Personal Information and its proposed use, such that a person would reasonably expect the information to be used in the proposed manner.

#### 4. GUIDELINES

The Laws address the right to the respect of privacy and reputation, the building of a File containing information about another person, the collection, sharing, and use of information contained in such File, the right to examine, rectify, and reproduce Files, and the right to have certain information corrected or deleted.

The Civil Code includes examples of infringements of a person's privacy, including namely: appropriating or using a person's image or voice when they are in private places; using their name, image, likeness or voice for a purpose other than legitimate public information; using their correspondence, manuscripts or other personal documents.<sup>1</sup>

The Foundation holds Files and information considered personal in nature. The Foundation is required to comply with the provisions of the Laws, whether the Personal Information pertains to Foundation employees, OPMC employers, Foundation trustees, or members of the general public.

##### Personal Information Relating to Trustees

The Foundation protects the Personal Information of all Foundation trustees to avoid any breach of privacy. The Foundation collects certain Personal Information from Foundation trustees for purposes of identification and disclosure as required by applicable laws in the province of Québec and by Foundation regulations, including but not limited to, the publication of this information in the Québec Enterprise Register.

##### Personal Information Relating to Donors

The Foundation protects the Personal Information of all Foundation donors to ensure respect for their privacy. The Foundation collects certain Personal Information from Foundation donors and/or uses a third-party service to receive donations made to the Foundation and ensures that any third party complies, at a minimum, with the requirements of the Laws relating to the protection of Personal Information.

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<sup>1</sup> Examples from Article 36 of the Civil Code of Québec

### Personal Information

The Foundation protects Personal Information relating to any and all individuals obtained during activities/events held by the Foundation. Even if the Foundation expects to have little or no exposure to Personal Information relating to persons it does not employ or who are not donors, it is possible that suppliers and even members of the public may provide Personal Information.

The Foundation complies with all requirements outlined by the Laws as follows.

### Accountability

The person in charge of the Foundation's executive management is accountable for this directive: they are responsible for its implementation, for ensuring that the concerned Foundation and OPMC employees are aware of it, and for receiving all complaints or questions related to privacy and Personal Information.

### Identification of Purpose

The Foundation informs any and all individuals whose Personal Information is collected about the reasons for, and authority behind, such data collection. Inasmuch is possible, these reasons shall be shared in writing. However, the reasons for the collection of Personal Information may be provided verbally or in writing.

Examples: For a future donation or for future attendance at another Foundation event.

### Consent

Consent to the collection of Personal Information by the Foundation is not required by the Laws so long as the information collected is relevant to the explicit purpose of the Files. However, wherein possible, the Fondation obtains consent to collect, use, and share Personal Information since such consent allows the Foundation to use and share this information for any purpose about which the individual in question was adequately informed.

### Data Collection Limitations

The Foundation only collects Personal Information that is directly relevant to its activities or its operating programs and does so by fair and lawful means. The Foundation ensures it has an explicit need for each piece of Personal Information collected. The Foundation implements administrative control measures to ensure that no Personal Information is collected beyond that which is necessary for its activities and operational programs.

### Limitations Tied to Use, Sharing, and Retention

Use of Personal Information is restricted to a limited number of Foundation employees, OPMC employees, or the Foundation's contracted agents, on a need-to-know basis, for a limited number of express reasons outlined in the course of their duties.

The Foundation must obtain consent from the individual and/or authorization by law before using or sharing Personal Information to purposes incompatible with the building of Files that contains said information. These restrictions on the use of Personal Information by the Foundation do not apply to Personal Information available to the public. Personal Information available to the public is information published in any format or that constitutes, in whole or in part, a public record available elsewhere.

The proposed use of Personal Information is considered “compatible” when it is reasonable for the individual who provided said information to expect that it be used in the proposed manner. This means that the initial purpose and the proposed purpose are so closely related that the individual expects that said information will be used in a compatible manner, even if such Compatible use is not expressly indicated.

The Foundation retains and destroys Personal Information in compliance with its Personal Information retainment and destruction procedures, its internal records management conventions, and applicable laws.

The Foundation retains Personal Information it has used for administrative purposes for as long as it is reasonably necessary to do so in terms of the reasons for which it was collected, notably in complying with legal, regulatory, tax, accounting, or reporting requirements. The Foundation retains said Personal Information for at least two (2) years from the date of their last administrative use unless an individual consents to their destruction; when the Foundation has received a request to access Personal Information, said Personal Information is retained until the individual has had the opportunity to exercise the rights the Laws confer onto them.

The Foundation may retain Personal Information for a longer period of time in circumstances where a complaint is received or where the Foundation has reason to believe that their relationship with an individual about whom Personal Information is retained is potential cause for legal action.

