

The Ontario Halfway House Association

Constitution and By-Laws

As at September 2007

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PART I

CONSTITUTION & BY-LAWS

A. DEFINITIONS - Definitions and terms used are given in Section C:1.

B. LEGAL, ACCOUNTING AND AUDIT MATTERS

1. Registered Address:

The registered address of the Association shall be the address of the office of the Association. A notice of amendment shall be sent to the Companies Services Branch (Examination and Notice Section) of the Companies Division of the Ministry of Consumer and Commercial Relations on change of Executive Committee members by the incumbent Secretary/Treasurer.

2. Safe Custody of Documents

The office of the Association shall have custody of all documents relating to the incorporation of the Association and copies of all reports, returns and notifications required by provincial and federal authorities.

The incumbent President shall hold certified copies of the Association's letters patent, separately.

All official files, minute book, roster, etc. shall be held by the office of the Association.

3. Banking

The appropriate bank account(s) of the Association shall be opened and kept at a branch of a chartered bank as agreed upon by the Executive Committee.

Banking transactions shall be as authorized from time to time by the Executive Committee, or a properly constituted meeting of the Association. Any two of five signatures of the President, Past President, Vice-President, Secretary/Treasurer or Association Coordinator shall constitute proper signing authority.

The Association will operate a minimum of two accounts:

The General Operating Account will contain all funds designated for the operation of the Association; i.e., C.S.C. contracted funds, membership fees, fund-raising, grant(s) for the Association office, and grant funds for distribution to members, other miscellaneous receipts. Appropriate receipts or invoices shall properly support all disbursements.

All operating expenses will be paid from this account. Appropriate receipts or invoices shall properly support all disbursements.

Additional Accounts and the conditions under which they operate, where they become necessary to manage monies from particular sources, shall be set and authorized by the Executive Committee and ratified post facto at the next General Meeting of the Association.

A Transfer Account may be opened near the Association's office to facilitate deposits to the General Operating Account.

4. Annual Audit.

The Association's fiscal year shall be from April 1 to March 31. The financial affairs of the Association shall be audited annually by a chartered accountant appointed (or re-appointed) at the Association's Annual General Meeting. Copies of the audited statements shall be distributed to the membership at the Annual General Meeting of the Association.

C. MEMBERSHIP

There shall be three categories of membership in good standing:

- Agency Membership;
- Program Membership and;
- Associate Membership.

1. a. Eligibility

Any community based, privately operated agency providing non-incarcerate, residential care and or treatment to federal ex-offenders as above shall be eligible for and may be admitted to "membership" upon application to the Secretary/Treasurer.

2. Membership Categories

a. Agency Membership

An agency member is any agency which meets the above definition and whose dues and or fees are paid in accordance with these By-laws.

Each agency member is entitled to one vote in all matters of business before the Association.

b. Program Membership

Any not-for-profit agency or association providing non-incarcerate treatment or programming, known to actively promote the aims and objectives of the Association, or who have an interest in its affairs are eligible for program membership upon application to the Association Secretary/Treasurer

c. Associate Membership

Any individual, agencies and associations, whether private or public, not defined in By-law C:1a. above; known to actively promote the aims and objectives of the Association, or who have

an interest in its affairs are eligible for associate membership upon application to the Association Secretary/Treasurer.

Associate members do not have voting privileges.

2. Dues and Fees.

Association dues (or fees) are payable within 30 days of receipt of membership invoice.

Membership dues are based upon the following membership funding formulas:

i) Agency membership: Number of Correctional Service of Canada, (C.S.C.) contracted beds multiplied by \$80.00 multiplied by agency occupancy for at least nine of the last twelve months of the fiscal year.

ii) Program membership: Amount of Correctional Service of Canada contract multiplied by .05%.

iii) Associate membership: \$50.00 flat fee per annum.

Agencies providing residential and program services will be invoiced according to Agency formula. Agencies with C.S.C. contracts may not take out affiliate memberships.

Membership subsidies are reviewed by the Executive Committee on a case-by-case basis. This is to support and preserve membership in instances of fiscal distress.

Membership fees may be pro-rated quarterly. For new members, fees may be pro-rated on a monthly basis to the end of the current fiscal year.

