

Policy on Freedom of Information and Protection of Privacy

Office of Administration:	University Secretary and General Counsel
Approval Authority:	President and the Executive Team
Approval Date:	June 28, 2012
Next Review:	June 28, 2017
Review History:	N/A

1. Purpose

- 1.1 To ensure that Laurentian University of Sudbury (“the University”) complies with the *Freedom of Information and the Protection of Privacy Act* (“FIPPA”) as it relates to access to general information and the protection of personal information under its custody and control.

2. Scope

- 2.1 The policy applies to all administrators, faculty, staff, students, contractors, and volunteers of the University, and its affiliates, who have access to general and personal information.
- 2.2 Service providers who collect or process personal information on behalf of the University are required to comply with FIPPA, any other applicable privacy legislation, and this Policy.

3. Definitions

- 3.1 “Personal Information” means recorded information about an identifiable individual, including:
- 3.1.1 information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
 - 3.1.2 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;
 - 3.1.3 any identifying number, symbol or other particular assigned to the individual;
 - 3.1.4 the address, telephone number, fingerprints or blood type of the individual;
 - 3.1.5 the personal opinions or views of the individual except if they relate to another individual;

- 3.1.6 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;
 - 3.1.7 the views or opinions of another individual about the individual; and
 - 3.1.8 the individual's name if it appears with other private information relating to the individual or where disclosure of the name would reveal other private information about the individual.
- 3.2 "Record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:
- 3.2.1 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
 - 3.2.2 any record that is capable of being produced from a machine readable record under the control of the University by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

4. Policy Statement

- 4.1 The University is committed to creating a general right of access to information under its custody and control in a manner is consistent with the principle that the necessary exemptions from the general right of access should be limited and specific.
- 4.2 Access to records under the University's custody and control shall be granted unless the University deems that the request for access falls within one of the exemptions under FIPPA or is frivolous or vexatious based on reasonable grounds.
- 4.3 The University is committed to the protection of the personal information of individuals who are employed, study or volunteer at the University. Personal information shall be collected and recorded as is necessary or desirable for the proper administration of the University.
- 4.4 The University shall use personal information for the purpose for which it was obtained or compiled, or for a consistent purpose, where the individual has identified that information and consented to its disclosure and shall not disclose personal information except in accordance with the provisions of FIPPA.
- 4.5 Access to and disclosure of personal information under the custody and control of the University to administrators, faculty, staff, students, contractors and volunteers of the University shall be restricted to those who require the information in the performance of their duties and where disclosure to the University administrator, faculty member, staff

member, student, contractor or volunteer is necessary and proper in the discharge of the institution's function.

- 4.6 With some limited exceptions, individuals have a right to access and to request correction of their own personal information.
- 4.7 As it relates strictly to FIPPA, personal information that has been used by the University shall be retained for at least one (1) year after use unless the individual to whom the information relates consents to its earlier disposal. Only a Department head can authorize the destruction of records containing personal information.
- 4.8 The President and Vice-Chancellor is the head of the University and has the authority and responsibility for implementation of this Policy. The President and Vice-Chancellor has delegated this responsibility to the University Secretary and General Counsel, who acts as the University Information and Privacy Coordinator.
- 4.9 All administrators, faculty, staff, supervisors, contractors and volunteers of the University who have access to general and personal information have a responsibility to ensure that they are in compliance with FIPPA and are required to protect the privacy of individuals and to exercise the utmost caution when handling personal information. Department/Units/Faculties/Schools shall not release personal information to external or third party inquiries without the authorization of the individual to whom the information pertains, except where information is a matter of public record.
- 4.10 All formal requests for Access to Information made under FIPPA and all requests for access to information made by law enforcement shall be forwarded to the University Secretary and General Counsel, who acts as Information and Privacy Coordinator.
- 4.11 Any suspected or confirmed privacy breach must be reported to an immediate supervisor who then shall contact the Information and Privacy Coordinator.
- 4.12 Personal information collected by University health information custodians shall be managed in accordance with the requirements of the Ontario *Personal Health Information Protection Act* ("PHIPPA").
- 4.13 Personal information collected for any primary commercial purpose shall be managed both in compliance with FIPPA and the *Personal Information Protection and Electronic Documents Act* ("PIPEDA").
- 4.14 Failure to adhere to this Policy could result in misuse of information and/or a breach of privacy and shall be subject to disciplinary action.