

Freedom of Information and Protection of Privacy Policy

Category:	Privacy
Number:	PR1
Responsibility:	President/Director of Information Technology
Approval:	Administration, April 2016
Amendments:	Every 5 years or as circumstances or legislation warrant

PURPOSE

Algoma University affirms the importance of conducting its operations as far as possible in ways that are open to public scrutiny. Algoma University is also committed to the protection of privacy and personal information of individuals who work and study at the University. Accordingly, the University will provide access to public information held by the University while protecting the privacy of personal information in compliance with the Freedom of Information and Protection of Privacy Act (FIPPA).

SCOPE

This policy applies to all Algoma University personnel and third party service providers whom it has retained to support the delivery of its operations. This policy applies to all records in the custody or control of the University, including those records relating to the operation and administration of the University and those records containing information relating to administration, faculty, staff, and students individually.

This policy does not apply to:

- 1) Records placed in the University Archives by or on behalf of a person or organization other than the University;
- 2) Records collected, prepared, maintained or used by or on behalf of the University in relation to any of the following, subject to exceptions pursuant to the Act:
 - a) Proceedings or anticipated proceedings before a court, tribunal or other entity relating to labour relations or to the employment of a person by the University,

- b) Negotiations or anticipated negotiations relating to labour relations or to the employment of a person by the University between the University and a person, bargaining agent or party to a proceeding or an anticipated proceeding,
 - c) Meetings, consultations, discussions or communications about labour relations or employment-related matters in which the University has an interest,
- 3) A record respecting or associated with research conducted or proposed by an employee of the University or by a person associated with the University, subject to exceptions pursuant to the Act; or
 - 4) A record of teaching materials collected, prepared or maintained by an employee or by a person associated with the University for use at the University, subject to exceptions pursuant to the Act.

DEFINITIONS

FIPPA	Freedom of Information and Protection of Privacy Act.
FIPPA Coordinator	The person responsible for the coordination of activities related to FIPPA.
Record	Any record of information, however recorded, whether in printed form, on film, or by electronic means.
Personal Information	Any recorded information that can identify an individual.

POLICY

1. The University will comply with FIPPA, which provides individuals with a legal right to access their own personal information, and provides the general public with access to certain information held by the University. FIPPA also establishes standards to ensure that this information is kept protected.

Access to Information

2. Every person has the right to access a record, in whole or in part, under the control of the University, unless it contains personal information or falls within an exclusion provided for in FIPPA. A person seeking access to a record must:

- 1) Make the request in writing to the FIPPA Coordinator
- 2) Provide adequate detail to identify the record(s)
- 3) Pay the prescribed fee

The University will only disclose personal information to the person to whom the information relates. The following exceptions apply:

- 1) Written consent of the individual is provided authorizing the release
- 2) Compelling circumstances affecting the health and/or safety of an individual

- 3) Any other exclusions set out in FIPPA

The University will refuse to release record(s) where the disclosure:

- 1) Could reasonably be expected to interfere with a law enforcement matter
- 2) Could reasonably be expected to reveal information received in confidence from another government body or its agencies
- 3) Could reveal a trade secret or scientific, technical, commercial, financial, or labour relations information belonging to a third party
- 4) Contains information related to tests or testing procedures used in the evaluation of students
- 5) Is subject to solicitor-client privilege
- 6) Belongs to any other exclusion set out in FIPPA

Collection, Use and Disclosure of Personal Information

3. Personal information will not be collected by the University unless it is expressly authorized by statute or used for purposes of law enforcement. Only personal information necessary to accomplish the University's operational activities will be collected.

The University remains accountable for personal information under its control, and will use contractual means to protect personal information that has been transferred to service providers. In some cases, service providers are located outside of Canada.

When personal information is collected, the University will inform the individual of the following:

- 1) The legal authority used for the collection
- 2) The purpose for the collection and how the information is intended to be used
- 3) Contact information for a University employee who can answer inquiries about the collection

The University will not use personal information under its control except where the individual has given consent for the purpose for which it was obtained.

The University will not disclose personal information under its control except where the individual has given consent for the purpose for which it was obtained, or where the disclosure is made to University personnel, or consultants engaged by the University, who requires the information to perform their duties. The University may also disclose personal information on compassionate grounds to facilitate contact with a family member of an individual who is injured, ill, or deceased. The University may also disclose personal information to Canadian law enforcement agencies to assist with investigations.

Upon request, the University shall provide an individual with access to their own personal information in its possession, provided enough information is described to make it reasonably retrievable. This access is subject to the exemptions and exclusions set out in FIPPA. Where an individual believes there is an error or omission of said personal information is entitled to request a correction. If such a request for correction is not made by the University, the individual is entitled to attach a statement of disagreement to the information in question.

The University will take all reasonable steps to protect the security and confidentiality of personal information during its collection, storage, handling, transportation, and destruction.

At its discretion, the University may destroy records it is no longer obliged to protect. When records are destroyed, the University will take all reasonable steps to destroy the information in such a way it cannot be retrieved.

Freedom of Information and Protection of Privacy Coordinator

4. Under FIPPA, the designated executive head of the University, the President, has the power and duty to make decisions on FIPPA requests. The President shall delegate these powers and duties to an officer of the University, the Director of Information Technology, who will act as the FIPPA Coordinator and be responsible for the coordination of activities related to FIPPA.

