

CANON LAW  
AND  
DIOCESAN REGULATIONS  
FROM THE CHANCERY OFFICE



*Diocese of Bathurst*

*645 Murray Ave., P.O. Box 460, Bathurst, NB E2A 3Z4*

*Chancellor : Father Régent Landry*

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# ECCLESIAL, DIOCESAN AND PARISH ARCHIVES ARCHIVAL MANAGEMENT FOR THE CHURCH OF BATHURST

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## FOREWORD

In each diocese, the archives are first under the care of the Diocesan Bishop. Given the Bishop's many responsibilities, the **Code of Canon Law** designates the Chancellor, whom also holds the title of Diocesan Archivist, to help the Bishop fulfill his role. (Ref. Canon 482, 1)

Aware of its mission of evangelization, the Church takes an **ante and retro** approach, that is to say, while keeping memory of the past, its eyes are firmly looking to the future. The Church remembers. She observes and scrutinizes the experiences of the past to better envision the future in a serene and realistic way. She gauges and evaluates in order to take inspiration from the actions that have been successful and to avoid engaging in those action that have been less so.

Reprising these words said by a priest : *"We have more future than we have past"*, Benoit XVI added: *"This is the truth of our Church. It always has more future than past. And that's why we're moving forward with courage"*.<sup>(1)</sup> The Pope undoubtedly takes inspiration from the words of Jesus himself before ascending to his Father : *"And I will be with you always, to the end of the age"*. (Mt 28:20)

To accomplish its mission, the Church, in addition to relying with confidence on the help of God, relies on prayer and the saintly life of its members. However, it also needs several other means, including the ECCLESIAL ARCHIVES. These archives, so precious to the evangelizing mission of the Church, must be preserved and managed with the utmost care. They must be treated with the same respect we maintain when thinking of our predecessors, bishops, priests and lay faithful.

To all the workers of these treasures, which are the ecclesial archives, we say thank you! Together, let's continue the work that was so well started.

Regent Landry, pastor

Chancellor – Archivist

(1) Improvised speech of Pope Benoit XVI at the end of the meeting with the Parish Pastoral Council of the Roman Parish of Santa Maria Liberatrice, 24 February 2008, L'Osservatore Romano, (OR), 5 March 2008, No. 9, p. 8.

## GENERAL NOTIONS

From the day of the canonical creation of a parish, the pastoral and management councils as well as the various parish committees produce and receive many documents such as Episcopal decrees, bylaws, lists of the members of various committees, minutes of various meetings, correspondence, reports, parish bulletins, invoices, contracts, nomination letters, and marriage records to name a few. Eventually the question arises as to what we must do with this ever-growing volume of documentation. To keep everything or destroy almost everything? Virtue, we imagine, stands between these two extremes, however it is still necessary to know what, why and how to conserve.

The archives held by a parish require careful storage. However, special attention will be given to essential documents, historical or historical documents, as well as confidential documents. According to the provisions of Canon Law (*Ref. Canon 535, 4, see "Ecclesial Legislation"*) all these documents are to be kept in a secure location, protected from the risk of loss, theft or destruction. If the parish cannot avail itself of a sufficiently secure place, it may consider the deposit of its archives in another safe location. But to do so, the parish must first receive authorization from the diocesan Bishop.

### A. STORAGE CONDITIONS

Under ideal conditions, the archival room should be clean, well ventilated, and free of vermin, protected from cold, excessive heat or smoke, far from electrical power and water or steam pipes, and be equipped with a door lock. The ideal temperature is around 20 degrees Celsius and the relative humidity is 50%. If possible, a heat and humidity control system should be installed for larger areas. Archives should not be exposed to strong light for long periods.

Documents should be unfolded before being stored. During final processing, documents are stored in standardized containers (boxes and folders) with no trace of acid residue. The preferred storage unit for the containers are metal shelving units. The containers should never be placed directly on the floor or against walls or near a heating source where documents may be damaged by water pipes or other factors.

Large documents such as book volumes, maps and architectural drawings are to be stored horizontally. Newspaper clippings and certain other printed materials should be kept separate because their acidity can cause the early deterioration of other documents. Some negatives or nitrate-based films must be isolated because they can ignite easily. Given its fragility, computer hardware such as diskettes, CDs, DVDs and USB sticks, requires special care. These can be stored in special boxes intended for this purpose, making certain to identify each piece by the information it contains. A mention that the electronic information has been stored separately should be added to the paper file to which it belongs.

Never the less, the best material support for storing documents is printed paper. Computer technologies evolve quickly and new techniques do not always make it possible to recover documents. For example, if applicable, the recordings filmed or hearing coils are outdated, as are large magnetic tapes, cassettes and floppy disks. CDs, CD-ROMs, DVDs are quickly becoming obsolete and USB sticks will undergo radical changes in the coming years. For these reasons, it is important that all documents retained electronically be recovered or transferred to the new media support before they become inaccessible.

Remove all metal paper clips, tape and elastics from documents before storage. Documents can be held together by inserting them into a thin paper folder or using plastic or vinyl-coated paper clips. Another solution to hold pieces of documents together may be to insert a paper between the paper clip and the documents. For convenience, legal sized folders are more practical than letter sized ones.

From this, we can see that improper handling methods may damage the documents. To maintain the archives in good condition, we will ensure to handle all documents with care by avoiding bending them, or making pencil or pen marks, using tape, elastics or metal paper clip or staples.



*Write down in a book what the people are like, so that there would be a permanent record... (Is 30, 8)*

## **B. PARISH ARCHIVES AND PRIVATE ARCHIVES (DISTINCTION)**

A distinction must be made between parish archives and private archives. The institutional archives, which we call parish archives, consist of all the documents produced by the parish and received specifically for it and kept in its own repository. For their part, private archives are of all documents acquired by the parish, but were originally produced or received by a morale-person (parish) or by an individual (priest). This may be the case, for example, of a deceased pastor who has left behind his archives or any other documentation. Although it is not its role, the parish may consider the voluntary acquisition of private archives - insofar as these archives and its contents are of historical significance in relation to the parish.

### **C. THE PARISH ARCHIVES : THREE PHASES OF LIFE**

The archives are not only comprised of ancient documents preciously preserved in the vault of security, as one might think. A definition taken from the law governing archives states that “*all documents, regardless of their date or nature, produced or received by a person or organization for their needs or the carrying on of their activities and kept for their general information value*”<sup>(1)</sup> constitute an archive. An archive usually consists of individual unique documents of varied nature : paper documents, maps, plans, photographs, sound recordings, computer documents, etc.

Archival documents, in the broadest sense of the word, are important because of their triple value : administrative, legal and financial. The many documents specific to the Church, such as Catholic registers (baptism, confirmation, marriage, ordination, religious profession, funeral and burial and marginal annotations to personal status), and acts of consecration are also recognized, in addition to their historical value, for their religious value, which justify their permanent preservation.

(1) “Ecclesiastical Libraries in the Mission of the Church”, published in Catholic Documentation, No. 2095, June 5, 1994, p. 510-515

### **D. RESPONSIBILITIES OF PARISH ADMINISTRATORS**

The parish archives have always been subject to particular conservation problems such as fire, theft, rodents, insects, humidity, neglect, etc. It is therefore not without reason that Canon Law assigns to different persons the responsibility of maintaining these archives. It is the duty of those responsible for pastoral regions to ensure that parish registers are properly prepared and preserved, and that, in the event of the illness or death of the parish priest, or moderator as the term is deemed appropriate, the registers and other documents are neither lost nor stolen (*Ref. Canon 535, see “Ecclesial Legislation”*).

Priests or moderators, parish administrators as well as the administration support staff, are also responsible for the preparation of official records, the preservation and protection of parish archives and the preparation of inventories (*Ref. Canons 535, 1283 and 1285, see “Ecclesial Legislation”*). Taken as such, it is also their responsibility to ensure the integrity of the parish archives. This can be achieved by ensuring that any person who ceases to hold a position on a parish council or committee (ex : Secretary of the pastoral committee or pastoral unit) relinquish all documents they produced or received during the exercise of their functions, to the parish archives.



## **E. PASTORAL REORGANIZATION AND DISPOSITION OF ARCHIVES**

Among other responsibilities, that of relocating archives may, in some cases become a necessity. This may be the case during certain pastoral reorganizations: suppression of parishes, sale of rectories, regrouping of several parish offices into one, etc. In such circumstances, the following archival principle can serve as a guide, offering directions pertaining to the movement of archives.

