

CR301 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Policy Title	Freedom of Information and Protection of Privacy
Policy Number	CR301
Owner	Senior Vice President, Corporate Services
Approved by	College Leadership Team
Effective Date	January 14, 2016
Reference	
Links to Other Policy	Academic Policy Manual Acceptable Use for Computing Policy Protection and Use of Personal Information (Employees)

St. Lawrence College is committed to making our resources usable by all people, whatever their abilities or disabilities. This document will be made available in alternative format upon request.

BACKGROUND

Definitions:

Word/Term	Definition
FIPPA	Freedom of Information (FOI) and Protection of Privacy Act
FOI Officer	Person responsible for the coordination of activities related to FIPPA. The role has been delegated by the President and CEO to the FOI Officer.
Record	Any record of information however recorded, whether in printed form, on film, or by electronic means (Appendix B)
Personal information	Any recorded information that can identify an individual (Appendix B). Information about individuals acting in their business or professional capacity such as name, title, work address, work telephone number, email address is NOT considered personal information.
Complete request	Request that contains all the information required by the College to find the record

Purpose:

1. **Access:** to provide the public with a right of access to information in the custody or under the control of institutions.
2. **Privacy:** to protect the privacy of individuals' personal information held by institutions and to provide a right of access by individuals to their own personal information.

The "information" refers to records within St. Lawrence College's custody or control and can include records in all formats and media – records containing personal information relating to individual faculty, staff and students, as well as records relating to St. Lawrence College's business operations and administration of academic programs, services and areas. St. Lawrence College records may be the subject of an access to information request under FIPPA, and may be required to be disclosed to requesters pursuant to specific exemptions and exclusions in FIPPA.

The Senior Vice President, Corporate Services is responsible for SLC's compliance under FIPPA and acts as the Freedom of Information Officer. As such, they will exercise discretion in interpreting what is and is not to be released based on knowledge and understanding of FIPPA and review of jurisprudence from decisions of the Privacy Commission.

Scope:

The contact to access public information held by the College, except for information which is excluded under FIPPA is:

Freedom of Information Officer
100 Portsmouth Avenue
Kingston, ON K7L 5A6
Privacyoffice@sl.on.ca
Telephone: (613) 544-5400 Ext. 1950

POLICY STATEMENTS

1. The College will comply with FIPPA, which gives members of the general public a legal right to access certain information held by the College as an agency of the Government. FIPPA also gives individuals the right to access their own personal information and establishes standards to ensure that this information is protected.
2. **Access to Information**
 - 2.1. Every person has the right to access a record or 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 or exclusions listed below or provided for in FIPPA and the regulations.
 - 2.2. A person seeking access to a record shall:
 - make a request in writing to the FOI Officer
 - provide sufficient detail to identify the record; and
 - pay the prescribed fee
 - 2.3. The College shall refuse to disclose personal information to any person other than the individual to whom the information relates except:
 - upon the prior written request or consent of the individual; subject to the exemptions and exclusions set out in FIPPA;
 - in compelling circumstances affecting the health or safety of an individual; or
 - in accordance with the provisions of FIPPA and the regulations
 - 2.4. Exemptions:
 - where the disclosure could reasonably be expected to interfere with a law enforcement matter;
 - where the disclosure could reasonably be expected to reveal information received in confidence from another government body or its agencies;
 - that reveals a trade secret or scientific, technical, commercial, financial, or labour relations information belonging to a third party;
 - that contains information relating to specific tests, testing procedures or techniques that are used in the evaluation of students;
 - that is subject to solicitor-client privilege; or
 - in accordance with any of the other exemptions or exclusions in FIPPA.
3. **Collection, Use and Disclosure of Personal Information**
 - 3.1. 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.

