

## POLICY

<b>Policy Title</b>	Freedom of Information and Protection of Privacy
<b>Policy Holder</b>	Organizational Effectiveness
<b>Policy Approver(s)</b>	
<b>Related Policies</b>	
<b>Related Procedures</b>	
<b>Appendices</b>	Confederation College Privacy Statement Confederation College Online Privacy Statement
<b>Storage Location</b>	Website - <a href="https://www.confederationcollege.ca/policies-and-procedures">https://www.confederationcollege.ca/policies-and-procedures</a>
<b>Effective Date</b>	March 16, 2012
<b>Next Review Date</b>	

### Purpose

- 1.1 The purpose of this policy is to outline the principles associated with providing access to public information while protecting the privacy of personal information and the confidentiality of third party information, in accordance with government legislation.
- 1.2 In all cases, the provisions of the Acts and regulations supersede this College Policy, so any interpretations of this policy should be vetted through the FOI Coordinator.

### Definitions

**'the Acts'** refers to the Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act, 2004

**'FOI Coordinator'** the role of the FOI Coordinator is delegated by the prescribed "head" of the institution to the Manager, Human Resources Services.

**'Personal information'** means recorded information about an identifiable individual, including:

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education, health or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to the College by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the 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;

**'record'** means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- (b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of the College by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the College;

**'regulations'** means regulations passed under the authority of the Acts

## Policy Statements

### *Access to Information*

- 3.1. Every person has a right of access to a record or a part of a record in the custody or under the control of the College unless the record or part of the record contains personal information or falls within one of the exemptions listed below or provided for in the Acts, or unless the request for access is frivolous or vexatious.

### *Exemptions*

- 3.2. The College may refuse to disclose a record:
  - 3.2.1. where the disclosure could reasonably be expected to interfere with a law enforcement matter;
  - 3.2.2. where the disclosure could reasonably be expected to reveal information received in confidence from another government body or its agencies;
  - 3.2.3. that reveals a trade secret or scientific, technical, commercial, financial, or labour relations information;
  - 3.2.4. that contains information relating to specific tests or testing procedures or techniques that are to be used for an educational purpose;
  - 3.2.5. that is subject to solicitor-client privilege; or
  - 3.2.6. in accordance with any of the exemptions contained in the Acts and their regulations.

***Personal Privacy***

- 3.3. The College shall refuse to disclose personal information to any person other than the individual to whom the information relates except:
- 3.3.1. upon the prior written request or consent of the individual;
  - 3.3.2. in compelling circumstances affecting the health or safety of an individual; or
  - 3.3.3. otherwise in accordance with provisions of the Acts and their regulations.

In most circumstances where the College has released personal information without the prior consent of the individual, the College shall notify the individual of its release.

***Collection of Personal Information***

- 3.4. Personal information shall not be collected unless it is expressly authorized by statute, used for purposes of law enforcement, or necessary to the proper administration of a lawfully authorized activity.
- 3.5. Personal information shall only be collected by the College directly from the individual to whom the information relates unless:
- 3.5.1. the individual authorizes another manner of collection;
  - 3.5.2. the information is collected for the purpose of determining suitability for an honour or award to recognize outstanding achievement or distinguished service;
  - 3.5.3. the information is collected for the purpose of the conduct of a proceeding or a possible proceeding before a court of tribunal;
  - 3.5.4. the information is collected for the purpose of law enforcement; or
  - 3.5.5. otherwise in accordance with provisions of the Acts and their regulations.
- 3.6. Where personal information is collected, the College shall inform the individual to whom the information relates of:
- 3.6.1. the legal authority for the collection;
  - 3.6.2. the principle purpose or purposes for which the personal information is intended to be used; and
  - 3.6.3. the title, business address and business telephone number of the responsible administrator who can answer the individual's questions about the collection.

The College may provide the information required by this section in a variety of ways, including notices posted on the College's website, on application or other types of forms, or in the Student Handbook.