The Archival Principle, commonly known as the Principle of Respect for Funds, stipulates that archives from the same source must remain separate from archives from another source. This principle requires that records from each parish remain separate from each other and that all documents be stored in its respective archive. Although stored in one location, the archives of several parishes must remain distinct from each other and clearly identified.

## **F. RELOCATION OF ARCHIVES FROM A CLOSED PARISH**

The responsibility of storing the archival holdings of a suppressed parish is, by tradition, the responsibility of the Chancery office of the Diocese. In certain applicable situations, however, another parish may inherit this responsibility. Consequently, the parish having inherited the responsibilities of the suppressed parish will receive all the necessary administrative documents. This also applies to transfers of other parish registers.

## **G. WARNING**

When transferring archives, it may be tempting to reduce their mass substantially. Nevertheless, doing so in the spur of the moment, without necessary discernment, may cause irreparable losses to this portion of Ecclesial Heritage. If in doubt, consult the Chancellor before taking any means of action.

## **H. ACCESS, CONSULTATION AND CIRCULATION**

### **GENERAL RULE**

The parish archives are private in nature; however, there may be, in some context, a number of documents of public nature for example, Parish bulletins, souvenir books or others. These are a cultural heritage preserved for transmission and use. In general, being free from the provisions of canonical or civil law which restrict access, archival documents of public nature remain accessible to anyone who wishes to consult them in order to better understand the religious, civil, cultural and social history of Christian people in the area (Ref. Canon 491, 1, see “Ecclesial Legislation”).

**Confidential documents** are not open to direct consultation, except with the express permission of the Ordinary (Bishop). These are: the Parish registers (*see "Canonical and Pastoral Guide for Parishes" that should be available in all parish offices*), *personnel records*, as well as any other documents containing **personal or identifying information** about an individual. These are documents, which require the type of protection defined by the ecclesiastical laws (*Ref. Canon 220*) and civil.

#### A. THE CONSULTATION OF ARCHIVES

The Diocese of Bathurst authorizes its parishes offer the consultation of archival documents dated prior to 1910 and other documents such as parish bulletins of previous years. Appropriate consultation practices are of the order to maintain the proper management of the archives. Those persons responsible for the care of the archives will therefore respect the regulations for maximum protection of this heritage.

#### B. LOCATION OF THE CONSULTATION

The consultation of archival documents may only be performed on site, according to a schedule established by the parish for this purpose and take place under the supervision of an authorized person. People who request consultation of archival documents are not permitted in the archive room or vault.

#### C. LOAN OR EXHIBITION OF ARCHIVAL DOCUMENTS

Under certain circumstances and given the possible public interest in certain items contained within parish archives, the parish may authorize the loan of specific items for example, at a parish centennial celebration. All diocesan regulations are to be observed to maintain the historical wealth of the parish archive. For such situations, the approval of the local Ordinary (bishop) is appropriate.

#### D. LOAN TO THIRD PARTIES

The parish can allow the loan of archives in the following situation: when the Ordinary requests it; when it is necessary to reproduce a document or to restore it; when it is required for exhibition purposes; or, when a court orders to produce it for the purpose of an investigation. In these cases, before the document is released to the requesting party, it is reproduced to ensure the preservation of the information it contains. An accurate record of document lending must be maintained by recording : the date of the loan, the name and contact details of the borrower, the description of the borrowed items and the

effective date of the return. Before consenting to any loan, the parish must be sure that the borrower has the ability to provide adequate protection for the archival document throughout the entire loan period. A written agreement between the parish and other parties must accompany every loan from the archives. The Chancellor must approve all requests for reproduction of items on loan from parish archives.

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## **PARISH REGISTERS**

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Parish registers are private church-specific documents used for purely religious purposes. They have no legal value. These registers allow the Church to preserve the history of the religious acts of each baptized person, from baptism to death. In addition, marginal annotations are made to record changes that have occurred in the life of the baptized person (confirmation, marriage, ordination, formal abjuration of faith, nullity of marriage, etc.).

The parish registers must be kept in a parish office kept in a fireproof location under lock and key or in a vault. Registers must never leave the parish office to inscribe notations.

### **A. NEW REGISTERS**

Since June 2017, all parishes in the Diocese have received new registers for : Baptism, Confirmation, Marriage, Funerals and Burials. The old registers must no longer be used and must be stored in accordance with the archival preservation standards set out in this document.

To avoid duplicating information, which could lead to confusion during future research, if for some reason an inscription or an annotation, is made in an old register, it must be transcribed to the new register and crossed out in the old one.

When a communal celebration of a sacrament is held, the parish where the communal celebration took place must include all the names of the children who received their sacrament in its register. For a sacrament such as Confirmation, the parish must then send a marginal annotation notice to the parish where the baptismal act of each child is located.

## 1. FEATURES OF THE VARIOUS REGISTERS

### THE BAPTISM REGISTER

No.	Name of the person being baptized	Date of Baptism	Date and place of birth	Name of father Maiden name of mother	Church of Baptism	Godfather and/or Godmother	Priest's signature	Date and place of Confirmation	Date of marriage or other Annotations

### THE CONFIRMATION REGISTER

Date : \_\_\_\_\_ Administered by : \_\_\_\_\_

No.	Name and Surname	Age	Parents	Godfather / Godmother	Church of Confirmation	Baptism Place Date

In the Baptismal Register, the date and place of Confirmation must be entered in the appropriate Baptismal Record. The parish where the communal celebration takes place must include the names of all the children who have received the sacrament. If a child from your parish receives Confirmation at a communal celebration in another parish, a marginal annotation notice will be sent to your parish office.

### THE MARRIAGE REGISTER

No.	Groom's name and Bride's maiden name	Residence	Church and date of Baptism	Parents	Date of marriage	Church of marriage	Witnesses	Priest's signature

### THE FUNERAL REGISTER

No.	Name	Date of death	Age	Residence	Spouse, parents	Church of funeral	Date of funeral	Witnesses	Cemetery	Priest's signature

All Funeral services celebrated in the churches of the Christian communities of the parish must be inscribed in the parish's Funeral Register. Funeral services held outside the parish's churches must not be entered.

Under the "Priest's signature" column:

- For a funeral (with or without Eucharist) presided over by a priest, the name of the officiating priest may be inscribed, however his signature must also be obtained.

Liturgy of the Word celebrations held in funeral homes or elsewhere are not to be recorded in the parish Funeral Register. If a parish wishes to document the number of

Liturgy of the Word celebrations that take place in its territory, it may do so in a separate book established for this purpose.

It should be noted that staff members from a funeral home may not be inscribed in the parish Funeral Register as witnesses to a funeral.

**THE BURIAL REGISTER**

*This* ..... Day and month written in full

**BURIAL** *Two thousand and* ..... written in full *we, the undersigned* ..... Given name and family name

*No* ..... *have buried the body / the ashes*

*of* ..... Given name and family name

*domiciled at* ..... Parish - municipality

*born on the* ..... Day and month written in full

*one thousand nine hundred and* ..... *and who died at* ..... Municipality

*two thousand and* ..... *on the* ..... Day and month written in full

*Lot No* ..... *two thousand and* ..... written in full

*The deceased was the* ..... son / daughter of and of

..... and spouse of / widow(er) of

*Were present at the burial* ..... Given name and family name of witnesses

..... *who have signed with us.*

*The* ..... words crossed out are null. *The* ..... words added for correction are valid. **Act read.**

*Person responsible for the burial plot* ..... Name

..... Mailing Address

..... Email Address and Telephone Number

*Relationship to the deceased* .....

Our **“Diocesan Policy and Regulations for cemeteries”** states : *“All burials must be recorded in a register for the cemetery (Burial Register) that is separate and distinct from the register of deaths (Funeral Register). If a geographic map of the cemetery exists, it must correspond with the cemetery register, and both must be verified and updated annually.”* *Diocesan Policy and Regulations for cemeteries, page 5 point a*

With that said, all burials made in one of the parish cemeteries must be recorded in the parish’s burial register, even if a map of the cemetery exists.

To prevent the loss of information, the parish must have three (3) copies of the cemetery map for each of its cemeteries. Two (2) copies must be safeguarded in different locations within the parish and one (1) must annually be sent to the Diocese for archiving.