- 3.2. The College shall collect personal information necessary to accomplish the College's academic and operational activities. The College collects and uses personal information for the following purposes:
- recruitment, admission and registration, academic programs and evaluations, graduation
 - review, evaluation and improvement of academic and non-academic programs
 - financial assistance and awards
 - alumni, development and marketing activities
 - institutional planning, research and statistics
 - reporting to government agencies and professional licensing bodies
 - employment related matters
 - safety and security
 - promotion in its print electronic and internet publications
- 3.3. In order to facilitate these purposes and to develop, maintain and improve appropriate programs, policies and recruitment strategies, measure program performance, and evaluate future program needs, the College may aggregate or link personal information in different databases over which it has custody or control.
- 3.4. The College remains accountable for personal information under its control, including personal information which is disclosed to third parties for processing. The College will use contractual or other means to protect personal information that has been transferred to service providers for processing.
- 3.5. Personal information collected by the College may be collected, used and/or disclosed in other jurisdictions for processing, including in some cases to service providers located in the United States of America.
- 3.6. Personal information shall only be collected by the College directly from the individual to whom the information relates unless:
- the information is collected by a third party and disclosed to the College with the consent of the individual if required and in accordance with that third party's privacy policies
 - the individual authorizes another manner of collection;
 - the information is collected for the purpose of determining suitability for an honour or award to recognize outstanding achievement or distinguished service;
 - the information is collected for the purpose of the conduct of a proceeding or a possible proceeding before a court of tribunal;
 - the information is collected for the purpose of law enforcement; or

- otherwise in accordance with provisions of FIPPA and the regulations.
- 3.7. Where personal information is collected, the College shall inform the individual or appropriate parent/guardian to whom the information relates of the following:
- the legal authority for the collection;
 - the principal purpose(s) for which the information is intended to be used; and
 - the address and telephone number of an employee who can answer questions about the collection

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

- 3.8. Individuals have a right to "opt out" or withdraw consent to some or all uses and/or disclosures of their personal information. Depending on the use or disclosure in question, opting out or withdrawing consent may impact the College's ability to provide services to the individual, and may even prevent the individual from continuing as a student or employee of the College. The extent to which an opt-out request can be granted without impacting the College's ability to provide services to the individual will be assessed on a case by case basis. Inquiries regarding opt-out and withdrawal of consent should be addressed to the FOI Officer.

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

- 3.10. The College shall not disclose personal information in its custody or under its control except:
- where the person to whom the information relates has identified that information in particular and consented to its disclosure;
 - for the purpose for which it was obtained or compiled or for a consistent purpose;
 - 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;

- 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
 - otherwise in accordance with provisions of FIPPA and the regulations
- 3.11. FIPPA permits the disclosure of personal information to an institution or a law enforcement agency in Canada to help an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Any requests by police for information regarding students, faculty or staff are to be directed to the Freedom of Information & Privacy Protection Officer to determine what personal information can be released and maintain a record of the request.
- 3.12. FIPPA shall not preclude the College from giving access to information in response to an oral request or in the absence of a request. Any existing practice for the release of information, which is not personal in nature, may continue at the discretion of the responsible Vice President.
- 3.13. The College shall provide any person with a right of access upon request to his or her own personal information in the College's possession, provided it can be described with sufficient specific information to make it reasonably retrievable by the College. The right of access is subject to the exemptions and exclusions prescribed in FIPPA and the regulations.
- 3.14. Every individual who is given access to personal information is entitled to:
- request correction of the personal information where the individual believes there is an error or omission therein; and
 - require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made.
- 3.15. All reasonable steps shall be taken to protect the security and confidentiality of personal information during its collection, storage, transportation, handling and destruction. 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.
- 3.16. Information collected or created by the College shall be maintained in accordance with legislative or other record retention requirements.
- 3.17. The College at its discretion may choose to destroy records it is no longer obliged to protect and retain.

3.18. The College will provide information about its privacy policies and practices when and where appropriate, including by use of the Privacy Statement attached as Appendix C.

4. **Freedom of Information and Protection of Privacy Officer**

4.1. Under FIPPA, the person designated as head of that institution has the power and duty to make decisions on requests to access college records. The President and CEO is the head of St. Lawrence College and delegates these powers and duties to an officer of the College. The SR Vice President, Corporate Services will act as the Freedom of Information Officer (FOI Officer) and as such will make decisions on requests to access college records.

4.2. The FOI Officer shall be responsible for the coordination of activities related to FIPPA.

4.3. The FOI Officer shall be the contact person for all public inquiries regarding FIPPA. The officer shall review all requests for access and rule on refusals, exemptions, transfers severance and third party notification. The FOI Officer will rely on his/her knowledge of FIPPA and seek legal counsel if necessary to ensure that the College is in compliance with the legislation.

