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INTRODUCTION

Brock University has always operated in an open, accessible, accountable, and responsible manner when providing individuals with a general right of access to information and while protecting the privacy rights of individuals.

The *Freedom of Information and Protection of Privacy Act* (FIPPA) has been a part of Ontario legislation since 1988. On June 10, 2006, this legislation was amended to include all universities in Ontario. The University's previous Freedom of Information and Protection of Privacy policy has been revised to comply with the amendments to FIPPA.

PURPOSE

The purpose of this policy is:

- To clarify the scope of the policy;
- To provide definitions of terms commonly used in FIPPA;
- To outline responsibilities regarding access to information and protection of privacy.

SCOPE

This policy applies to all members of the University community, including, but not limited to students, employees, former employees, third parties, and members of committees who have access to records under the custody and control of Brock University. This policy is intended to complement, not detract from Provincial or Federal legislation or any collective agreements in place at the University adopted under the authority of the Board of Trustees.

Where this policy conflicts with legislation, collective or other existing agreements, the legislation and agreements will take precedence over this policy.

DEFINITIONS

Record

Any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and including but not limited to: 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.

Custody or Control of Records

Custody means the keeping, care, watch, preservation or security of a record. Physical possession of a record is the best evidence of custody. Control means the power or authority to manage the record throughout its life cycle, including decisions about the use or disclosure of the record. Evidence of control is the power to decide how records in the University's custody are classified and organized, how long they are retained, or their final disposition. As a general rule, when the University does not have physical possession of the record but an employee has custody at home, the University still has control of the record.

Personal Information

Personal Information means recorded information about an identifiable individual, including, but is not limited to such basic details as name, home address, telephone numbers, gender, age and marital or family status, race, national or ethnic origin, colour, religious or political affiliations, employee history, employee number, student number, health information, educational history, disabilities, blood type, financial history, criminal history, other persons' opinions about an individual, an individual's private views or opinions, and name, address and phone number of parent, guardian, spouse or next of kin.

Personal information does not include the name, title, business address, and business contact numbers of an employee. The personal information exemption expires for individuals deceased more than 30 years.

POLICY

1. FIPPA is enforced through the office of the *Information and Privacy Commissioner* (IPC) of Ontario. Decisions of the University are subject to independent review by the IPC. Failure to comply with FIPPA may result in a loss of reputation and/or fines.
2. FIPPA recognizes the University's legitimate need to collect personal information in order to carry out its mandate under the authority of *The Brock University Act*. FIPPA creates a general right of access to information under the custody and control of the University as broadly defined, and protects the personal privacy of individuals. Access to information is subject to limited and specific exemptions, some of which are mandatory while others are discretionary. In addition, there are certain exclusions where FIPPA does not apply. FIPPA outlines requirements for the collection, use, disclosure, retention and disposal of personal information.
3. The President and Vice-Chancellor is responsible for insuring that the University is in compliance with FIPPA. The Secretary to the University has been delegated the role of University Privacy Commissioner by the President and Vice-Chancellor, with the primary responsibility for administering FIPPA. The Freedom of Information and Privacy Coordinator is responsible for receiving and processing all formal requests for information received by the University under FIPPA.

4. The Vice-Presidents and Unit heads have the responsibility to:
 - communicate this policy to all employees in their unit and to create an awareness of their responsibilities;
 - establish and maintain policies and procedures within their units to:
 - provide access to/and disseminate public information as a normal part of operations;
 - ensure that personal information is protected in accordance with FIPPA at all times, including collection, use, disclosure, retention and disposal;
 - direct all formal requests for information made under FIPPA to the Freedom of Information and Privacy Coordinator;
 - ensure that the Freedom of Information and Privacy Coordinator has access to all information, records, systems, property and personnel in a timely manner as necessary to perform his/her duties including but not limited to: creating a directory of records; creating personal information banks; and processing formal FIPPA requests;
 - co-operate with the Secretary to the University and the Freedom of Information and Privacy Coordinator to address all formal FIPPA requests on a timely basis.

5. Employees who have access to records have the responsibility to:
 - provide access to/and disseminate public information as a normal part of operations;
 - follow established policies and procedures to ensure that personal information is protected at all times, including collection, use, disclosure, retention and disposal;
 - follow established policies and procedures to ensure the correction of personal information;
 - direct all formal requests for information made under FIPPA to the Freedom of Information and Privacy Coordinator;
 - co-operate with the Secretary to the University and the Freedom of Information and Privacy Coordinator to address all formal FIPPA requests on a timely basis.

6. Failure of employees to adhere to this policy could result in the misuse of information and potentially a breach of confidentiality. In such cases the individual may be subject to disciplinary action. Employees are encouraged to contact the Freedom of Information and Privacy Coordinator and/or the Secretary to the University if they have any questions about this policy or FIPPA.

REFERENCES:

- *Freedom of Information and Protection of Privacy Act (FIPPA), R.S.O. 1990, c.F.31*
- *Personal Health Information Protection Act (PHIPA), 2004 S.O. 2004, c. 3 Schedule A*
- *The Brock University Act, 1964*

RELATED POLICIES:

- Procedure: Handling Personal Information
- Access to Student Records and Disclosure of Information Policy
- Code of Student Conduct and Disciplinary Procedures in Non-Academic Matters
- Respectful Work and Learning Environment Policy
- Electronic Mail Policy
- Computer Use Policy
- Software License Policy
- Student Health Services Privacy Statement