Here are some examples to guide you when inscribing information in the Funeral and Burial registers :

1. **Funeral and burial held in the parish** – Inscribe the funeral information in the Funeral Register and the burial information in the Burial Register
2. **Funeral held outside the parish and burial in the parish** – Only inscribe the burial information in the Burial Register
3. **Funeral held in the parish and burial held outside the parish** – Only inscribe the funeral information in the Funeral Register

## **B. THE CONFIDENTIAL NATURE OF PERSONAL INFORMATION**

Even if parish registers are considered private documents with no civil or legal value, they contain personal information on individuals civil status (example : date of birth, etc.) and we have a moral and legal obligation to protect this information.

***“AN ORGANIZATION IS RESPONSIBLE FOR PERSONAL INFORMATION UNDER ITS CONTROL ...”*** Except from the “Personal Information Protection and Electronic Documents Act »

We are obliged to use the information contained in our parish registers for religious purposes only, this is why access to our registers must be properly controlled.

This applies to all paper registers, but also to their paper copies as well as their electronic copies such as parish databases.

We must never divulge information over the telephone or photocopy, in part or in whole, the contents of a register, unless the Chancery Office authorizes it. The Chancery Office will only give such an authorization to fulfill the needs of the Diocese.

All photocopies of documents must be labelled with the mention “Certified Copy”. This may be done using a stamp or by hand. A photocopy must be identified

with the following information :

- Labelled “Certified Copy”
- The signature of the pastor, the parish administrator or the parish’s administrative assistant “for (name of priest)”
- The date the copy was made

## 1. THE DISCLOSURE PERIODS

The Chancery Office of the Diocese of Bathurst has established the following disclosure periods for all personal and confidential information contained in its parishes registers :

- Information contained in our registers from 1925 to the present are confidential and the “Procedures for issuing a certificate” must be followed.
  - Between 1910 and 1925, we require further verification :
    - If the person who is the subject of the act is still alive, we must follow the “Procedures for issuing a certificate”
    - If the person who is the subject of the act is deceased, the person requesting the information must show proof of death (example : Certificate of Death prepared by a funeral home).
- Information contained in our registers prior to 1910 are no longer confidential and may be given without any proof being presented to the parish
- No historical, genealogical or other research will be permitted without the express written permission from the Chancery Office.

## 2. MODIFICATIONS TO ADOPTION LEGISLATION

As of April 1<sup>st</sup>, 2018, the New Brunswick government has made changes to its adoption legislation as it concerns the communication of information. These modifications concern the confidentiality surrounding the identity of individuals who have been adopted and the identity of biological parents who have put a child up for adoption. These legislative changes do not include our parish registers and the information they contain.

Even if an individual enters a parish office in possession of documents from the adoption program, our “Procedure for issuing a certificate” must be followed. **We do not divulge any information** to these individuals; they must contact the provincial department of Social Development – Adoption Program.

Failure to follow our procedures could be legally detrimental for our parishes and the Diocese.

### C. PERSONS AUTHORIZED TO ACCESS AND MAINTAIN OUR REGISTERS

***“AN ORGANIZATION ... SHALL DESIGNATE AN INDIVIDUAL OR INDIVIDUALS WHO ARE ACCOUNTABLE FOR THE ORGANIZATION’S COMPLIANCE TO THE LAW.”***

Except from the “Personal Information Protection and Electronic Documents Act »

***“THE PARISH PRIEST (OR ADMINISTRATOR) IS TO ENSURE THAT ENTRIES ARE ACCURATELY MADE AND THAT THE REGISTERS ARE CAREFULLY PRESERVED.”***

Canon 535 § 1

In addition to the pastor, the following people are authorized to access the registers :

- A priest assigned as parish administrator
- The parish’s administrative assistants
- All other individuals who have been mandated by the Chancery Office to fulfill this task
- The personnel of the Chancery Office
- The Ordinary

Under no circumstances must free access to parish registers be given to individuals or genealogical societies, unless they have been granted written permission to do so by the Chancery Office.

#### 1. AUTHORIZED SIGNATURES

The priest who officiated the sacrament must sign the register entries pertaining to the sacrament.

For all other instances, the pastor or the parish administrator is authorized to sign.

It is always best to have the priest sign documents requiring a signature, if he is present at the time of request.

Administrative assistants need to be mandated by the Chancery Office to be allowed to sign “for the priest” on certificates requested by the public. This is done by opposing his/her own signature with the mention “for (name of priest)”.



<b>AUTHORIZED SIGNATURES</b>	
<b>Pastor or Parish administrator</b>	<b>Administrative assistant ... « for (name of priest) »</b>
<ul style="list-style-type: none"> <li>• Register entries (<i>if he presided the sacrament</i>)</li> <li>• Certificates</li> <li>• Copies of all supporting documents</li> <li>• Requests for corrections in a register</li> <li>• Statistics Form</li> <li>• Certified copies of registers or all other documents requested by the Diocese</li> </ul>	<ul style="list-style-type: none"> <li>• Certificates</li> <li>• Copies of all supporting documents</li> <li>•</li> </ul>

## **D. RECORD KEEPING TASKS**

### **1. INSCRIPTION OF ACTS AND MARGINAL ANNOTATIONS**

All entries must be done in ink and not in pencil. A proper archival quality pen with acid-free ink must be used (example : Uni-ball 307 Gel Pen). No corrector of any kind must be used in the registers. To make a correction to a register, the “Procedure for the correction in a register” must be followed.

Parish registers must contain entries for all acts of baptism, confirmation, marriage, funerals and burials. All sacraments must be inscribed in the appropriate register of the parish where the sacrament was celebrated. A marginal annotation notice for the sacraments of Confirmation, marriage and ordination (diaconate, presbyteral or episcopal) must be sent to the parish where the Baptism record is held.

All required marginal annotations to an act must be inscribed followed by the initials of the person who added the annotation. Annotations include : Confirmation, marriage, ordination or profession to religious life, nullity of marriage or cessation of priestly functions, formal abjuration of faith or the return to the Catholic faith, adoption, etc.

## 2. MAKING A CORRECTION IN A REGISTER

The original information inscribed in a register is not to be changed; it is the record of a specific moment in history. On the other hand, if a transcription error is found, a request to correct the error may be sent to the Chancery Office.

### PROCEDURE FOR THE CORRECTION IN A REGISTER

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Here are the steps that must be followed to correct an entry in a register :

1. Collect all supporting documents and make copies of proof received.
2. Fill out the “Request for the correction of an act” form and have it signed by the pastor or the parish administrator.
3. Send the form and all supporting documents to the Chancery Office for approval.
4. Once the Chancery Office approves the request, make the corrections in the register. Do not use corrector of any kind, the erroneous information must simply be crossed out and the good information inscribed.
5. After the correction is made, the bottom portion of the “Request for the correction of an act” form must be completed with the full name of the person who made the correction in the register.
6. Send copies of the completed form, as well as copies of all the certified copies of the supporting documents to the Chancery Office for archiving.
7. File all original documents for the request (completed form and Certified copies of all supporting documents) in a folder prepared for this purpose.

## 3. ISSUING A CERTIFICATE

The contents of our parish registers must never be photocopied. The information pertaining to an act may be delivered as a certificate. A certificate may be prepared by hand, by typewriter or by computer (using the parish archive program or the certificate templates available on the diocesan website) and must be signed before it is delivered.

**PLEASE NOTE :** A certificate must not be prepared and given before the sacrament is celebrated and the information entered in the appropriate register. A “Remembrance” of the sacrament may be prepared ahead of time and given at the celebration. The marriage certificate signed at a wedding is a civil document.

PERSONS AUTHORIZED TO RECEIVE A CERTIFICATE

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**Persons mandated by the Chancery Office**

The pastor, the parish administrator, the administrative assistants, the personnel of the Chancery Office and the Ordinary are authorized to receive certificates needed for administrative demands.

**The person who is the subject of an act** must present the following proof of identity :

- His/her valid Driver's License or Photo ID issued by the government **OR**
- His/her Birth Certificate **OR**
- His/her Medicare Card issued by the government or Hospital card **AND** a recent invoice or bill with his/her name and address printed on it

**A parent whose minor child is the subject of an act** must present the following proof of identity :

- His/her valid Driver's License or Photo ID issued by the government **OR**
- His/her Birth Certificate **OR**
- His/her Medicare Card issued by the government or Hospital card **AND** a recent invoice or bill with his/her name and address printed on it

**AS WELL AS :**

- The child's Birth Certificate

**PLEASE NOTE :** The changes to the New Brunswick Adoption Legislation of April 1<sup>st</sup>, 2018 do not change our procedure. We do not divulge any information to a person who is not the subject of, or identified in, a given act!