Fees paid are non-refundable.

D. O.H.H.A. EXECUTIVE COMMITTEE

1. Composition

The Association Executive Committee shall be comprised of seven (7) voting members and two (2) additional positions to act in a consultant role as required.

The seven (7) voting members shall be agency representatives including the immediate Past-President and those duly elected to the positions of President, Vice-President, Secretary/Treasurer, and three (3) Members at Large. No member can assume more than one Executive Committee position. All members of the Executive Committee will be required to play an active role in the Association as members of a standing committee of the Association.

The Seven (7) voting members will each represent, as much as possible, the various constituencies of the OHHA. These are:

Independent Residential Services,
Program/Treatment providers
The Elizabeth Fry Societies,
The John Howard Societies,
The St. Leonard's Society, and
The Salvation Army.

2. Eligibility

No person may serve on the Executive for more than twelve years consecutively. Once the twelve-year cycle is completed the individual will not be eligible to sit on the Executive for one year.

3. Terms of Office/Relinquishing Office

The Executive Committee shall be elected for a two-year term of office with the exception of Member(s) at Large who shall serve one-year term.

In addition, if it is the will of the membership and the current President agrees, the President may exercise the option of a second two-year term, to a maximum of four (4) consecutive years.

Incumbents shall relinquish office at the Annual General Meeting at which their successors are elected and assume office.

4. Duties of Executive Committee Members.

The specific duties and responsibilities according to office are given in Appendix 2. In general terms, the Executive Committee will oversee and guide the operation and direction of the Association ensuring it fulfills its mandate under the specific and implied dictates of these Constitution and By-laws.

The Executive Committee shall be authorized to conduct the affairs of the Association in accordance with the Association's Constitution and By-laws and without further reference to the membership, except that financial disbursements shall be limited to \$300.00 without unanimous Executive Committee agreement, and \$500.00 with it. Expenditures beyond these limits shall not be made other than those for which the prior approval of a properly constituted General Meeting has been given, or the funds represent the reimbursement of expenses deemed reasonable and compatible with the Association.

5. Voluntary/Involuntary Resignation/Expulsion from Executive Committee

Should any member of the Executive Committee consistently fail to properly discharge the responsibilities assigned and, by such failure, lose the confidence of all the remaining members of the Committee that member may, in writing, be asked to voluntarily resign from the

Committee by the President, provided Committee members are in agreement and reasonable efforts have been made to rectify the situation.

Should the member in question fail to do so, in a letter delivered to the Secretary/Treasurer within 14 days of the presumed receipt by the member of the request, any 3 members of the Executive Committee may call a General Meeting of the Association, under the provisions of by-law No. E.8.a., which meeting may, by a two-thirds majority, vote to expel that person from the Executive Committee for cause and thereafter, elect an eligible and willing successor to assume those responsibilities.

6. Authority to Appoint on an Interim Basis

To ensure the efficient continuity of Association business, and permit an appropriate response in an emergency situation, the President may, with the unanimous approval of the remaining members of the Executive Committee appoint an eligible agency representative to a position on the Committee to bring the Committee to full strength, for the remainder of the existing term of service to the committee as authorized and specified in these By-laws.

7. Standing Committees

The Executive Committee will create and operate, at minimum, the following 4 standing committees:

Membership Committee
Review Committee
Program Committee
Finance Committee

Committees will usually be chaired by Executive Committee members. The Secretary/Treasurer will be Chair of the Finance Committee and the Membership Committee.

a. Standing Committee Meetings

The committees shall meet as often as deemed necessary to carry out their mandate and responsibilities, having due regard to their budget line. The method for notice of standing committee meeting will be devised by the chairperson.

b. Budget.

Committee expenses will be reimbursed according to budget line expense as contained in the operating budget of the Association, as ratified at a General Meeting of the Association.

c. Mandate/Terms of Reference.

Each committee will devise a mandate and terms of reference, which will be approved by the Executive Committee.

d. Reports

Each committee will be required to submit written or verbal reports to the Executive Committee regarding its activities at each meeting of the Executive Committee throughout the year.

e. Eligibility

All agency and associate members of the Association are eligible to participate on standing committees. Potential members may express interest to the Committee Chairperson or be invited to participate through the Chairperson.

