



## ACCESS TO INFORMATION AND PROTECTION OF PRIVACY POLICY AND PROCEDURES

### PURPOSE

To provide policies which are consistent with the Nipissing University Act and the Freedom of Information and Protection of Privacy Act regarding access to general information and the protection of personal information held by the university about students, employees or persons whose contractual arrangements are administered by the University and where the University has custody or control of the information.

### RESPONSIBILITY

The Access & Privacy Officer is responsible for ensuring the implementation of this policy.

Employees are responsible for maintaining the confidentiality of general and personal information according to the policies below and they are required to ensure that personal information is maintained in a secure environment.

Employees should consult, as needed, with the University's Access & Privacy Officer about the disclosure of confidential and personal information.

### SCOPE

This policy applies to all employees of the University who have access to general and personal information.

### DEFINITIONS

The terms below are those used in the Freedom of Information and Protection of Privacy Act. The definitions use examples from the university community to help illustrate their meaning. The following definitions describe the types of information which must not be disclosed to persons other than those who are authorized to have access:

**Personal Information:** means recorded information about an identifiable individual which includes, but is not limited to, names, home addresses and telephone numbers, age, sex, marital or family status, identifying number, race, national or ethnic origin, colour, religious or political beliefs or associations, educational history, medical history, disabilities, blood type, employment history, financial history, criminal history, anyone else's opinions about an individual, an individual's personal views or opinions, and name, address and phone number of parent, guardian, spouse or next of kin.

**Educational History:** includes course grades, grade point average, academic status, graduation status, other institutions attended, admission status, course schedule and course registration status.

**Financial History:** includes information about beneficiaries, insurance, benefits and debts.

**Employment History:** includes personal recommendations or evaluations, character references or personnel evaluations, letters of discipline and reprimand and reasons for termination.

**Medical History:** includes health care history relating to medical, psychiatric or psychological diagnosis, condition, treatment or evaluation.

**Law Enforcement:** includes disciplinary investigation or proceedings that lead or could lead to a penalty or sanction being imposed and policing.

## RELATED DEFINITIONS

**First Party:** means the applicant (i.e. individual or organization) requesting access to information.

**Second Party:** means the University.

**Third Party:** means any person or organization to whom the information relates other than the applicant.

## POLICY

### A. Access to Information

1. The University supports the public's right of access to information and the individual's right of access to, and the right to request correction of, personal information about him/herself.
2. The University will provide routine access to information informally upon request, or actively disseminate information, using existing policies and procedures.
3. A person has a right of access to any record in the custody or under the control of the University, including a record containing personal information about the applicant.
  - i) A record is any information, however recorded, whether in printed form, on film, by electronic means or otherwise. *The Freedom of Information and Protection of Privacy Act provides a more detailed definition in Section 2.*
4. The right of access does not extend to information exempted from disclosure under the Act (*see sections of the Act that refer to Exemptions*).
5. The right of access to a record may be subject to the payment of any fee required according to University policy or practice for informal access requests and for a formal access request as outlined in the Fee Schedule

## **B. Protection of Personal Privacy**

### *Collection*

6. The University will use appropriate notice and method of collection when collecting personal information about students, employees, graduates or others as provided for under *Section 38 and 39 of the Freedom of Information and Protection of Privacy Act*.

### *Accuracy of Information*

7. The University will make every reasonable effort to ensure that the personal information it uses is accurate and up to date. An individual to whom information relates can request that the University correct the information if they believe an error or omission exists.

### *Protection*

8. The University will make every reasonable effort to make security arrangements to prevent the risk of unauthorized collection, access, use, disclosure or disposal of personal information.

### *Best Practices – Posting Grades and Returning Student Exams and Assignments*

Student grades, including answers to exams and assignments, are considered personal information and are to remain confidential. The following is a guideline of best practices:

- i) Student examinations, assignments and other graded work should be secured and should not be publicly viewable or available;
- ii) Examinations, assignments and other work should be returned directly to the student, or where this is impractical, should be returned in a secure manner to prevent viewing by other parties;
- iii) Student grades will be posted on the secure student portal or, where practical, the student's grade or comments will be recorded on the inside cover of an examination or assignment in order to protect personal privacy;

### *Retention and Disposition*

9. The University will retain for at least one year an individual's personal information when it is used to make a decision that directly affects the individual and, thereafter, the University will dispose of personal information according to their department policies.

### *Use*

10. The University will use personal information only:
  - i) for the purpose for which that information was obtained or compiled;
  - ii) for a use consistent with that purpose;
  - iii) with the written consent of the individual; or
  - iv) for the purpose for which that information was disclosed to the university

### *Disclosure*

- 11.** The University will not disclose personal information about students or employees to any third party, unless it is otherwise provided for under *Section 42 of the Freedom of Information and Protection of Privacy Act*.

## **PROCEDURES**

### **Access to General Information**

- a) The University will continue to provide public access to University records that are now released routinely in response to informal requests and do not contain confidential or personal information.
- b) For informal requests, access will be provided according to those procedures used in the department or office that has custody of the information.
- c) For formal requests, access will be provided according to those procedures coordinated by the University's Information and Privacy Coordinator. The request must be in writing (preferably on an Access Request Form). E-mail requests will not be accepted.

### **Access to Third Party Personal Information by Employees**

- a) Employee access to confidential personal information about students, employees or others paid through the University's payroll system where the University has custody or control of the information will be allowed if the information is necessary for the performance of the duties of the employee.
- b) Access will be administered according to those specific policies and procedures which may be established from time to time by the University to apply to the personal information of specific groups of individuals, such as students, faculty, staff, graduates or others.

For further information or clarification, the Access & Privacy Officer can be reached as follows:

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