**A legal guardian whose minor charge (child) is the subject of an act** must present the following proof of identity :

- His/her valid Driver's License or Photo ID issued by the government **OR**
- His/her Birth Certificate **OR**
- His/her Medicare Card issued by the government or Hospital card **AND** a recent invoice or bill with his/her name and address printed on it

**AS WELL AS :**

- The child's Birth Certificate

**AND :**

- A legal document identifying the person as being the Legal Guardian of the child

#### PROCEDURE FOR ISSUING A CERTIFICATE

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Here are the steps that must be followed to issue a certificate upon request from the public :

1. Identify the person making the request and his/her relationship to the particular act requested and copy all supporting documents
2. Request and accept payment for the certificate
3. Prepare and deliver the certificate
4. File all copies of supporting documents in a folder prepared for this purpose

The cost established by the diocese for a certificate is \$5.00.

For individuals who live outside the parish where the particular act is located, a telephone request may be taken, however, the person requesting the certificate must still be identified and must send, by fax or email, all supporting documents. Once the supporting documents and the payment of the certificate are received, the parish may prepare and send the certificate by mail to the address provided. If, however, the person requesting the certificate wishes a third person to pick-up the certificate on their behalf, the parish must fill out the “Authorization to divulge information to a third party” form and have the requestor sign it. Once the form signed and the payment received, the parish may allow the certificate to be picked up by the identified third party. Proceed to the proper identification of the third person prior to delivering the information.

#### DELIVERING A CERTIFICATE TO A THIRD PERSON

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It is prohibited to deliver a certificate to a third person except for the following situations :

1. If the person who is the subject of the act is physically or psychologically incapable of requesting the certificate themselves (example : hospitalization, psychological incapacities)

In these cases, the following steps must be taken :

- a. Complete the “Authorization to divulge information to a third party” form and have it signed
- b. Properly identify the person who is the subject of the act as well as the person making the request and copy all supporting documents
- c. Request and accept the payment

- d. Deliver the certificate to the identified third person
- e. File the form and all copies of supporting documents in a folder prepared for this purpose

**PLEASE NOTE :** Living outside the parish limits and not being able to make the request in person does not constitute a physical incapacity. For such requests the parish must follow the Procedure for issuing a certificate, however the “Authorization to divulge information to a third party” may be completed and signed to allow the parish to deliver the certificate to a third person.

2. If the person who is the subject of an act makes the request in another parish

When a person makes a request for a certificate and the act in particular is located in another parish within the diocese, the following steps must be followed :

- a. The parish who receives the request must :
  - i. Identify the person making the request and his/her relationship to the act and copy all supporting documents
  - ii. Explain to the person that the \$5.00 payment must be sent to the parish where the act is located
  - iii. Communicate with the parish where the act is located, make the request and assure that all supporting documents are sent by fax or email
- b. The parish where is act is located must :
  - i. Wait to receive all supporting documents and the payment
  - ii. Once everything is received, prepare the certificate and send it to the parish where the request was made, or send it directly to the person who made the request
- c. Both parishes must file all supporting documents in a folder prepared for this purpose.

## E. ANNUAL STATISTICS AND IMPORTANT DATES

To lessen the administrative load, the Chancery Office requires that **no later than the 31<sup>st</sup> of January** of each year, the parishes mandatorily send the following information and documents to the Diocese :

1. Statistics form
2. Resume sheets of sacraments
3. Marriage envelops

*The parish must only keep the envelops for the current and previous year.*

4. Copy of the cemetery map (plan) of all of the parish cemeteries

**For example** : The following documents must be sent to the diocese no later than January 31<sup>st</sup>, 2019 : the 2018 Statistics form, the 2018 resume sheets of sacraments, the 2017 marriage envelops, and an up-to-date copy of the cemetery map (plan) for all the parish cemeteries.

## CONDITIONS TO BE A SPONSOR (GODFATHER OR GODMOTHER)

According to canon 874 of the Code of Canon Law, the age to become a sponsor is set at **16 years**. According to Church law, only one godfather or one godmother, or a godfather and a godmother, will be given to the person who will be baptized. For **exceptional pastoral reasons**, a priest may accept a young person who has been confirmed as a sponsor, provided he believes that the young person has the required skills and meets the other criteria. When such a situation is deemed absolutely necessary by the priest, he shall ensure that the other godparent is over the age of 16.

## CONDITIONS TO BE A GODPARENT (ACCORDING TO CANON 874)

1. Be appointed by the parents.
2. Be a Catholic and have received the sacraments of Christian initiation (Baptism, Eucharist and Confirmation)
3. Be suitable for this role (Be not less than 16 years, unless the priest considers that there is just reason for an exception to be made)
4. Live a life of faith which befits the role to be undertaken
5. Not be the father or the mother of the person to be baptized.
6. Not labor under a canonical penalty, whether imposed or declared (for example: to have officially renounced one's baptism)

**PLEASE NOTE:** A baptized non-Catholic may accompany a Catholic godparent as a witness; a person who is not baptized may not be a witness for a baptism. A baptized Catholic may not be a witness for a baptism.

**PLEASE NOTE :** During a baptism, there may be a godparent who acts "by proxy", if the appointed godfather or godmother, for any given reason, can not be present. To act as godfather or godmother "by proxy", an application must first be made to the pastor, who must authorize such a request. The name of the person acting "by proxy" must be included in the marginal annotations of the baptismal record.

**A child cannot have two godfathers or two godmothers** – the law of the Church is clear on this point. Such sponsorships are not addressed in Church law and are not part of its tradition. This situation is in contradiction with the parental image (spiritual father and mother) of baptismal sponsorship.

**Under no circumstances, can a child's godfather or godmother be changed in the parish registers after baptism.** If, for the sake of the child, there becomes a need for a new godfather or godmother, the parents may appoint individuals who may fulfill this function in daily life but these new individuals must not be inscribed in the parish registers. One of these individuals may also become the godfather or godmother at the child's Confirmation.

**Change of name, of godfather, of godmother during a legal adoption:** according to the prescribed civil laws, only the Ordinary (Bishop) or the Chancellor can authorize such changes. A new certificate will be issued in accordance with the changes after receiving proper documentation.

## ECCLESIAL LEGISLATION

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Code of Canon Law - Canons of reference useful for the application of the legislation

### CANON 220

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No one may unlawfully harm the good reputation, which a person enjoys, or violate the right of every person to protect his or her privacy.

### CANON 482

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1. In each curia a chancellor is to be appointed, whose principal office, unless particular law states otherwise, is to ensure that the acts of the curia are drawn up and dispatched, and that they are kept safe in the archive of the curia.

#### CANON 487

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1. The archive must be locked, and only the Bishop and the chancellor are to have the key; no one may be allowed to enter unless with the permission of the Bishop, or with the permission of both the Moderator of the curia and the chancellor.
2. Persons concerned have the right to receive, personally or by proxy, and authentic written or Photostat copy of documents which are of their nature public and which concern their own personal status.

#### CANON 488

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It is not permitted to remove documents from the archive, except for a short time and with the permission of the Bishop or of both the Moderator of the curia and the chancellor.

#### CANON 491

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1. The diocesan Bishop is to ensure that the acts and documents of the archives of cathedral, collegiate, parochial and other churches in his territory are carefully kept and that two copies are made of inventories or catalogues. One of these copies is to remain in its own archive; the other is to be kept in the diocesan archive.
2. The diocesan Bishop is to ensure that there is an historical archive in the diocese, and that documents which have historical value are carefully kept in it and systematically filed.

#### CANON 535

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1. In each parish there are to be parochial registers, that is, of baptisms, of marriages and of deaths, and any other registers prescribed by the Episcopal Conference or by the diocesan Bishop. The parish priest is to ensure that entries are accurately made and that the registers are carefully preserved.
2. In the register of baptisms, a note is to be made of confirmation and of matters pertaining to the canonical status of the faithful by reason of marriage, without prejudice to the provision of can. 1133, and by reason of adoption, the reception of sacred order, the making of perpetual profession in a religious institute, or a change of rite. These annotations are always to be reproduced on a baptismal certificate.
3. Each parish is to have its own seal. Certificates concerning the canonical status of the faithful, and all acts which can have juridical significance, are to be signed by the parish priest or his delegate and secured with the parochial seal.
4. In each parish there is to be an archive, in which the parochial books are to be kept, together with episcopal letters and other documents, which it may be necessary or useful to preserve. On the occasion of visitation or at some other opportune time, the diocesan Bishop or his delegate is to inspect all of these matters. The parish priest is to take care that they do not fall into unauthorized hands.
5. Older parochial registers are also to be carefully safeguarded, in accordance with the provisions of particular law.



