

PURPOSE

To establish policy regarding public access to records in the custody and control of Vintners Quality Alliance Ontario, operating as the Ontario Wine Appellation Authority (“OWAA”), the protection of personal information and effective, timely procedural remedies and to comply with section 9(5) of the Administrative Agreement.

DEFINITIONS

In this Code:

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| Agreement | Means the administrative agreement entered into between Her Majesty the Queen in Right of Ontario, as represented by the Minister of Government and Consumer Services, and OWAA. |
| Bulk data | Means records requested in bulk or selective form (not an individual record) that may have commercial value. |
| Act | Means the <i>Vintners Quality Alliance Act, 1999</i> as amended from time to time. |
| Personal information | Means any recorded information about an identifiable individual but does not include information about a corporation or the name, title, contact information or designation of an individual that identifies such individual in a business or official capacity. |
| Records | Means any record of information, however recorded, whether in printed or electronic form or otherwise in the custody and control of OWAA for administration of the Act. |
| OWAA | Means the not-for-profit corporation without share capital incorporated under the Corporations Act, R.S.O. 1990, c.C.38 as Vintners Quality Alliance Ontario by Letters patent dated November 26, 1998. |

1. ACCOUNTABILITY

OWAA is responsible for all records and personal information under its custody and control and shall designate an individual or individuals who are accountable for the corporation's compliance with this Code.

2. ACCESS TO RECORDS

Every person has a right of access to a record or a part of a record in the custody and under the control of OWAA unless the record or part of the record falls within a section 3 exemption. OWAA shall routinely disclose and actively disseminate records with recognition of its role in maintaining an appellation of origin system for Ontario wine.

The following records shall be made available:

- (a) Winery membership status
- (b) Wine approval status, including permission to use any terms, designations and descriptions regulated under the VQA Act

3. EXEMPTION TO ACCESS

- (a) OWAA shall refuse to disclose records where records constitute:
 - (i) Personal information, disclosure of which violates an individual's right to privacy, unless that individual consents to the disclosure; or
 - (ii) Records containing commercial, proprietary, technical, or financial information of OWAA or of any person who has supplied records to OWAA in confidence, if disclosure would result in undue loss or gain, prejudice a competitive position, or interfere with contractual or other negotiations, unless such disclosure is required to administer its regulatory obligations.
- (b) OWAA may refuse to disclose records and personal information where the disclosure:
 - (i) Violates a legally recognized privilege;
 - (ii) Compromises ongoing inspection and enforcement activities related to administration of the VQA Act;
 - (iii) Impairs the ability of OWAA to provide a fair, safe, and informed marketplace that supports a competitive economy;

- (iv) Involves bulk data and other sensitive aggregate data that may identify a specific person;
 - (v) Involves information that is the substance of deliberations by OWAA's Board of Directors and its committees, or committees established by OWAA, including but not limited to agendas, minutes, policy options and analysis, internal advice, proprietary information and advice to government; or
 - (vi) Violates a provision of the Act
- (c) OWAA shall disclose as much of the record as can be reasonably served without disclosing exempted information.

4. ACCESS PROCEDURE

OWAA shall develop effective procedures and practices that establish time frames for responding to inquires regarding records and personal information. OWAA shall provide an estimate for the cost, if any, of providing the information.

OWAA shall provide reasons to a requester for denying access to records or personal information.

Upon request, OWAA shall advise an individual regarding the existence, use and disclosure of his or her personal information and, subject to the exemption noted in section 3 of this Code, provide the individual with access to their personal information in a comprehensible form.

5. COLLECTION AND RETENTION OF PERSONAL INFORMATION

The collection of personal information shall be from the individual whom the information relates unless the individual authorizes another manner of collection or if an indirect collection is necessary for OWAA's administration of the Act.

The purpose of which personal information is collected shall be communicated to the individual to whom the information relates, by OWAA at or before the time the information is collected.

OWAA shall take responsible steps to ensure that the personal information in its custody and under its control is not used unless it is accurate, complete and up-to-date as is necessary for the purposes for which it is to be used. OWAA may provide individuals with electronic means

to verify and amend personal information. Amendments shall be recorded by OWAA as soon as practically possible.

Personal information shall be retained only as long as necessary to fulfill the purposes for which the information was collected. OWAA shall develop procedures and practices to govern the period of time personal information is retained and the methods by which it should be destroyed, erased or made anonymous.

In order to prevent the unauthorized disclosure, use, copying or modification of personal information in the custody and under the control of OWAA, access to such information shall be restricted by the use of appropriate security mechanisms.

6. USE AND DISCLOSURE OF PERSONAL INFORMATION

Personal information shall not be used or disclosed to a third party for purposes other than those for which it was collected, except;

- a) With the consent of the individual to whom the information relates
- b) Where the information is disclosed for purposes related to ongoing inspection and enforcement activities of OWAA pursuant to the Act; or
- c) Where OWAA has procedures in place to share information with an agency of the Province of Ontario related to enforcement of the laws of the Province; or
- d) Where OWAA has entered into an agreement with a third party to manage or use OWAA records on its behalf and where such agreements require the third party to comply with this Code and have in place security safeguards comparable to those used by OWAA.

Where personal information is made available to third parties on an ongoing basis pursuant to section (6) of this code, amendments to such information shall be regularly provided to third parties.

7. COMPLAINTS AND REMEDIES

Where an individual disagrees with the accuracy of personal information about himself or herself, the individual has the right to challenge its accuracy and have it amended as appropriate. Where a correction is requested but not made, a statement of disagreement must be maintained on file. Where a correction is made to the personal information or a statement

of disagreement maintained on file, that information shall be communicated to any third party as soon as practical.

8. FEES

Personal information shall be made available to the person whom the information relates at a reasonable or no cost.

Records other than bulk data, shall be made available to a requestor at a cost which reflects the total cost of providing the information. The cost of providing bulk data will be determined on a case-by-case basis. In determining fees, OWAA will make efforts to be consistent and base costs on publicly available criteria.

9. ADMINISTRATION

OWAA shall make available information regarding this Code and related procedures and practices, including:

- (a) The name of the person accountable for compliance with this Code;
- (b) The name of the person(s) to whom complaints should be directed;
- (c) The form such complaints should take;
- (d) The means of gaining access to records, including personal information, in the custody and under the control of OWAA;
- (e) A description of the type of personal information held by OWAA; and
- (f) Documentation describing this policy and its related procedures and practices

OWAA shall proactively inform staff about this Code and provide adequate training to enable staff to comply with this Code and related procedures and practices.