4.4. Each area of the College shall name a Records Officer who will coordinate the search and the release of records to the FOI Officer, at his/her request. The areas of the College are:

- President/Board of Governors
- Academic
- Corporate Services
- Advancement, External & Student Affairs
- Financial Services
- Alumni & Development
- Human Resources
- Student Services
- Registrar
- ITS

4.5. The FOI Officer shall document information on all requests received, the rationale for decisions on access and the disposition of the requests. A tracking and recording system will be used to ensure that all requests are processed within the established time limits and to generate the statistics for the annual

report to the Commissioner. The FOI Officer will work with the Information and Privacy Commissioner during any investigation of a privacy complaint/breach.

- 4.6. The FOI Officer shall require the assistance of the President and the Senior Vice Presidents to monitor compliance with the FIPPA privacy provisions and the notification requirements in FIPPA and in this Policy.

POLICY REVISION DATE

January 2021

SPECIFIC LINKS

[IPC \(Information and Privacy Commissioner of Ontario\)](#)

[IPC Best Practices and Professional Guidelines](#)

[Personal Health Information Protection Act \(PHIPA\)](#)

[Freedom of Information and Protection of Privacy Act \(FIPPA\)](#)

[FIPPA FAQ's](#)

APPENDIX A

Procedure

<u>Action</u>	<u>Responsibility</u>
1. Receipt of Request	
1.1 Submit written request to access information under FIPPA, including those from the Ministry or other government agency, to: Freedom of Information Officer 100 Portsmouth Avenue Kingston, ON K7L 5A6 Privacyoffice@sl.on.ca Telephone: (613) 544-5400 Ext. 1950	Requester
1.2 With the written request, include sufficient details to identify the record being sought and pay the prescribed fee of \$5.00.	Requester
1.3 Log the request from the date the College has received it.	Executive Assistant, FOI Officer
1.4 If the request is not clear and additional information is needed, within the thirty-day deadline, ask the requester for additional information to find the record. The time limit will be suspended until the FOI Officer receives written notice of the additional information needed to continue with the search or to discontinue the search.	FOI Officer
2. Search for Record	
2.1 With sufficient information to locate the record, forward the request to the Records Officer for the Area concerned, along with time remaining to comply with the request.	FOI Officer
2.2 When an Area receives a request: <ul style="list-style-type: none"> a. conduct a search for the requested record; 	Records Officer

- b. determine whether the information requested can be retrieved in whole or in part;
 - c. estimate the time and cost needed to search for, retrieve and prepare the information for release;
 - d. forward the information with a recommendation for or against disclosure to the FOI Officer for his/her approval.
- 2.3 Review the request, the information retrieved and the recommendation for release of the information. FOI Officer
- 2.4 Provide the Records Officer a written approval to release the information along with the information retrieved or a written refusal, along with the reasons within the thirty-day deadline. FOI Officer

3. Release of Information

- 3.1 If the search, preparation and photocopying of the records are needed, notify the requester in writing advising of the fee estimate. If the fee estimate is over \$100.00, a deposit equal to 50% of the fee estimate will be required before processing the request. Upon completion of the request, inform the requester of any additional amount outstanding. The records will not be released until payment has been received in full by the College. FOI Officer
- 3.2 If access to the records is to be provided, release the information to the requestor within 30 calendar days after a 'complete request' has been received by the College. FOI Officer
- 3.3 If access to the records is denied, within 30 calendar days after a 'complete request' has been received by the College send a letter to the requester indicating the reasons for refusal and his/her right of appeal to the Commissioner for review of the decision. FOI Officer

APPENDIX B

SELECTED DEFINITIONS FROM FIPPA

1. “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 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 an institution 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.

2. “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 an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution; (“document”)

APPENDIX C

St. Lawrence College Privacy Policy

Personal information collected on this website or by email is done in accordance with sections 21, 39 and 49 of the 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, Regulation 34/03, and may be used and/or disclosed for administrative, statistical and/or research purposes of the College and/or the ministries or agencies of the Government of Ontario and the Government of Canada.

If you have any questions concerning the collection and use of personal information, please contact the Senior Vice President, Corporate Services, at 613-544-5400 x 1950 or email Privacyoffice@sl.on.ca.

The mailing address for St. Lawrence College is 100 Portsmouth Avenue, Kingston, Ontario, K7L 5A6.