E. O.H.H.A. MEETINGS (Conduct of Etc.)

1. General Comments

While the Association recognizes the need to create and enjoy informal relations between members, it recognizes the need for formal procedures.

Such a need will arise when:

- the Association, or any group within it, must formulate policy in spite of controversy and dissension;
- formal and legal record of decision is important; and
- a mass of routine business must be properly disposed of in the shortest possible time.

Four cardinal principles should be seen to underlie the paragraphs, which follow:

- justice and courtesy for all participants;
- determination and recognition of the majority;
- protection of the rights of the minority; and
- that only one topic at a time shall be considered and disposed of.

It has, therefore, been concluded that all meetings of the Association are to be conducted within the general framework of Robert's Rules of Order.

2. Categories of Meetings.

The Association holds meetings under the following categories:

Annual General
General
Executive Committee

Executive Sub-Committee
Standing Committee

3. Purposes, Frequency and Timing of Meetings

a. Annual General Meeting

The Annual General Meeting of the Association shall be held within six months of fiscal year at such place, within Ontario, and at a date and time set by the Executive Committee. Agency representatives will be given written notice of such meetings not less than 30 days prior to the Annual General Meeting.

In unusual circumstances, the Executive Committee should have the authority to schedule the Annual General Meeting up to thirty days beyond the current timeframe identified in the Constitution and Bylaws

The following agenda items shall be included in the Annual General Meeting order of business and should be taken into account when determining the date of this meeting:

- presentation of an up-to-date audited financial statement;
- presentation of a projected budget for the ensuing fiscal year;
- the election of Association officers as required under paragraph D.3a. & b. of these By-laws;
- presentation of sub-committee reports; addenda to and/or amendments to Association By-laws and Constitution (see section "F" below).

b. General Meetings

In addition to the Annual General Meeting the Association shall hold General Meetings of the Association in those circumstances where there is a need for a majority of the membership to meet. See extraordinary meetings for requisite criteria. **(Section 3.c.iii)**

The following agenda items shall be included in the general meeting order of business and should be taken into account when determining the date of this meeting:

- up-to-date financial statement
- presentation of standing and sub-committee reports.
- ratification of interim appointments of executive members as provided in paragraph D.6 of these by-laws.

c. Executive Committee Meetings

(i) Frequency

The Executive Committee shall meet as often as it deems necessary to conduct its business and discharge its responsibilities, within the approved budget line.

(ii) Notice

The President giving a minimum of 14 days notice will usually call meetings of the Executive Committee. Such notice may be given by telephone, but shall be confirmed in writing by ordinary mail. During the President's indisposition due to illness, or prior commitment etc., the Vice-President shall be expected to discharge the President's duties, at the request of the Secretary/Treasurer.

(iii) Extraordinary Meeting

Notwithstanding that it is usually the President's prerogative to do so, under circumstances deemed exceptional by a minimum of 3 members of the Executive Committee, they may call an extraordinary meeting of that Committee, clearly stating its purposes and give notice reasonable under and commensurate with those circumstances.

d. Standing Committee and Executive Sub-Committee Meeting

Standing and sub-committees of the Executive Committee may be struck at its discretion. Committee participation shall be prompted by the knowledge, interest and expertise of those invited to contribute and shall not be restricted to agency or associate members.

Terms of reference for committees shall be drawn up by the Executive Committee. Committee Chairpersons shall report to the President.

4. Attendance at Meetings - Eligibility for.

a . Representation of Agency Members at General Meetings of O.H.H.A

Each agency member in good standing shall have the right to nominate two representatives to any General Meeting of the Association, one of whom shall be the Director of the agency, or the Director's designate.

Either representative shall be deemed to be authorized to cast that agency's ballot. At any meeting, when a vote is taken, each attending member is entitled to cast one vote and one vote only.

NOTE: It is the intention of the Association that agency members be active members of the Association. Agencies shall, therefore, appoint representatives who can be active in the Association and thereby cast an informed and participatory vote on all matters affecting the business and well being of the O.H.H.A.

b. Attendance of Agency Member Representative at Executive and Board Meetings

The Executive Committee will inform agency directors or their designate(s) appointed under Section E.4.a. above of all Executive Committee meetings so as to encourage them to attend.