The FIPPA Coordinator shall be the contact person for all public inquiries regarding FIPPA. He/she shall document information on all requests received, ensure all requests are processed within established time limits, and generate annual statistics for the Privacy Commissioner. The FIPPA Coordinator will rely on his/her knowledge of FIPPA and seek legal counsel if necessary.

PROCEDURES

Responsible	Action
Requestor	Submit a written FIPPA request to: Freedom of Information Coordinator 1520 Queen St. East Sault Ste. Marie, Ontario, P6A2G4 FIPPA@algonau.ca
Requestor	Pay the prescribed fee of \$5.00
<i>Note: The following must be completed within 30 days, except for larger or more complex requests in which the search would unreasonably interfere with University operations, or consultations with an outside party are required.</i>	
FIPPA Coordinator	Document the request and all subsequent related actions. If the request is not clear, ask the requestor for additional information. <i>Note: The 30 day time limit will be suspended until the additional information is received.</i> Determine whether the information can be retrieved in whole or in part, and estimate the time and cost needed to search, retrieve, and prepare the information for release. Forward this information along with a recommendation to the VP Finance for decision.
VP Finance Admin	Review the request and information collected by the FIPPA Coordinator and provide the FIPPA Coordinator with either a written approval or written refusal supported by rationale.

FIPPA Coordinator

If the request has been approved, send written notice to the requestor advising them of the approval and fee estimate. Upon receiving payment, release the information to the requestor.

If the request has been refused, send written notice to the requestor indicating the reasons for refusal and inform them of their right of appeal to the Commissioner.

APPENDIX A:

Access to Information and Correction of Personal Information Request Form

Please Note: a \$5.00 application fee is required to process all requests (cheque or money order, payable to ALGOMA UNIVERSITY).

Request for (check one only):	Name of Algoma University office to which your making your request:
<input type="checkbox"/> Access to General Records	<input type="checkbox"/> Office of the President
<input type="checkbox"/> Access to Personal Information	<input type="checkbox"/> Office of the Academic Dean
<input type="checkbox"/> Correction of Own Personal Information	<input type="checkbox"/> Registrar
	<input type="checkbox"/> University Services
	<input type="checkbox"/> Other (please specify):

Last Name:		
First Name:	Middle Name:	
Street, address, apartment:		
City/town:	Province:	Postal Code:
Telephone Number:	Email (optional):	
If request is for access to, or correction of, own personal information records: Last name appearing on records <input type="checkbox"/> same as above, or (specify):		

Detailed description of requested records, personal information or personal information to be corrected: (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the personal information, if known.)

Note: if you are requesting a correction of personal information, please state the desired correction and, if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

Preferred method of access to records:	<input type="checkbox"/> Examine Original <input type="checkbox"/> Receive Copy	Signature:	Date:
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<i>For Algoma University Use Only</i>				
Received by Office:				Signed for by:
Date Received	Day:	Month:	Year:	Request Number (YYYY-###):
Delegated to:				
Comments:				

NOTE: Pursuant to Freedom of Information and Protection of Privacy Act, fees will be charged for activities which are required to process your request. Some examples are:

- a search charge for every 15 minutes of manual search required to locate a record;
- costs incurred in locating, retrieving, processing or copying a record, or in preparing the record for disclosure; postage and shipping costs where applicable.
- See the form FIPPA Fees for specific charges which may apply.

For more information, please go to: http://www.elaws.gov.on.ca/DBLaws/Regs/English/900460_e.htm.

APPENDIX B:

FIPPA FEES

As specified FIPPA regulation 460 (R.R.O. 1990, Regulation 460)

Persons making a request for access to information or correction of personal information **are required** by the ***Freedom of Information and Protection of Privacy Act (FIPPA)*** to pay fees for the activities required to process their request, as shown below. Payment should be made by cheque or money order, payable to ALGOMA UNIVERSITY.

If a person is required to pay a fee for access to a record, Algoma University may require the person to do so before giving the person access to the record. For further information, please see FIPPA regulation 460 (R.R.O. 1990, Regulation 460) or online at: http://www.e-laws.gov.on.ca/DBLaws/Regs/English/900460_e.htm.

<i>Fees for access to general information</i>	
Application fee	\$5.00
Photocopies and computer printouts	\$0.20 per page
Manually searching for a record	\$10 per disk
Preparing a record for disclosure, <u>including</u> severing part of a record	\$7.50 for each 15 minutes (\$30 per hour) spent by any person
Developing a computer program or other method of producing a record from a machine-readable record	\$15 for each 15 minutes (\$60 per hour) spent by any person
Costs, including computer costs, incurred to locate, retrieve, process and copy record(s) as specified in an invoice received by Algoma University	Actual costs
<i>Fees for access to personal information</i>	
Application fee	\$5.00
Photocopies and computer printouts	\$0.20 per page
Disks	\$10 per disk
Developing a computer program or other method of producing a record from a machine-readable record	\$15 for each 15 minutes (\$60 per hour) spent by any person
Costs, including computer costs, incurred to locate, retrieve, process and copy record(s) as specified in an invoice received by Algoma University	Actual costs

Fee Deposit: University may require requester to pay 50% of the total estimated fee if it is \$100 or more.

Fee Refund: University will refund any fee deposit that is subsequently waived, if it is waived.