- 3.7. The College shall not use personal information in its custody or under its control except:
- 3.7.1. where the person to whom the information relates has identified that information in particular and consented to its use;
  - 3.7.2. for the purpose for which it was obtained or compiled or for a consistent purpose; or
  - 3.7.3. otherwise in accordance with provisions of the Acts and their regulations.

3.8. The College shall not disclose personal information in its custody or under its control except:

- 3.8.1. where the person to whom the information relates has identified that information in particular and consented to its disclosure;
- 3.8.2. for the purpose for which it was obtained or compiled or for a consistent purpose;
- 3.8.3. where the disclosure is made to a staff member, or consultant or agent engaged by the College, who needs the record in the performance of his or her duties and where disclosure is necessary and proper in the normal course of business;
- 3.8.4. in compassionate circumstances to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased; or
- 3.8.5. otherwise in accordance with provisions of the Acts and their regulations.

### ***Right of Access***

3.9. A person seeking access to a record shall:

- 3.9.1. make a request in writing to the Registrar for student record requests, the Clinic Manager for health record requests or to the Manager, Human Resources Services for all other requests;
- 3.9.2. provide sufficient detail to identify the record; and
- 3.9.3. pay the prescribed fee (if any).

3.10. Every individual has a right of access to:

- 3.10.1. any personal information about the individual contained in a personal information bank in the custody or control of the College ; and
- 3.10.2. any other personal information about the individual in the custody or control of the College with respect to which the individual is able to provide sufficiently specific information to render it reasonably retrievable by the College.

3.11. Every individual who is given access to personal information is entitled to:

- 3.11.1. request correction of the personal information where the individual believes there is an error or omission therein;
- 3.11.2. require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and
- 3.11.3. require that any person or body to whom the personal information has been disclosed within the year before the time a correction is requested or a statement of disagreement is required be notified of the correction or

statement of disagreement

3.12. The College may refuse to disclose to the individual to whom the information relates personal information:

- 3.12.1. where the disclosure would constitute an unjustified invasion of another individual's personal privacy;
- 3.12.2. that is evaluative or opinion material compiled solely for the purpose of

determining suitability, eligibility or qualifications for the awarding of government contracts and other benefits where the disclosure would reveal the identity of a source who furnished information to the College in circumstances where it may reasonably have been assumed that the identity of the source would be held in confidence.

- 3.12.3. if the information is supplied explicitly or implicitly in confidence and is evaluative or opinion material compiled solely for the purpose of:
  - 3.12.3.1. assessing the teaching materials or research of an employee of the College or of a person associated with the College;
  - 3.12.3.2. determining suitability, eligibility or qualifications for admission to an academic program of the College; or
  - 3.12.3.3. determining suitability for an honour or award to recognize outstanding achievement or distinguished service.
- 3.12.4. that is medical information where the disclosure could reasonably be expected to prejudice the mental or physical health of the individual; or
- 3.12.5. for any other reason as permitted or required under the Acts and their regulations.

#### ***Storage and disposal of Records***

- 3.13. All reasonable steps shall be taken to protect the security and confidentiality of personal information during its collection, storage, transportation, handling and destruction.
- 3.14. All reasonable steps shall be taken to ensure that when personal information is to be destroyed, it is destroyed in such a way that it cannot be reconstructed or retrieved.
- 3.15. Information collected or created by the College shall be maintained in accordance with legislative or other record retention requirements.
- 3.16. The College at its discretion may choose to destroy records it is no longer obliged to protect and retain.

#### ***Interpretations***

- 3.17. Where necessary, the Confederation College Privacy Statement (attached as Appendix 1) can be used in various College publications as appropriate.
- 3.18. Interpretations of this policy are administered by the FOI Coordinator.
- 3.19. Any decision regarding access to information or correction of personal information may be appealed to the Information and Privacy Commissioner of Ontario by filing an appeal and providing payment of the prescribed fees within prescribed timelines.

### **Non-Compliance**

Clearly describe consequences (legal and/or disciplinary) for employee non-compliance with the policy. It may be pertinent to describe the escalation process for repeated non-compliance

## Revision History

Version	Change	Author	Date of Change