5. Quorum

After being properly notified of an Annual General Meeting or General Meeting, it is the responsibility of agency members to attend. There shall be no quorum for these meetings. A quorum at all other meetings of the Association, or committees thereof, shall be a simple majority of those persons registered to that group (i.e. a 6 member committee requires 4 members to have an official meeting). These persons must be properly notified of their group's meeting.

6. Voting Procedures (See Balloting Guideline in Appendix 2).

Voting on any question shall usually be by a show of hands. Exceptions are: when electing Association officers (see Section E.7.); or when a representative requests a secret ballot (in which case a motion must be introduced with "I move that the vote on the question be by secret ballot") and it is properly passed; or when doubt exists as to the number of votes (in such cases the Presiding Officer may call for a standing vote).

In order to cast a vote an agency representative must actually attend the meeting. In the event that a member agency is unable to send a representative a letter outlying their position can be mailed to the Secretary/Treasurer and read to the attendee's by the President.

7. Election of Officers

a. Nominating Committee

By January first of each calendar year, the President shall appoint a Nominating Committee. This Committee will usually be chaired by the Past-President. Associate and agency members in good standing shall be eligible for appointment to the Committee.

b. Nominations from the Floor

At the Annual General Meeting and following the report from the Chairperson of the Nominating Committee, nominations from the floor shall be called for by the Chairperson. Such nominations shall be duly moved and seconded on behalf of consenting nominees.

NOTE: a candidate for the Office of President, Vice-President or Secretary/Treasurer shall be or have been an agency representative for at least one year.

c. Election by Sequence of Office

Offices becoming vacant shall be filled in the following sequence:
President, Vice-President, Secretary/Treasurer, Member(s) at Large.

d. The Successful Candidate

The successful candidate will be the person receiving a simple majority of votes cast by eligible representatives of agency members in good standing. Agency members will be recorded on the Annual General Meeting's role call, which will be appended to the proceedings.

NOTE: For the purposes of the election it shall be assumed that an unsuccessful candidate wishes to remain a candidate for election to remaining vacancies unless stating otherwise.

e. Inconclusive Ballots

Where no candidate for a specific office polls a simple majority (see E.7.d. above) at the first ballot, the name of the candidate having the least number of votes shall be deleted from the list of candidates eligible for election to that particular office. This procedure will be followed in successive ballots for that office until a candidate is successful (see E.7.d. above).

f. Authentication of Blank Ballots by Endorsement

Blank ballots shall be initialed by the Secretary/Treasurer prior to distribution to eligible voters. Completed ballots, not so endorsed, shall be rejected, excluded from the count and destroyed.

g. Appointment of Scrutineers

The Presiding Officer shall appoint at least 2 scrutineers to assist in the proceedings and, specifically, to count the ballots.

8. Notice of Meetings

a. General Meetings

A General Meeting of the Association may be called by the President (or Acting V/P), or by any 3 members of the Executive or by any 4 agency members. In the latter case written notice must be given to the President and the Secretary/Treasurer. This General Meeting must be held within 30 days of notification of the meeting.

b. Other Meetings

The calling of other meetings shall be the responsibility of the chairperson concerned. Sufficient notice will be given to render attendance probable and giving due regard for the likely heavy commitments of the participants.

9. Submission of Items for Inclusion on the Agenda

Any agency or associate member is entitled to submit items for inclusion on the agenda of executive meetings providing at least 14 days notice in writing is given to the Secretary/Treasurer. Associate members are encouraged to submit agenda items to the chairperson of the appropriate standing committee in writing and 14 days prior to the date next scheduled meeting of that committee.

F. AMENDMENT TO AND/OR ADDENDA TO THE CONSTITUTION AND BY-LAWS

Amendments of and/or addenda to the Constitution may be proposed by any agency member whose representative sends notice in writing of the proposed amendment or addendum by ordinary pre-paid mail to each member, to be received not less than 30 days prior to the date of the Annual General Meeting.

This amendment or addendum will be considered approved at the Annual General Meeting if the motion secures **at least TWO-THIRDS** of the votes cast.