### CANON 895

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The names of those confirmed, the minister, the parents, the sponsors and the place and date of the confirmation are to be recorded in the confirmation register of the diocesan curia or, wherever this has been prescribed by the Episcopal Conference or by the diocesan Bishop, in the register to be kept in the parochial archive. The parish priest must notify the parish priest of the place of the baptism register, in accordance with Can 535, 2.

### CANON 1283

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Before administrators undertake their duties :

1. they must take an oath, in the presence of the Ordinary or his delegate, that they will well and truly perform their office;
2. they are to draw up a clear and accurate inventory, to be signed by themselves, of all immovable goods, of those movable goods which are precious or of a high cultural value, and of all other goods, with a description and an estimate of their value; when this has been compiled, it is to be certified as correct;
3. on copy of this inventory is to be kept in the administration office and another in the curial archive; any change which takes place in the property is to be noted on both copies.

### CANON 1284

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1. All administrators are to perform their duties with the diligence of a good householder.
2. Therefore they must: keep in order and preserve in a convenient and suitable archive the documents and records establishing the rights of the Church or institute to its goods; where conveniently possible, authentic copies must be placed in the curial archives.

### CANON 1306

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1. All foundations, even if made orally, are to be recorded in writing.
2. A copy of the document is to be carefully preserved in the curial archive and another copy in the archive of the juridical person to which the foundation pertains.

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## SCHEDULE 1

(Section 5)

# Principles Set Out in the National Standard of Canada Entitled Model Code for the Protection of Personal Information, CAN/CSA-Q830-96

## 4.1 Principle 1 — Accountability

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

### 4.1.1

Accountability for the organization's compliance with the principles rests with the designated individual(s), even though other individuals within the organization may be responsible for the day-to-day collection and processing of personal information. In addition, other individuals within the organization may be delegated to act on behalf of the designated individual(s).

### 4.1.2

The identity of the individual(s) designated by the organization to oversee the organization's compliance with the principles shall be made known upon request.

### 4.1.3

An organization is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The organization shall use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.

### 4.1.4

Organizations shall implement policies and practices to give effect to the principles, including

- (a)** implementing procedures to protect personal information;
- (b)** establishing procedures to receive and respond to complaints and inquiries;
- (c)** training staff and communicating to staff information about the organization's policies and practices; and
- (d)** developing information to explain the organization's policies and procedures.

## ANNEXE 1

(article 5)

# Principes énoncés dans la norme nationale du Canada intitulée Code type sur la protection des renseignements personnels, CAN/CSA-Q830-96

## 4.1 Premier principe — Responsabilité

Une organisation est responsable des renseignements personnels dont elle a la gestion et doit désigner une ou des personnes qui devront s'assurer du respect des principes énoncés ci-dessous.

### 4.1.1

Il incombe à la ou aux personnes désignées de s'assurer que l'organisation respecte les principes même si d'autres membres de l'organisation peuvent être chargés de la collecte et du traitement quotidiens des renseignements personnels. D'autres membres de l'organisation peuvent aussi être délégués pour agir au nom de la ou des personnes désignées.

### 4.1.2

Il doit être possible de connaître sur demande l'identité des personnes que l'organisation a désignées pour s'assurer que les principes sont respectés.

### 4.1.3

Une organisation est responsable des renseignements personnels qu'elle a en sa possession ou sous sa garde, y compris les renseignements confiés à une tierce partie aux fins de traitement. L'organisation doit, par voie contractuelle ou autre, fournir un degré comparable de protection aux renseignements qui sont en cours de traitement par une tierce partie.

### 4.1.4

Les organisations doivent assurer la mise en œuvre des politiques et des pratiques destinées à donner suite aux principes, y compris :

- a)** la mise en œuvre des procédures pour protéger les renseignements personnels;
- b)** la mise en place des procédures pour recevoir les plaintes et les demandes de renseignements et y donner suite;
- c)** la formation du personnel et la transmission au personnel de l'information relative aux politiques et pratiques de l'organisation; et
- d)** la rédaction des documents explicatifs concernant leurs politiques et procédures.

## 4.2 Principle 2 — Identifying Purposes

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

### 4.2.1

The organization shall document the purposes for which personal information is collected in order to comply with the Openness principle (Clause 4.8) and the Individual Access principle (Clause 4.9).

### 4.2.2

Identifying the purposes for which personal information is collected at or before the time of collection allows organizations to determine the information they need to collect to fulfil these purposes. The Limiting Collection principle (Clause 4.4) requires an organization to collect only that information necessary for the purposes that have been identified.

### 4.2.3

The identified purposes should be specified at or before the time of collection to the individual from whom the personal information is collected. Depending upon the way in which the information is collected, this can be done orally or in writing. An application form, for example, may give notice of the purposes.

### 4.2.4

When personal information that has been collected is to be used for a purpose not previously identified, the new purpose shall be identified prior to use. Unless the new purpose is required by law, the consent of the individual is required before information can be used for that purpose. For an elaboration on consent, please refer to the Consent principle (Clause 4.3).

### 4.2.5

Persons collecting personal information should be able to explain to individuals the purposes for which the information is being collected.

### 4.2.6

This principle is linked closely to the Limiting Collection principle (Clause 4.4) and the Limiting Use, Disclosure, and Retention principle (Clause 4.5).

## 4.3 Principle 3 - Consent

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

Note: In certain circumstances personal information can be collected, used, or disclosed without the knowledge and consent of the individual. For example, legal, medical, or security reasons may make it impossible or impractical to seek consent. When information is being collected for the

## 4.2 Deuxième principe — Détermination des fins de la collecte des renseignements

Les fins auxquelles des renseignements personnels sont recueillis doivent être déterminées par l'organisation avant la collecte ou au moment de celle-ci.

### 4.2.1

L'organisation doit documenter les fins auxquelles les renseignements personnels sont recueillis afin de se conformer au principe de la transparence (article 4.8) et au principe de l'accès aux renseignements personnels (article 4.9).

### 4.2.2

Le fait de préciser les fins de la collecte de renseignements personnels avant celle-ci ou au moment de celle-ci permet à l'organisation de déterminer les renseignements dont elle a besoin pour réaliser les fins mentionnées. Suivant le principe de la limitation en matière de collecte (article 4.4), l'organisation ne doit recueillir que les renseignements nécessaires aux fins mentionnées.

### 4.2.3

Il faudrait préciser à la personne auprès de laquelle on recueille des renseignements, avant la collecte ou au moment de celle-ci, les fins auxquelles ils sont destinés. Selon la façon dont se fait la collecte, cette précision peut être communiquée de vive voix ou par écrit. Par exemple, on peut indiquer ces fins sur un formulaire de demande de renseignements.

### 4.2.4

Avant de se servir de renseignements personnels à des fins non précisées antérieurement, les nouvelles fins doivent être précisées avant l'utilisation. À moins que les nouvelles fins auxquelles les renseignements sont destinés ne soient prévues par une loi, il faut obtenir le consentement de la personne concernée avant d'utiliser les renseignements à cette nouvelle fin. Pour obtenir plus de précisions sur le consentement, se reporter au principe du consentement (article 4.3).

### 4.2.5

Les personnes qui recueillent des renseignements personnels devraient être en mesure d'expliquer à la personne concernée à quelles fins sont destinés ces renseignements.

### 4.2.6

Ce principe est étroitement lié au principe de la limitation de la collecte (article 4.4) et à celui de la limitation de l'utilisation, de la communication et de la conservation (article 4.5).

## 4.3 Troisième principe — Consentement

Toute personne doit être informée de toute collecte, utilisation ou communication de renseignements personnels qui la concernent et y consentir, à moins qu'il ne soit pas approprié de le faire.

Note : Dans certaines circonstances, il est possible de recueillir, d'utiliser et de communiquer des renseignements à

detection and prevention of fraud or for law enforcement, seeking the consent of the individual might defeat the purpose of collecting the information. Seeking consent may be impossible or inappropriate when the individual is a minor, seriously ill, or mentally incapacitated. In addition, organizations that do not have a direct relationship with the individual may not always be able to seek consent. For example, seeking consent may be impractical for a charity or a direct-marketing firm that wishes to acquire a mailing list from another organization. In such cases, the organization providing the list would be expected to obtain consent before disclosing personal information.

