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<b>Title</b>	Protection of Privacy Policy
<b>Policy Area</b>	Operations/Human Resources
<b>Policy Number</b>	E.2.3
<b>See also</b>	

<b>Effective Date:</b>	April 17, 2013
<b>Approval Date:</b>	April 16, 2013
<b>Applies to:</b>	Board of Governors, Employees, Students, Volunteers, Service Providers
<b>Approving Body:</b>	President
<b>Supersedes/New:</b>	<i>New</i>
<b>Authority:</b>	<i>College and Institute Act, Freedom of Information and Protection of Privacy Act</i>

The following are responsible for the administration of this policy,

<b>Primary Office</b>	<b>Contact</b>
Legal Affairs and Policy Development	Director

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### **Policy Statement**

- 1.0 The College will manage all Personal Information in accordance with the *Freedom of Information and Protection of Privacy Act* ("FIPPA" or the "Act"), the *College and Institute Act*, collective agreements, contracts and other applicable College policies.

### **Policy Details and Procedures**

#### **PURPOSE**

- 2.0 This policy outlines how the College complies with its privacy obligations under FIPPA.

## **DEFINITIONS**

3.0 The following definitions apply under this policy:

- a) **Consistent Purpose** means a use or disclosure of Personal Information which is consistent with the purposes for which the information was obtained or compiled if the use or disclosure:
  - i) has a reasonable and direct connection to that purpose; and
  - ii) is necessary for performing the statutory duties of, or for operating a program or activity of, the public body that uses or discloses that information;
- b) **Contact Information** means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual. Contact Information is not Personal Information;
- c) **Employee** means an individual employed by the College including members of the Board of Governors and, for purposes of the Act, includes a volunteer and a service provider;
- d) **Personal Information** means recorded information about an identifiable individual other than Contact Information. Some examples include, without limitation: medical information, personal information related to employment, occupational or educational history, an individual's home telephone number, email address and address, financial information, student number, personal information that indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations;
- e) **Record** includes books, documents, examinations, reports, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means.

## **SCOPE**

4.0 This policy applies to all Records and Personal Information in the custody or under the control of the College.

## **PROTECTION OF PRIVACY**

### **EMPLOYEES**

5.0 The Act applies to all Employees who collect, access, use, disclose, maintain and dispose of Personal Information.

6.0 Employees are responsible for:

- a) treating all Personal Information to which they receive access in accordance with FIPPA and this policy;
- b) making a reasonable effort to familiarize themselves and to comply with the requirements in FIPPA and this policy;
- c) consulting as necessary with their supervisor for guidance about the collection of Personal Information, the access and use of Personal Information, the disclosure of Personal Information to a third party, or the safeguarding of Personal Information; and
- d) reporting any privacy incidents or breaches of FIPPA or this policy to their supervisor. The supervisor should contact the Director, Legal Affairs and Policy Development.

## COLLECTION OF PERSONAL INFORMATION

- 7.0 The College will make the following information available to an individual from whom Personal Information is being collected, unless otherwise authorized by the Act:
- a) the purpose for which the Personal Information is being collected;
  - b) the legal authority for collecting it; and
  - c) the Contact Information of someone who can answer questions about the collection.
- 8.0 The College collects Personal Information as authorized by FIPPA and the *College and Institute Act*.
- 9.0 The College collects Personal Information from prospective students, applicants, students, Employees and others in order to fulfill its mandate under the *College and Institute Act* and as an employer. The College collects Personal Information that relates directly to and is necessary for an operating program or activity of the College, provision of services and generally to undertake activities related to the management and operation of the College.

## USE, DISCLOSURE AND RETENTION OF PERSONAL INFORMATION

### Use of Personal Information - General

- 10.0 The College uses and discloses the Personal Information in its custody or under its control:
- a) for the purpose for which that information was obtained or compiled or for a Consistent Purpose;
  - b) in a manner to which an individual has consented in accordance with FIPPA;
  - c) as permitted or required by the FIPPA or as authorized or required by other law;
  - d) for research and statistical purposes; or
  - e) for archival or historical purposes.
- 11.0 Employees must limit their access and use of Personal Information to the extent necessary for the performance of their duties, including the effective and efficient management of the College.
- 12.0 Employees may share Personal Information with other Employees as needed for the performance of their duties or as authorized by FIPPA.
- 13.0 If an Employee is in doubt about whether to allow another Employee to access or use Personal Information, the Employee should consult with his or her supervisor or the Director of Legal Affairs and Policy Development.
- 14.0 When there is a change to an Employee's position or duties, the Employee's supervisor must review, and if necessary change, the Employee's authorized access to Personal Information in relation to job function changes in order to ensure that access to Personal Information is appropriate.