APPENDIX I

DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE

APPENDIX 1: CONSTITUTION & BY-LAWS

Duties and Responsibilities of the Executive Committee.

Duties and Responsibilities of The President

As Chief Executive Officer of the O.H.H.A. shall :

- 1) Authenticate by signature when necessary all the acts, orders and proceedings of the Executive in general and to represent the will of the membership to the public;
- 2) To preside at General Meetings and at meetings of the Executive;
- 3) To report to the Executive at its regular meetings;
- 4) To report to the General membership at its regular meetings;
- 5) To issue public statements on behalf of the Association;
- 6) Is a signing officer;
- 7) Shall countersign all cheques with approved signing authorities;
- 8) Is the primary spokesperson with C.S.C. and shall be informed on all other communications;
- 9) Serve as ex-officio member of all Committees;
- 10) Call regular and special meetings of the Executive and Bi-annual meetings of the Association;
- 11) Prepare a report on the Association's activities for General Membership meetings;
- 12) Receive and review all minutes of Committee meetings; and
- 13) Work closely with and directly supervise the Association's Director.

Duties & Responsibilities of the Vice-President

- 1) The Vice-President shall perform the duties of the President in the absence of the President;
- 2) Assist the President as requested;
- 3) Is a signing officer;
- 4) Is Chairperson of the Program Committee; including responsibility for programs at the Winter Conference, A.G.M. and development of training and research programs to be undertaken by the Association; and
- 5) Undertakes special duties as designated by the Executive Committee.

Duties & Responsibilities of the Secretary/Treasurer.

- 1) Signing officer;
- 2) The Secretary/Treasurer is legally responsible for the collection and safekeeping of all funds of the Association and for ensuring the keeping of accurate financial records;
- 3) Responsible for the presentation of accurate Treasurer reports;
- 4) Reports on the financial position of the Association at each Executive meeting;
- 5) Reports fully to the membership at the Bi-annual meeting on communication of the Association and financial matters;
- 6) Acts as Chairperson of the Finance and Membership committees;
- 7) Monitors the financial affairs of the Association by conducting at least one review of the books during each fiscal year with the Director of the Association;
- 8) To record or supervise the recording of minutes of Executive and General meetings;

- 9) To record motions of meetings and record notes as taken; and
- 10) To prepare or supervise the preparation of minutes of meetings to be circulated to Membership;
- 11) To receive all correspondence of the Association and respond in accordance to the wishes of the Association.

ACCOUNTING RECORDS

Proper accounting records with respect to all financial transactions must be kept at the head office of the Association. The following will be recorded:

- (a) All sums of money received and disbursed by the Association together with receipts and disbursement vouchers;
- (b) All sales and purchases of the Association;
- (c) All assets and liabilities of the Association; and
- (d) All other transactions affecting the financial position of the Association.

All books and documents referred to in the above paragraphs shall be accessible to each member of the Association for inspection at all times and a financial statement will be prepared for each month for presentation to the Executive Committee.

Duties & Responsibilities of the Member(s) at Large.

- 1) Attend and participate in all Executive Committee and General Membership meetings;
- 2) Select a committee and work for this committee, preferably as Chairperson; and
- 3) Participate in the development of the Association.

Duties & Responsibilities of the Past-President.

- 1) In the event that the current President is elected for a second two year term the Immediate Past president's tenure may run concurrent to that of the President.

In the event that the Immediate Past-President is unwilling or unable to stand in for the concurrent term, the Executive Committee may nominate a former Executive Committee member to act in the position of "Executive Counsel". The Executive Counsel has all the rights and responsibilities that would normally be conferred upon an Immediate Vice-President.

- 2) Will be chairperson of the nominating committee.
- 3) Member of at least one standing committee.

APPENDIX II

VOTING AND BALLOTING

APPENDIX 2: Voting or Balloting.

To determine the opinion of a group on a motion, it is necessary to have each member indicate whether he is in favor of or against the question. There are a number of accepted methods of acquiring this information.