#### 4.3.1

Consent is required for the collection of personal information and the subsequent use or disclosure of this information. Typically, an organization will seek consent for the use or disclosure of the information at the time of collection. In certain circumstances, consent with respect to use or disclosure may be sought after the information has been collected but before use (for example, when an organization wants to use information for a purpose not previously identified).

#### 4.3.2

The principle requires “knowledge and consent”. Organizations shall make a reasonable effort to ensure that the individual is advised of the purposes for which the information will be used. To make the consent meaningful, the purposes must be stated in such a manner that the individual can reasonably understand how the information will be used or disclosed.

#### 4.3.3

An organization shall not, as a condition of the supply of a product or service, require an individual to consent to the collection, use, or disclosure of information beyond that required to fulfil the explicitly specified, and legitimate purposes.

#### 4.3.4

The form of the consent sought by the organization may vary, depending upon the circumstances and the type of information. In determining the form of consent to use, organizations shall take into account the sensitivity of the information. Although some information (for example, medical records and income records) is almost always considered to be sensitive, any information can be sensitive, depending on the context. For example, the names and addresses of subscribers to a newsmagazine would generally not be considered sensitive information. However, the names and addresses of

l'insu de la personne concernée et sans son consentement. Par exemple, pour des raisons d'ordre juridique ou médical ou pour des raisons de sécurité, il peut être impossible ou peu réaliste d'obtenir le consentement de la personne concernée. Lorsqu'on recueille des renseignements aux fins du contrôle d'application de la loi, de la détection d'une fraude ou de sa prévention, on peut aller à l'encontre du but visé si l'on cherche à obtenir le consentement de la personne concernée. Il peut être impossible ou inopportun de chercher à obtenir le consentement d'un mineur, d'une personne gravement malade ou souffrant d'incapacité mentale. De plus, les organisations qui ne sont pas en relation directe avec la personne concernée ne sont pas toujours en mesure d'obtenir le consentement prévu. Par exemple, il peut être peu réaliste pour une œuvre de bienfaisance ou une entreprise de marketing direct souhaitant acquérir une liste d'envoi d'une autre organisation de chercher à obtenir le consentement des personnes concernées. On s'attendrait, dans de tels cas, à ce que l'organisation qui fournit la liste obtienne le consentement des personnes concernées avant de communiquer des renseignements personnels.

#### 4.3.1

Il faut obtenir le consentement de la personne concernée avant de recueillir des renseignements personnels à son sujet et d'utiliser ou de communiquer les renseignements recueillis. Généralement, une organisation obtient le consentement des personnes concernées relativement à l'utilisation et à la communication des renseignements personnels au moment de la collecte. Dans certains cas, une organisation peut obtenir le consentement concernant l'utilisation ou la communication des renseignements après avoir recueilli ces renseignements, mais avant de s'en servir, par exemple, quand elle veut les utiliser à des fins non précisées antérieurement.

#### 4.3.2

Suivant ce principe, il faut informer la personne au sujet de laquelle on recueille des renseignements et obtenir son consentement. Les organisations doivent faire un effort raisonnable pour s'assurer que la personne est informée des fins auxquelles les renseignements seront utilisés. Pour que le consentement soit valable, les fins doivent être énoncées de façon que la personne puisse raisonnablement comprendre de quelle manière les renseignements seront utilisés ou communiqués.

#### 4.3.3

Une organisation ne peut pas, pour le motif qu'elle fournit un bien ou un service, exiger d'une personne qu'elle consente à la collecte, à l'utilisation ou à la communication de renseignements autres que ceux qui sont nécessaires pour réaliser les fins légitimes et explicitement indiquées.

#### 4.3.4

La forme du consentement que l'organisation cherche à obtenir peut varier selon les circonstances et la nature des renseignements. Pour déterminer la forme que prendra le consentement, les organisations doivent tenir compte de la sensibilité des renseignements. Si certains renseignements sont presque toujours considérés comme sensibles, par exemple les dossiers médicaux et le revenu, tous les renseignements peuvent devenir sensibles suivant le contexte. Par exemple, les nom et adresse des abonnés d'une revue d'information ne seront généralement pas considérés comme des renseignements

subscribers to some special-interest magazines might be considered sensitive.

#### 4.3.5

In obtaining consent, the reasonable expectations of the individual are also relevant. For example, an individual buying a subscription to a magazine should reasonably expect that the organization, in addition to using the individual's name and address for mailing and billing purposes, would also contact the person to solicit the renewal of the subscription. In this case, the organization can assume that the individual's request constitutes consent for specific purposes. On the other hand, an individual would not reasonably expect that personal information given to a health-care professional would be given to a company selling health-care products, unless consent were obtained. Consent shall not be obtained through deception.

#### 4.3.6

The way in which an organization seeks consent may vary, depending on the circumstances and the type of information collected. An organization should generally seek express consent when the information is likely to be considered sensitive. Implied consent would generally be appropriate when the information is less sensitive. Consent can also be given by an authorized representative (such as a legal guardian or a person having power of attorney).

#### 4.3.7

Individuals can give consent in many ways. For example:

- (a)** an application form may be used to seek consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and the specified uses;
- (b)** a checkoff box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties;
- (c)** consent may be given orally when information is collected over the telephone; or
- (d)** consent may be given at the time that individuals use a product or service.

#### 4.3.8

An individual may withdraw consent at any time, subject to legal or contractual restrictions and reasonable notice. The organization shall inform the individual of the implications of such withdrawal.

sensibles. Toutefois, les nom et adresse des abonnés de certains périodiques spécialisés pourront l'être.

#### 4.3.5

Dans l'obtention du consentement, les attentes raisonnables de la personne sont aussi pertinentes. Par exemple, une personne qui s'abonne à un périodique devrait raisonnablement s'attendre à ce que l'entreprise, en plus de se servir de son nom et de son adresse à des fins de postage et de facturation, communique avec elle pour lui demander si elle désire que son abonnement soit renouvelé. Dans ce cas, l'organisation peut présumer que la demande de la personne constitue un consentement à ces fins précises. D'un autre côté, il n'est pas raisonnable qu'une personne s'attende à ce que les renseignements personnels qu'elle fournit à un professionnel de la santé soient donnés sans son consentement à une entreprise qui vend des produits de soins de santé. Le consentement ne doit pas être obtenu par un subterfuge.

#### 4.3.6

La façon dont une organisation obtient le consentement peut varier selon les circonstances et la nature des renseignements recueillis. En général, l'organisation devrait chercher à obtenir un consentement explicite si les renseignements sont susceptibles d'être considérés comme sensibles. Lorsque les renseignements sont moins sensibles, un consentement implicite serait normalement jugé suffisant. Le consentement peut également être donné par un représentant autorisé (détenteur d'une procuration, tuteur).

#### 4.3.7

Le consentement peut revêtir différentes formes, par exemple :

- a)** on peut se servir d'un formulaire de demande de renseignements pour obtenir le consentement, recueillir des renseignements et informer la personne de l'utilisation qui sera faite des renseignements. En remplissant le formulaire et en le signant, la personne donne son consentement à la collecte de renseignements et aux usages précisés;
- b)** on peut prévoir une case où la personne pourra indiquer en cochant qu'elle refuse que ses nom et adresse soient communiqués à d'autres organisations. Si la personne ne coche pas la case, il sera présumé qu'elle consent à ce que les renseignements soient communiqués à des tiers;
- c)** le consentement peut être donné de vive voix lorsque les renseignements sont recueillis par téléphone; ou
- d)** le consentement peut être donné au moment où le produit ou le service est utilisé.

#### 4.3.8

Une personne peut retirer son consentement en tout temps, sous réserve de restrictions prévues par une loi ou un contrat et d'un préavis raisonnable. L'organisation doit informer la personne des conséquences d'un tel retrait.

## 4.4 Principle 4 — Limiting Collection

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

### 4.4.1

Organizations shall not collect personal information indiscriminately. Both the amount and the type of information collected shall be limited to that which is necessary to fulfil the purposes identified. Organizations shall specify the type of information collected as part of their information-handling policies and practices, in accordance with the Openness principle (Clause 4.8).

### 4.4.2

The requirement that personal information be collected by fair and lawful means is intended to prevent organizations from collecting information by misleading or deceiving individuals about the purpose for which information is being collected. This requirement implies that consent with respect to collection must not be obtained through deception.

### 4.4.3

This principle is linked closely to the Identifying Purposes principle (Clause 4.2) and the Consent principle (Clause 4.3).

## 4.5 Principle 5 — Limiting Use, Disclosure, and Retention

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes.

### 4.5.1

Organizations using personal information for a new purpose shall document this purpose (see Clause 4.2.1).

