

## Ch5-s4-01

# Information and Privacy – Counselling, Health and Academic Records

Responsible Authority:	Organizational Effectiveness
Approval Authority:	Senior Team
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## PURPOSE

The College collects, generates and stores information concerning students who access services provided by various services within the College. The information may be comprised of personal information, including academic and health records.

As the holder of information and records, the College has a responsibility and legal obligation to collect, use, disclose, retain and dispose of the records and information with appropriate safeguards and in a manner that protects confidentiality and respects the privacy of individuals. In meeting its obligations and responsibilities, the College complies with all applicable laws, including the *Freedom of Information and Protection of Privacy Act* (“FIPPA”) and the *Personal Health Information Protection Act* (“PHIPA”).

## SCOPE

This policy applies to all College staff, including but not limited to nurse practitioners, counsellors, social workers, accessibility and accommodation specialists, academic advisors, and support staff. Employees providing similar services are bound by this policy and procedure. It should also be noted that counselling staff, in particular, have been employed to provide services to students, not employees; therefore, employees do not enjoy the same privacy rights with respect to their conversations with counselling staff. Employees requiring private counselling services are encouraged to contact their EAP provider and/or the Equity and Human Rights Advisor for a list of services available in the community. Hate speech, racism, or otherwise discriminatory viewpoints are not protected by privacy rights and are subject to disclosure during investigations.

## DEFINITIONS

Word/Term	Definition
Confidential Information	Information that is not generally known to the public and which, by its nature and content, ought to be kept private, and includes personal information of identifiable individuals as well as confidential information provided to the College by third parties. Such information cannot be disclosed to anyone except those persons requiring the information for a legitimate purpose.
Personal Information	Information about an identifiable individual. It includes, but is not limited to, the following: gender, age, sexual orientation, marital or family status, race, national or ethnic origin, information related to educational history, student number, home address, telephone number, personal opinions of or about an individual except where they relate to another individual, correspondence from, to or about an individual that is implicitly or explicitly of a private nature, and an individual’s name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Personal Health Information	Information about an identifiable individual. It includes, but is not limited to, the following: information related to medical, psychiatric, or psychological history, prognosis, condition, treatment or evaluation, family health history, information related to payments or eligibility for healthcare or eligibility for coverage of healthcare, information related to donation(s) of any body part or bodily substance of an individual or the testing or examination of any such body part or bodily substance, health numbers, and identification of an individual's substitute decision-maker.
Record	Any record of information, however recorded (e.g. in print, on film, electronically, etc.) and includes, but is not limited to, the following: a student file, correspondence, e-mail, memorandum, a drawing, photograph, a sound recording, and a video recording.

## POLICY

### 1. Confidentiality and Privacy

Information collected in student records (e.g. academic, discipline, health) will be used to administer the student programs, activities and services of the College.

Information provided to the College by third parties will be used to administer the programs and services provided by the College, consistent with the purposes for which the information is provided.

All College employees are responsible and accountable for maintaining the confidentiality and privacy of all records containing personal or confidential information, and for compliance with College policies, FIPPA, PHIPA, and any other legislation relevant to other types of records.

College employees will utilize organizational processes and security protocols to ensure the integrity, privacy and confidentiality of the information in its records. The following Department Head's shall be responsible and accountable for the implementation and operation of processes and protocols that ensure the confidentiality of the records and information, and the privacy of individuals:

- Director, Student Services
- The Registrar within the admissions and registration function
- Deans of Academic Schools within their respective schools
- All positions will consult with the College Privacy Officer where required.

Records and personal information concerning students accessing College services will be used or disclosed only by those College employees, consultants or agents authorized to access those records or information for the conduct of College business, or as otherwise permitted or required by law or as authorized in College policies.

Personal information or confidential records of the College may be released/disclosed only by the Designated Privacy Officer (or designate), to third party requestors with the expressed written consent of the student, or in compliance with FIPPA or PHIPA.

## **2. Access to Information**

**Faculty and staff:** Access to information and records created and/or stored by the College is limited to faculty and staff who need the information in order to carry out their duties required of their position. The level of access must correlate to the employee's particular job functions.

**Students:** Students have the right to access most personal information pertaining to them. This right extends not only to formal files but also to personal information wherever it is maintained, including e-mail messages. Students do not have the right to access the personal information of individuals other than themselves. Where information pertains to multiple students, names and identifying information of other students will be redacted.

No one who accesses a file may remove or alter any of the contents. Where a student disagrees with the content of the record or file they may, in writing, request the correction of the information or require that a statement of disagreement be attached to the information where the correction is refused.

There may be times when the College is ethically and/or legally required to disclose confidential information, such as in the following situations:

1. If there is a concern that a student may be a danger to themselves or others.
2. In the case of apparent, suspected or potential child abuse or neglect.
3. If a student reports sexual abuse by a regulated healthcare professional.
4. When a court issues a summons for records or testimony.

## **3. Disclosure of Personal Information to Third Parties**

The Department will respond to privacy requests in accordance with relevant legislation and redact information where necessary. If information is requested where consent is not provided, the request shall be forwarded to the Information and Privacy Officer for guidance and response.

Third parties may include, but are not limited to, outside organizations, parents, spouses, family members, police, courts, government agents, and researchers.

## **4. Breach of Confidentiality or Privacy**

Breach of confidentiality or privacy includes any unauthorized or inappropriate access to, or disclosure of, personal information or other confidential information or records, whether such access or disclosure is intentional or inadvertent.

Any employee who becomes aware of a breach of confidentiality or privacy must immediately inform their immediate supervisor and the College Privacy Officer.