"A Closed Ballot" is the method used when individual opinions should remain secret. It is always used for the election of officers and frequently for the admission of new members and highly controversial questions. It may be requested by any member through a motion properly passed "that the vote on this question be by secret ballot". A blank slip of paper, or one carrying the exact question to be voted on, is handed to each member in good standing. The group is then instructed to mark the ballots in the proper way (e.g. an X opposite the name, "yes" or "no", or a person's name). The ballots are then folded once or twice and handed to a scrutineer at the proper time. The actual number of votes for and against the question are announced by the presiding officer and recorded in the minutes, except in the case of the election of officers.

"A Polled Ballot" is considered wise on many controversial issues. The Secretary/Treasurer reads aloud the name of each eligible member who replies aloud in accordance with his opinion. The presiding officer should instruct the members to reply using such words as "yes", or "no", "for" or "against". (The words "yea" and "nay" are confusing because of the similarity of their sounds.) After the Secretary/Treasurer has read the entire list, the presiding officer should inquire whether there are any others present who consider themselves eligible to vote. Each request to vote should be considered on its merits and a definite ruling given. Following this, the Secretary/Treasurer should tabulate the number of votes for or against and hand the result to the Chairperson for announcement. The information should appear in the minutes.

"A Standing Vote" is used in a large group, or where there is any doubt as to the number of votes. The presiding officer may say, "All those in favour please stand (or will signify by standing)". The Chairperson may then ask the Secretary/Treasurer to count the number of persons standing and ask someone else to check the result. It is essential that the Chairperson immediately say, "All those opposed please stand", and that the second count be taken. The result of this vote must also be recorded in the minutes.

"A Show of Hands" is the most frequently used method of voting in community organizations. The Chairperson usually says, "All those in favour please raise their hands." If there is any obvious for or against the question, the Chairperson usually announces that "the motion is carried or defeated." An actual count is not taken. Should there be any doubt as to the majority, it is wise for the Chairperson to ask the members to vote again, this time taking a standing vote.

"The Unanimous Vote" is used occasionally when an organization wishes to record unanimous approval of some item such as a vote of appreciation, or the election of an honorary officer. When such a result is obvious, the Chairperson says, "The Secretary/Treasurer will please cast a unanimous ballot in favour of the motion."

APPENDIX III: PRIVACY POLICY AND INFORMATION

YOUR PRIVACY IS IMPORTANT TO US...

At the Ontario Halfway House Association, we are committed to protecting your privacy and safeguarding the personal information of our employees, members, donors and others. OHHA values the trust of the public and personnel and also recognizes that while the internet revolutionizes the way we do business, it also brings legitimate concerns about Privacy and Security.

During the course of activities and projects within the OHHA, personal information may be gathered to ensure notification of special events, conferences, media concerns, current programs and services. Information is not rented, sold or traded. In maintaining a relationship of trust, we will be transparent in our practices and accountable for the means by which we treat the information shared with us.

Defining Personal Information

Personal information is any information that can be used to distinguish, identify or contact a specific individual or organization. However, business contact information and information that is accessible within the public domain, such as names, addresses and telephone numbers are not considered personal information.

Privacy Practices

All personal information is kept in confidence. Reasonable steps are taken to ensure the integrity and security of such information, including password protocols, encryptions, and locking mechanisms. Only authorized personnel are allowed access to this information.

In the event of third party involvement in certain tasks for the OHHA, service providers are carefully selected and monitored in their activities. All reasonable precautions are taken to ensure the privacy of personal information.

Collection of Information

The collection and retention of personal information is limited to that which is necessary for the purposes of the business of the organization. It is collected using fair and lawful means, with the sole intent of carrying out the duties/services offered by the OHHA. Personnel information is retained for the duration of one's employment with the OHHA, and for a period of not less than 7 years beyond the employee's last day of employment, as is consistent with Revenue Canada Guidelines.

Access to Information

All persons about whom information has been collected will be afforded access to that information (in accordance with standard policies), and will be afforded the opportunity to amend or clarify that information, should the need arise.

Questions, concerns or complaints specifically related to privacy policies or practices should be addressed to:

Privacy Officer,
Ontario Halfway House Association
224 Cornwallis Court
Oshawa, ON L1H 8E8

Email: info@ohhaonline.ca

Website: <http://www.ohhaonline.ca>

Phone: 1-800-698-7489
1-905-571-1999

Additional information on your privacy rights may be found at the website of the Privacy Commissioner at www.privcom.gc.ca.