In certain circumstances, for statistical and research purposes, the Foundation may anonymize Personal Information (in such a way where an individual can no longer be identified by it). In such cases, the Foundation may use said Personal Information for an indeterminate period of time, without advising the person to whom said Personal Information pertains.

### Accuracy

To reduce the extent to which a decision involving an individual could potentially be taken based on inaccurate, obsolete, or incomplete Personal Information, the Foundation takes all reasonable measures to ensure that the Personal Information it uses for any administrative purpose be as accurate, up to date, and complete as possible.

### Protection Measures

Personal Information under the control of the Foundation is retained in a fully confidential and protected manner by means fitting the handling of sensitive information. The Foundation commits to ensuring that Personal Information is protected against loss, unauthorized access,

reproduction, use, alteration, or theft. Such protection is ensured by industry-standard security practices and through compliance with the Foundation's directive relating to information protection.

The Foundation ensures that Personal Information is protected by retaining paper copies of Files in locked filing cabinets and through appropriate security measures for the retention of digital Files. In both cases, access to Files is limited and restricted to Foundation employees, OPMC employees, and contractual agents on a need-to-know basis.

#### Access to Files

Individuals about whom the Foundation holds Files have the right to know what information is being held and have the right to access it. The Foundation cannot refuse an individual's access to the information in their Files unless it can justify doing so based on a serious and legitimate interest or unless said information has the potential to significantly harm a third party.

Any individual may, at no cost, examine and cause a rectification of the Files held about them by the Foundation in order to make a decision, or inform a third party, about said Files, the preceding being subject to other provisions of the law. Subject to applicable law and, as the case may be, subject to the payment of a monetary sum reasonably established by the Foundation, the individual in question may then obtain a copy of the Personal Information held by the Foundation and certain other information concerning them contained in their File.

Any individual may cause the correction of any inaccurate, incomplete, or ambiguous Information found in any Files held about them; said individual may also cause the deletion of any information that is outdated or unjustified based on the purpose of the Files, or submit any comments in writing to be added to said Files. The Foundation must notify, without delay, any person having obtained said information within the six (6) previous months and, as applicable, the person to whom it pertains.

To request access to your Files and/or Personal Information:

A written request must be sent to:

Manager, Montréal Science Centre Foundation  
Person assigned to personal information and privacy protection  
MONTREAL SCIENCE CENTRE FOUNDATION  
333, rue de la Commune Ouest  
Montréal, Québec  
H2Y 2E2  
fondationCSM@oldportofmontreal.com

## 5. COMMUNICATION PROTOCOL

### 5.1 Available to the Public

The Foundation shares this directive internally and externally as the case may be.

Requests for information about the Foundation's practices with regard to the protection of Personal Information can be submitted to:

Personal Information Protection Coordinator  
Montréal Science Centre Foundation  
333, rue de la Commune Ouest  
Montréal, Québec, H2Y 2E2  
Phone: 514 838-9558

### 5.2 Redaction of Personal Information

Whenever possible, before sharing Files with a third party, the Foundation must redact them as to remove any and all Personal Information.

#### a. Sharing of Personal Information/Files upon consent, for initial purposes or Compatible Uses

The Foundation may share Files containing Personal Information without any other form of documentation if it does so 1) with the consent of the person to which said Personal Information relates, 2) in keeping with the purposes said Personal Information was obtained or compiled by the Foundation, or 3) in keeping with Uses compatible with the purposes said Personal Information was collected.

Employees of the Foundation and employees of the OPMC cannot authorize a third party to view the Foundation's original Files containing Personal Information elsewhere than in the offices of the Foundation or the OPMC. As an alternative, employees may share copies of the Foundation's Files that contain Personal Information to said third party. If the original Files must be handed over to a third party, such as in the case of a subpoena or the discovery stage of a legal proceeding, please contact the OPMC's Legal Services.

All employees must consult with Legal Services if they are unable to ascertain if an instance of document sharing meets the definition of Compatible Use.

#### b. Sharing of Personal Information on Another Basis

In all other cases where the Foundation wishes to share Personal Information with a third party, be it on its own initiative or at the request of a third party, the Foundation employee or the OPMC employee must consult with Legal Services to determine whether Files containing Personal Information may be shared.

Examples include: In response to a search warrant delivered by police services, document sharing as part of a legal action, etc.

## 6. LIABILITY

The executive management of the Foundation is responsible, to the extent of its powers and responsibilities, for ensuring that this directive is known and is followed by employees of the Foundation and the OPMC.

This directive must be reviewed at least every three (3) years and amended as needed.

<b>Effective date</b>	May 1, 2025
<b>Last updated on</b>	April 24, 2025
<b>Next review date</b>	May 1, 2028
<b>Approved by</b>	Isabel Dansereau, Executive Director of the Montréal Science Centre Foundation