### 4.5.2

Organizations should develop guidelines and implement procedures with respect to the retention of personal information. These guidelines should include minimum and maximum retention periods. Personal information that has been used to make a decision about an individual shall be retained long enough to allow the individual access to the information after the decision has been made. An organization may be subject to legislative requirements with respect to retention periods.

## 4.4 Quatrième principe — Limitation de la collecte

L'organisation ne peut recueillir que les renseignements personnels nécessaires aux fins déterminées et doit procéder de façon honnête et licite.

### 4.4.1

Les organisations ne doivent pas recueillir des renseignements de façon arbitraire. On doit restreindre tant la quantité que la nature des renseignements recueillis à ce qui est nécessaire pour réaliser les fins déterminées. Conformément au principe de la transparence (article 4.8), les organisations doivent préciser la nature des renseignements recueillis comme partie intégrante de leurs politiques et pratiques concernant le traitement des renseignements.

### 4.4.2

L'exigence selon laquelle les organisations sont tenues de recueillir des renseignements personnels de façon honnête et licite a pour objet de les empêcher de tromper les gens et de les induire en erreur quant aux fins auxquelles les renseignements sont recueillis. Cette obligation suppose que le consentement à la collecte de renseignements ne doit pas être obtenu par un subterfuge.

### 4.4.3

Ce principe est étroitement lié au principe de détermination des fins auxquelles la collecte est destinée (article 4.2) et à celui du consentement (article 4.3).

## 4.5 Cinquième principe — Limitation de l'utilisation, de la communication et de la conservation

Les renseignements personnels ne doivent pas être utilisés ou communiqués à des fins autres que celles auxquelles ils ont été recueillis à moins que la personne concernée n'y consente ou que la loi ne l'exige. On ne doit conserver les renseignements personnels qu'aussi longtemps que nécessaire pour la réalisation des fins déterminées.

### 4.5.1

Les organisations qui se servent de renseignements personnels à des fins nouvelles doivent documenter ces fins (voir article 4.2.1).

### 4.5.2

Les organisations devraient élaborer des lignes directrices et appliquer des procédures pour la conservation des renseignements personnels. Ces lignes directrices devraient préciser les durées minimales et maximales de conservation. On doit conserver les renseignements personnels servant à prendre une décision au sujet d'une personne suffisamment longtemps pour permettre à la personne concernée d'exercer son droit d'accès à l'information après que la décision a été prise.

#### 4.5.3

Personal information that is no longer required to fulfil the identified purposes should be destroyed, erased, or made anonymous. Organizations shall develop guidelines and implement procedures to govern the destruction of personal information.

#### 4.5.4

This principle is closely linked to the Consent principle (Clause 4.3), the Identifying Purposes principle (Clause 4.2), and the Individual Access principle (Clause 4.9).

## 4.6 Principle 6 — Accuracy

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

#### 4.6.1

The extent to which personal information shall be accurate, complete, and up-to-date will depend upon the use of the information, taking into account the interests of the individual. Information shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the individual.

#### 4.6.2

An organization shall not routinely update personal information, unless such a process is necessary to fulfil the purposes for which the information was collected.

#### 4.6.3

Personal information that is used on an ongoing basis, including information that is disclosed to third parties, should generally be accurate and up-to-date, unless limits to the requirement for accuracy are clearly set out.

## 4.7 Principle 7 — Safeguards

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

#### 4.7.1

The security safeguards shall protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification. Organizations shall protect personal information regardless of the format in which it is held.

Une organisation peut être assujettie à des exigences prévues par la loi en ce qui concerne les périodes de conservation.

#### 4.5.3

On devrait détruire, effacer ou dépersonnaliser les renseignements personnels dont on n'a plus besoin aux fins précisées. Les organisations doivent élaborer des lignes directrices et appliquer des procédures régissant la destruction des renseignements personnels.

#### 4.5.4

Ce principe est étroitement lié au principe du consentement (article 4.3), à celui de la détermination des fins auxquelles la collecte est destinée (article 4.2), ainsi qu'à celui de l'accès individuel (article 4.9).

## 4.6 Sixième principe — Exactitude

Les renseignements personnels doivent être aussi exacts, complets et à jour que l'exigent les fins auxquelles ils sont destinés.

#### 4.6.1

Le degré d'exactitude et de mise à jour ainsi que le caractère complet des renseignements personnels dépendront de l'usage auquel ils sont destinés, compte tenu des intérêts de la personne. Les renseignements doivent être suffisamment exacts, complets et à jour pour réduire au minimum la possibilité que des renseignements inappropriés soient utilisés pour prendre une décision à son sujet.

#### 4.6.2

Une organisation ne doit pas systématiquement mettre à jour les renseignements personnels à moins que cela ne soit nécessaire pour atteindre les fins auxquelles ils ont été recueillis.

#### 4.6.3

Les renseignements personnels qui servent en permanence, y compris les renseignements qui sont communiqués à des tiers, devraient normalement être exacts et à jour à moins que des limites se rapportant à l'exactitude de ces renseignements ne soient clairement établies.

## 4.7 Septième principe — Mesures de sécurité

Les renseignements personnels doivent être protégés au moyen de mesures de sécurité correspondant à leur degré de sensibilité.

#### 4.7.1

Les mesures de sécurité doivent protéger les renseignements personnels contre la perte ou le vol ainsi que contre la consultation, la communication, la copie, l'utilisation ou la modification non autorisées. Les organisations doivent protéger les renseignements personnels quelle que soit la forme sous laquelle ils sont conservés.



#### 4.7.2

The nature of the safeguards will vary depending on the sensitivity of the information that has been collected, the amount, distribution, and format of the information, and the method of storage. More sensitive information should be safeguarded by a higher level of protection. The concept of sensitivity is discussed in Clause 4.3.4.

#### 4.7.3

The methods of protection should include

- (a) physical measures, for example, locked filing cabinets and restricted access to offices;
- (b) organizational measures, for example, security clearances and limiting access on a “need-to-know” basis; and
- (c) technological measures, for example, the use of passwords and encryption.

#### 4.7.4

Organizations shall make their employees aware of the importance of maintaining the confidentiality of personal information.

#### 4.7.5

Care shall be used in the disposal or destruction of personal information, to prevent unauthorized parties from gaining access to the information (see Clause 4.5.3).

## 4.8 Principle 8 — Openness

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

#### 4.8.1

Organizations shall be open about their policies and practices with respect to the management of personal information. Individuals shall be able to acquire information about an organization’s policies and practices without unreasonable effort. This information shall be made available in a form that is generally understandable.

#### 4.8.2

The information made available shall include

- (a) the name or title, and the address, of the person who is accountable for the organization’s policies and practices and to whom complaints or inquiries can be forwarded;
- (b) the means of gaining access to personal information held by the organization;
- (c) a description of the type of personal information held by the organization, including a general account of its use;
- (d) a copy of any brochures or other information that explain the organization’s policies, standards, or codes; and
- (e) what personal information is made available to related organizations (e.g., subsidiaries).

#### 4.7.2

La nature des mesures de sécurité variera en fonction du degré de sensibilité des renseignements personnels recueillis, de la quantité, de la répartition et du format des renseignements personnels ainsi que des méthodes de conservation. Les renseignements plus sensibles devraient être mieux protégés. La notion de sensibilité est présentée à l’article 4.3.4.

#### 4.7.3

Les méthodes de protection devraient comprendre :

- a) des moyens matériels, par exemple le verrouillage des classeurs et la restriction de l’accès aux bureaux;
- b) des mesures administratives, par exemple des autorisations sécuritaires et un accès sélectif; et
- c) des mesures techniques, par exemple l’usage de mots de passe et du chiffrement.

#### 4.7.4

Les organisations doivent sensibiliser leur personnel à l’importance de protéger le caractère confidentiel des renseignements personnels.

#### 4.7.5

Au moment du retrait ou de la destruction des renseignements personnels, on doit veiller à empêcher les personnes non autorisées d’y avoir accès (article 4.5.3).

## 4.8 Huitième principe — Transparence

Une organisation doit faire en sorte que des renseignements précis sur ses politiques et ses pratiques concernant la gestion des renseignements personnels soient facilement accessibles à toute personne.

#### 4.8.1

Les organisations doivent faire preuve de transparence au sujet de leurs politiques et pratiques concernant la gestion des renseignements personnels. Une personne doit pouvoir obtenir sans efforts déraisonnables de l’information au sujet des politiques et des pratiques d’une organisation. Ces renseignements doivent être fournis sous une forme généralement compréhensible.