### Use of Student Personal Information

- 15.0 Employees who need to access student academic and other Personal Information as part of their employment duties such as student advisors, members of admissions committees, or other Employees on a need to know basis, will be granted access to that information as determined by the Employee's supervisor.
- 16.0 Except where students have consented otherwise, student assignments and examinations must be returned directly to the student or left for pick-up at a predetermined administrative department office and not be placed in a public area.

- 17.0 Employees may release student assignments or examinations to a third-party where written consent (including by electronic means), has been provided in advance by the student authorizing a specific individual to pick up or receive the assignment or examination on his/her behalf.

Disclosure of Personal Information

- 18.0 The College will disclose Personal Information as permitted by FIPPA, as authorized or required by FIPPA or another enactment, or as permitted by this policy. The Act specifies limited circumstances authorizing disclosure of Personal Information. Personal Information must not be disclosed without reference to these restrictions.
- 19.0 If an Employee is in doubt whether to disclose Personal Information outside of the College, the Employee should consult with his or her supervisor or the Director of Legal Affairs and Policy Development.
- 20.0 The Act authorizes disclosure of Personal Information without consent in specified circumstances. Some examples are:
- a) where information is freely or regularly made publicly available by the College through published sources or other means;
  - b) an Employee's Contact Information (refer to s.3(b));
  - c) information about an Employee's position or functions;
  - d) Employee Personal Information where the disclosure is in accordance with the provision of a collective agreement or the BC Labour Relations Code authorizing or requiring the disclosure;
  - e) The name of a current or former student who has received a degree, diploma or certificate, the name of degree, diploma or certificate and the year in which the credential was awarded;
  - f) Personal Information about an individual in an emergency situation or where the College determines that compelling circumstances exist that affect anyone's health or safety; and
  - g) disclosure is required or authorized by an enactment of British Columbia or Canada, including without limitation:
    - i) in response to a court order, summons, or subpoena;
    - ii) in response to government agencies who demonstrate their authority to require or authorize disclosure in the circumstances in which they are requesting the information;
    - iii) in accordance with the statutory requirements of professional governing bodies for the purposes of licensing, registration, investigation and discipline of regulated persons; and
    - iv) to external auditors, engaged by the College who may access Personal Information collected by the College for auditing purposes.
- 21.0 Unless otherwise authorized by the Act, if the student has not previously provided written consent, such consent must be obtained before disclosing Personal Information to the third party. For example, disclosure of student Personal Information (e.g., attendance, academic progress, grades, payments, fees, class schedule, enrollment, course selection, etc.) to a third party, such as a relative, employer, funding agency, investigator, legal process server, sponsor or to another College, post-secondary institution, potential employer requires the written consent of the student or former student.

- 22.0 Where a student or former student requests a reference from an identified referee at the College, consent to that referee for the disclosure of relevant, factual and necessary Personal Information is implied.
- 23.0 Where an Employee or former Employee requests a reference from an identified referee at the College, consent to that referee for the disclosure of relevant, factual and necessary work-related Personal Information is implied.

#### Retention of Personal Information

- 24.0 The College will retain Personal Information collected from individuals in accordance with the FIPPA and the College-wide records classification, retention and disposition practices.
- 25.0 The College will retain Personal Information used to make a decision about an individual for a minimum of one year.

#### **Ensuring Accuracy of Personal Information**

- 26.0 The College will make reasonable efforts to ensure that the Personal Information in its custody or under its control is accurate and complete and will allow Employees, applicants and students to confirm the accuracy of this information.
- 27.0 Applicants, students and Employees should make every effort to ensure that their own Personal Information provided to the College is accurate and up to date.
- 28.0 Individuals have a right to access Personal Information about themselves and have a right to request corrections to Personal Information about themselves, subject to specified exceptions under FIPPA.
- 29.0 Applicants and students should contact the Registrar's Office to request access to their Personal Information and Employees should contact the Human Resources Department to request access to their Personal Information.

#### **Safeguards for Personal Information**

- 30.0 The College will take reasonable steps to ensure that Personal Information in its custody or control is protected by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposition.

#### **Challenging Compliance with the Protection of Privacy Policy**

- 31.0 Individuals are entitled to challenge the College's compliance with this policy.
- 32.0 Employees who receive a complaint or inquiry about compliance with the policy should attempt to resolve the issue with the assistance of a supervisor.
- 33.0 Individuals may make a formal complaint or inquiry about compliance with this policy by contacting the Director of Legal Affairs and Policy Development.