The Privacy Officer will then take steps to address the breach and prevent further breaches. These actions shall be taken in consultation with the Senior Team of the College.

The Privacy Officer shall then work with individual departments to develop and implement processes or protocols to prevent any further breaches and shall consult with other responsible administrators in determining the appropriate processes and protocols to put in place.

## PROCEDURE

<u>Action</u>	<u>Responsibility</u>
<b>1. Responding to Requests for Access</b>	
<b>1.1 Requests by Faculty and Staff</b>	
1.1.1 All requests must be made in writing and must clearly outline the reason for the request and how it relates to their job function.	<b>Faculty/Staff</b>
1.1.2 The Department Head, in consultation with the Privacy Officer will decide whether to grant the access request and what information will be provided.	<b>Department Head</b>
1.1.3 If a request for access is approved, copies shall be made and provided once the file and/or information has been redacted, as needed. Only the information requested shall be provided. Faculty/staff do not have an unlimited right of access to student records, only that which is needed to perform the functions of their position.	<b>Faculty/Staff</b>
<b>1.2 Requests by Students</b>	
1.2.1 All requests must be made in writing.	<b>Students</b>
1.2.2 College staff will review the file and/or information being requested to determine if it contains any information that may not be appropriate to disclose (e.g. third party personal information).	<b>College staff</b>
1.2.3 Students may view their files within the College under strict supervision. Supervising staff are responsible for the safety and confidentiality of the file. No records may be removed from the file but students may request copies.	<b>College staff</b>
<b>1.3 Requests by Third Parties</b>	
1.3.1 All requests must be made in writing. The student completes the Confederation College Release of Information Authorization form (attached), signs and submits to the Registrar's Office.	<b>Student</b>
1.3.2 Registrar's Office staff will review the submitted Confederation College Release of Information Authorization form to determine the information being requested. The student file will be reviewed and the applicable information requested will be provided to the individual or organization identified on the form.	<b>Registrar's Office staff</b>

## 2. Record Keeping

### 2.1 Retention and Disposal of Records

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|-------|---|----------------------|
| 2.1.1 | Under FIPPA, the College is required to keep personal information for a minimum of one (1) year. Individual departments may have other standards provided they are documented and supported by legislation. | <b>College staff</b> |
| 2.1.2 | Beyond this minimum, records must be kept only as long as necessary to provide the student with appropriate support and other services.   | <b>College staff</b> |
| 2.1.3 | Under PHIPA, the College is required to keep personal health information for a minimum of ten (10) years.   | <b>College staff</b> |

### 2.2 Legal Holds

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|-------|---|--|
| 2.2.1 | Records that are related to actual or pending litigation or government investigation shall not be destroyed even if the retention period has expired. The legal hold begins from the moment a legal action or government investigation is reasonably foreseeable, and remains in effect until removed by the Executive Director, Organizational Effectiveness.  | <b>Staff,<br/>Executive Director,<br/>Organizational<br/>Effectiveness</b>   |
| 2.2.2 | Any employee that suspects that legal action or an investigation may be pending should ensure the their Department Head is aware of the matter. The Department Head is then required to inform the Executive Director, Organizational Effectiveness and the Vice President Academic. Steps should be taken to ensure the record(s) is/are maintained past the retention period in the case of records close to the end of the retention period. | <b>Staff, Department<br/>Head, Executive<br/>Director,<br/>Organizational<br/>Effectiveness, Vice<br/>President Academic</b> |

## RELATED POLICIES

- [1-1-02 Freedom of Information and Protection of Privacy](#)
- [1-1-04 Records Record](#)
- [5-5-04 Complaints Process \(Non-Academic\)](#)
- [7-3-01 Data Management](#)
- [7-3-02 Expectation of Privacy](#)

## RELATED MATERIALS

- [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#)
- [Personal Health Information Protection Act \(PHIPA\)](#)



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## RELEASE OF INFORMATION AUTHORIZATION

The Freedom of Information and Protection of Privacy Act (FIPPA) indicates that the College cannot disclose personal information to third parties, including family members, without the approval of the student. The purpose of this form is to grant such approval to the third party.

PLEASE PRINT

I, \_\_\_\_\_ (student name)

give Confederation College of Applied Arts and Technology permission to release information pertaining to my application, academic records, confirmation of enrollment and information regarding my progress as requested to the following:

List the Name/Organization this information can be released to:


Would you also like to release information regarding your OSAP Application to the individual(s) indicated above?

Yes  No

**If you answered Yes** to releasing information regarding your OSAP please provide your date of birth: \_\_\_\_\_

This authorization is valid until consent is withdrawn.

Please submit this form to The Information Hub in Thunder Bay or by email to [registrationservices@confederationcollege.ca](mailto:registrationservices@confederationcollege.ca)

STUDENT SIGNATURE:	Date:
STUDENT ID #:	

*This form is collected in accordance with sections 21, 39 and 43 of Freedom of Information and Protection of Privacy Act and under the legal authority of the Ministry of Training, Colleges and Universities Act, R.S.O. 1990, and the Ontario Colleges of Applied Arts and Technology Act, 2002, Regulations 34/03, and used for educational, administrative and statistical purposes of the College and/or Ministries and agencies of the Government of Ontario and the Government of Canada. Administrative purposes may include the disclosure to or on behalf of Student Union of Confederation College Inc (SUCCI) for the purposes of the activities of SUCCI, or to establish qualifications for benefits such as Drug Plan Card, U-Pass, and Foundation and Alumni activities, or for Key Performance Indicators (KPI) Survey. The College publishes the names of students who graduate and/or achieve academic excellence. Should you have any questions concerning your personal information, please contact the Registrar at (807) 475-6110.*