#### 4.8.2

Les renseignements fournis doivent comprendre :

- a) le nom ou la fonction de même que l’adresse de la personne responsable de la politique et des pratiques de l’organisation et à qui il faut acheminer les plaintes et les demandes de renseignements;
- b) la description du moyen d’accès aux renseignements personnels que possède l’organisation;
- c) la description du genre de renseignements personnels que possède l’organisation, y compris une explication générale de l’usage auquel ils sont destinés;
- d) une copie de toute brochure ou autre document d’information expliquant la politique, les normes ou les codes de l’organisation; et

### 4.8.3

An organization may make information on its policies and practices available in a variety of ways. The method chosen depends on the nature of its business and other considerations. For example, an organization may choose to make brochures available in its place of business, mail information to its customers, provide online access, or establish a toll-free telephone number.

## 4.9 Principle 9 — Individual Access

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

Note: In certain situations, an organization may not be able to provide access to all the personal information it holds about an individual. Exceptions to the access requirement should be limited and specific. The reasons for denying access should be provided to the individual upon request. Exceptions may include information that is prohibitively costly to provide, information that contains references to other individuals, information that cannot be disclosed for legal, security, or commercial proprietary reasons, and information that is subject to solicitor-client or litigation privilege.

### 4.9.1

Upon request, an organization shall inform an individual whether or not the organization holds personal information about the individual. Organizations are encouraged to indicate the source of this information. The organization shall allow the individual access to this information. However, the organization may choose to make sensitive medical information available through a medical practitioner. In addition, the organization shall provide an account of the use that has been made or is being made of this information and an account of the third parties to which it has been disclosed.

### 4.9.2

An individual may be required to provide sufficient information to permit an organization to provide an account of the existence, use, and disclosure of personal information. The information provided shall only be used for this purpose.

### 4.9.3

In providing an account of third parties to which it has disclosed personal information about an individual, an

e) la définition de la nature des renseignements personnels communiqués aux organisations connexes (par exemple, les filiales).

### 4.8.3

Une organisation peut rendre l'information concernant sa politique et ses pratiques accessibles de diverses façons. La méthode choisie est fonction de la nature des activités de l'organisation et d'autres considérations. Par exemple, une organisation peut offrir des brochures à son établissement, poster des renseignements à ses clients, offrir un accès en ligne ou établir un numéro de téléphone sans frais.

## 4.9 Neuvième principe — Accès aux renseignements personnels

Une organisation doit informer toute personne qui en fait la demande de l'existence de renseignements personnels qui la concernent, de l'usage qui en est fait et du fait qu'ils ont été communiqués à des tiers, et lui permettre de les consulter. Il sera aussi possible de contester l'exactitude et l'intégralité des renseignements et d'y faire apporter les corrections appropriées.

Note : Dans certains cas, il peut être impossible à une organisation de communiquer tous les renseignements personnels qu'elle possède au sujet d'une personne. Les exceptions aux exigences en matière d'accès aux renseignements personnels devraient être restreintes et précises. On devrait informer la personne, sur demande, des raisons pour lesquelles on lui refuse l'accès aux renseignements. Ces raisons peuvent comprendre le coût exorbitant de la fourniture de l'information, le fait que les renseignements personnels contiennent des détails sur d'autres personnes, l'existence de raisons d'ordre juridique, de raisons de sécurité ou de raisons d'ordre commercial exclusives et le fait que les renseignements sont protégés par le secret professionnel ou dans le cours d'une procédure de nature judiciaire.

### 4.9.1

Une organisation doit informer la personne qui en fait la demande du fait qu'elle possède des renseignements personnels à son sujet, le cas échéant. Les organisations sont invitées à indiquer la source des renseignements. L'organisation doit permettre à la personne concernée de consulter ces renseignements. Dans le cas de renseignements médicaux sensibles, l'organisation peut préférer que ces renseignements soient communiqués par un médecin. En outre, l'organisation doit informer la personne concernée de l'usage qu'elle fait ou a fait des renseignements et des tiers à qui ils ont été communiqués.

### 4.9.2

Une organisation peut exiger que la personne concernée lui fournisse suffisamment de renseignements pour qu'il lui soit possible de la renseigner sur l'existence, l'utilisation et la communication de renseignements personnels. L'information ainsi fournie doit servir à cette seule fin.

### 4.9.3

L'organisation qui fournit le relevé des tiers à qui elle a communiqué des renseignements personnels au sujet d'une

organization should attempt to be as specific as possible. When it is not possible to provide a list of the organizations to which it has actually disclosed information about an individual, the organization shall provide a list of organizations to which it may have disclosed information about the individual.

#### 4.9.4

An organization shall respond to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information shall be provided or made available in a form that is generally understandable. For example, if the organization uses abbreviations or codes to record information, an explanation shall be provided.

#### 4.9.5

When an individual successfully demonstrates the inaccuracy or incompleteness of personal information, the organization shall amend the information as required. Depending upon the nature of the information challenged, amendment involves the correction, deletion, or addition of information. Where appropriate, the amended information shall be transmitted to third parties having access to the information in question.

#### 4.9.6

When a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge shall be recorded by the organization. When appropriate, the existence of the unresolved challenge shall be transmitted to third parties having access to the information in question.

## 4.10 Principle 10 — Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

#### 4.10.1

The individual accountable for an organization's compliance is discussed in Clause 4.1.1.

#### 4.10.2

Organizations shall put procedures in place to receive and respond to complaints or inquiries about their policies and practices relating to the handling of personal information. The complaint procedures should be easily accessible and simple to use.

#### 4.10.3

Organizations shall inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures. A range of these procedures may exist. For example,

personne devrait être la plus précise possible. S'il lui est impossible de fournir une liste des organisations à qui elle a effectivement communiqué des renseignements au sujet d'une personne, l'organisation doit fournir une liste des organisations à qui elle pourrait avoir communiqué de tels renseignements.

#### 4.9.4

Une organisation qui reçoit une demande de communication de renseignements doit répondre dans un délai raisonnable et ne peut exiger, pour ce faire, que des droits minimaux. Les renseignements demandés doivent être fournis sous une forme généralement compréhensible. Par exemple, l'organisation qui se sert d'abréviations ou de codes pour l'enregistrement des renseignements doit fournir les explications nécessaires.

#### 4.9.5

Lorsqu'une personne démontre que des renseignements personnels sont inexacts ou incomplets, l'organisation doit apporter les modifications nécessaires à ces renseignements. Selon la nature des renseignements qui font l'objet de la contestation, l'organisation doit corriger, supprimer ou ajouter des renseignements. S'il y a lieu, l'information modifiée doit être communiquée à des tiers ayant accès à l'information en question.

#### 4.9.6

Lorsqu'une contestation n'est pas réglée à la satisfaction de la personne concernée, l'organisation prend note de l'objet de la contestation. S'il y a lieu, les tierces parties ayant accès à l'information en question doivent être informées du fait que la contestation n'a pas été réglée.

## 4.10 Dixième principe — Possibilité de porter plainte à l'égard du non-respect des principes

Toute personne doit être en mesure de se plaindre du non-respect des principes énoncés ci-dessus en communiquant avec le ou les personnes responsables de les faire respecter au sein de l'organisation concernée.

#### 4.10.1

La question de la désignation de la personne responsable du respect des principes dans l'organisation fait l'objet de l'article 4.1.1.

#### 4.10.2

Les organisations doivent établir des procédures pour recevoir les plaintes et les demandes de renseignements concernant leurs politiques et pratiques de gestion des renseignements personnels et y donner suite. Les procédures relatives aux plaintes devraient être facilement accessibles et simples à utiliser.

#### 4.10.3

Les organisations doivent informer les personnes qui présentent une demande de renseignements ou déposent une plainte de l'existence des procédures pertinentes. Il peut exister un éventail de ces procédures. Par exemple, certaines

some regulatory bodies accept complaints about the personal-information handling practices of the companies they regulate.

**4.10.4**

An organization shall investigate all complaints. If a complaint is found to be justified, the organization shall take appropriate measures, including, if necessary, amending its policies and practices.

autorités réglementaires acceptent les plaintes concernant les pratiques de gestion des renseignements personnels des entreprises relevant de leur compétence.

**4.10.4**

Une organisation doit faire enquête sur toutes les plaintes. Si une plainte est jugée fondée, l'organisation doit prendre les mesures appropriées, y compris la modification de ses politiques et de ses pratiques au besoin.