



College Policy & Procedures Manual	
Category	Legal
Policy #	3.4.1

3.4.1 Freedom of Information & Protection of Privacy

POLICY

The College of the Rockies is committed to protecting the privacy of individuals who work and study at the College or otherwise engage with the College, and collects, creates, uses, maintains, discloses and disposes of information in compliance with the [Freedom of Information and Protection of Privacy Act of British Columbia](#).

PURPOSE

This policy provides the necessary guidelines to ensure the protection of privacy for College employees, students and contractors and to comply with the Act regarding the use or collection of their personal information.

SCOPE

This policy applies to all personal information and records, in any format, in the custody or under the administration of College of the Rockies.

DEFINITIONS

Employee: in relation to a public body, includes; a volunteer or service provider.

FOI Coordinator: is the Freedom of Information Coordinator, as designated by the President, who manages Freedom of Information (FOI) requests.

Freedom of Information and Protection of Privacy Act of British Columbia (FIPPA):

An act covering all British Columbia government public bodies, making them more open and accountable by providing the public with a legislated right of access to government records as well as protecting the public's right to personal privacy by prohibiting the unauthorized collection, use or disclosure of personal information by public bodies. The Act, amended S.B.C. 1993, c. 46 became law on October 4, 1993. The College of the Rockies came under the Act effective November 14, 1994.

Head: as defined by the Act is the President of the College.

Personal Information: is any information about an identifiable individual such as name, address, telephone number, race, national or ethnic origin, colour, political or religious beliefs or associations, age, sex, sexual orientation, marital or family status, any identifying number or symbol assigned to an individual and an individual's fingerprints, blood type or inheritable characteristics. It includes an individual's personal history regarding finances, education, health, criminal records, and employment. The Act also extends to include anyone else's opinion about the individual, as well as, the individual's personal views or opinions, unless they are about someone else. It involves information collected verbally as well as in writing.

Privacy Impact Assessment (PIA): is an analysis of how personally identifiable information is collected, used, shared, and kept when developing or redesigning existing projects, initiatives or systems to eliminate or minimize the privacy risks for an organization, and the activity meets or will meet the requirements of Part 3 of the Act.

Public Body: includes a ministry of the government of British Columbia, an agency, board, commission, corporation, office or other body designated in, or added by regulation to, Schedule 2 of the Act, or a local public body but does not include the office of a person who is a member or officer of the Legislative Assembly, or the Court of Appeal, Supreme Court or Provincial Court.

Records: includes books, documents, maps, drawings, photographs, letters, papers, vouchers and any other thing on which information is recorded or stored by graphic, electronic, mechanical, or any other means, but does not include a computer program or any other mechanism that produces records.

Service Provider: means a person retained under a contract to perform services for a public body.

Student: includes applicants, current registered students and alumni.

Third Party: is any person, group of persons, or organization, other than the person who made the request, or a public body.

GUIDELINES

College of the Rockies collects personal information.

A. Collection, Accuracy, Retention & Security

The College is required by legislation to:

- Collect personal information only for purposes authorized under ss. 26 of FOIPPA
- Collect personal information directly from the individual the information is about unless another method of collection is authorized by that individual, the commissioner under section 42 (1) (i) of the Act, or another enactment. A Freedom of Information notice of use must be included on the collection form that the individual is asked to complete.
- Notify individuals about the authority for and purpose of collecting their personal information unless notice is not required in limited and specific circumstances under the Act;
- Use personal information only for the purpose for which it was collected, for a consistent purpose, for another purpose to which the individual has given express consent, or for a specific purpose set out in the Act;
- Make reasonable efforts to ensure that the personal information they collect for decision-making purposes is accurate and complete;
- Retain personal information used for decision-making purposes for a reasonable period of time (minimum of one (1) year) so that individuals may exercise their rights of access;
- Make reasonable security arrangements (e.g. password protections or locked storage) to protect personal information in their custody or under their control; and
- Allow individuals access to their own personal information.

B. Access to and Disclosure of Information and Protection of Privacy

The principles underlying the legislation are to make public organizations more accountable to the public and to protect personal privacy by:

- Giving the public a right of access to records in the custody of, or under the control of the College;
- Giving individuals a right of access to, and a right to request correction of personal information about themselves;
- Specifying limited exceptions to the right of access where disclosure would result in harm to a third party;

- Preventing the unauthorized collection, use, or disclosure of personal information;
- Providing for an independent review of decisions made under the Act;
- Giving access as appropriate to an individual who is a service provider of the public body, or an employee or associate of such a service provider, if the information is necessary for the performance of the duties of the individual in relation to the public body;
- Giving access as appropriate to another individual or organization where consent to disclose is provided;
- Disclose personal information as appropriate to a public body or a law enforcement agency in Canada to assist in a specific investigation.

As per Section 74.1.5 of the Act, there are penalties in place for Privacy protection offences/unauthorized disclosure of personal information.

C. Privacy Impact Assessment

The College must conduct a Privacy Impact Assessment (PIA) when developing or redesigning existing projects, initiatives or systems with privacy implications. The College will conduct a PIA in accordance with the Act, as administered by the FOI Coordinator.

D. Role of College Officials

The President is responsible for all decisions related to granting access to information and correcting personal information or for a request being denied.

The Freedom of Information & Protection of Privacy (FOI) Coordinator is delegated the responsibility to manage compliance with the legislation and respond to access requests, provide advice and training, and make recommendations to the President.

Decisions made by the President and/or the Coordinator can be appealed to the Information & Privacy Commissioner through a request for review process.

E. Handling Requests

A formal request under the Freedom of Information Act must be in writing.

When a request is received anywhere in the College, it will be forwarded to the FOI Coordinator on the same day or in the case of regional campuses, electronically on the same day. The College of the Rockies has 30 calendar days to respond to a request.

Questions as to whether a specific request pertains to the Act are to be referred to the FOI Coordinator.

F. Locating the Records

The FOI Coordinator forwards the request to the applicable department. The department has five (5) working days to locate the records relevant to the request. This includes the work day the request arrives and the final day in which to turn over the information to the FOI Coordinator.

Where records do not exist, or have been destroyed, the department contact returns the request to the FOI Coordinator with an explanation.

Where records are solely stored electronically, in compliance with the Act a new hard copy of the record will have to be created.

G. Extension of Time

Subject to specific and limited circumstances, the President may extend the time for response. The extension is limited to thirty (30) calendar days.

H. Third Party Notice

Where a formal request involves a third party's business interests or invades the personal privacy of a third party, the applicant is notified and the thirty (30) day time limit runs from the date of third party notice. At the same time, third parties are notified by the FOI Coordinator and have twenty (20) days to make representations. The College of the Rockies has 10 days to consider the third party's representation and respond.

I. Fees

Fees will be charged in accordance with the fee schedule established under the Regulations pursuant to the Act.

J. Exceptions

There are limited and specific circumstances under which the College may withhold

information. These are called exceptions and are either mandatory or discretionary as described in the associated Regulations of the Act.

K. Correction of Personal Information

The Act provides that:

- An applicant may request correction of personal information held by the College, by contacting the FOI Coordinator.
- A correction of factual information requires proof of similar quality to the information that was required initially.
- The College may revise an opinion if the original opinion was based on incorrect or incomplete information.
- If the President decides not to correct personal information, the President annotates the information to indicate that a correction was requested but not made.
- The President notifies other public bodies or third parties about a correction or annotation if the personal information was disclosed to the other public body or the third party during a one-year period before the correction was requested.