

Policy Title:	Access to and Correction of Personal Information Procedure
Policy ID:	#OP 1-111A
Manual Classification:	Section 1 – College Policies
Linked to Policy:	Access to Information and Protection of Privacy Policy
Approved by Board of Governors:	
Revision Date(s):	N/A
Effective Date:	
Next Policy Review Date:	March 2023
Contacts for Policy Interpretation:	Policy and Privacy Coordinator Privacy Officer Manager of Operations - President's Office

1.0 – Purpose

The purpose of this procedure (the “**Procedure**”) is to set out instructions for members of the College Community on how to respond to access to Personal Information requests in accordance with the College’s Access to Information and Protection of Privacy Policy and the *Freedom of Information and Protection of Privacy Act* (“**FIPPA**”).

Capitalized terms not defined in this Procedure have the same meaning found in the College’s Access to Information and Protection of Privacy Policy.

This procedure does not apply to a request for Personal Health Information from one of the College’s three health services organizations. For such requests, please refer to the Access to Personal Health Information Procedure.

2.0 – Upon Receiving a Request

When the College receives a request for access to Personal Information, the College must comply with the following:

- a) The College must determine whether the access can be provided:
 - informally, where the Record is routinely disclosed by the College department; or
 - formally, through a formal FIPPA request.

Whenever possible, an informal access request should be initiated before initiating a formal access request under FIPPA.

- b) Informal access requests for personal student information may be completed via the MyCampus Student Portal.

- c) Informal student requests which cannot be processed via the MyCampus Portal must be directed to the Registrar's Office and to the attention of the Manager of Records and/or Registrar, who will oversee processing of the request.
- d) All other informal access requests for personal information requests must be directed to the appropriate Department Head(s).
- e) If an access request is made verbally, the College may require the individual requester to submit the request in writing using the Request for Access to Information Form.

Formal Requests Under FIPPA

- a) All formal access to personal information requests made using the FIPPA Request Form must be directed to the Privacy Coordinator, who will work with the respective Department Head(s) to oversee processing of the request.
- b) If a formal access request is made verbally, the College will require the individual requester to submit the request using the FIPPA Request Form.

3.0 – Requesting Personal Information – Informal Request

- a) To begin an informal request for Personal Information the requester must contact the department(s) responsible for retention of the records sought.
- b) Department staff members or Department Head(s), will determine if the record(s) sought can be disclosed through an informal process.
- c) Examples of the types of records that are typically available through the College's Informal process can be found at <<insert link to FOI Fleming Website>>
- d) Individuals requesting their own Personal Information through the informal request process must provide the College with government issued or College issued photo identification prior to receiving the requested information.
- e) Students are able to review their personal information via the MyCampus Portal, with ID confirmed via the use of their respective Fleming College username and password.

4.0 – Requesting Personal Information – Formal Requests Under FIPPA

- a) Formal requests for personal information under FIPPA must be made using the FIPPA Request Form and addressed to the College Privacy Coordinator. The mandatory processing fee of \$5.00 must be paid by the requester to initiate the request.
- b) The Privacy Coordinator and/or Officer will process the formal access request within 30 days, unless an extension is required in accordance with the *Freedom of Information and Protection of Privacy Act*.

- c) Upon initiation of the request, the Privacy Coordinator will provide details of the request necessary to permit identification of responsive records to the respective Department Head(s).

When contacted by the Privacy Coordinator regarding an access request, the Department Head(s) is/are responsible for:

- a) Reviewing the request and identifying any preliminary issues (e.g. regarding scope or nature of the request);
- b) Identifying any third-party concerns;
- c) Notifying the Privacy Coordinator immediately of any concerns with the request and any required third-party notifications;
- d) Communicating as needed with the Privacy Coordinator regarding the request;
- e) Ensuring that a reasonable search of the relevant College department's records is conducted;
- f) Ensuring the identification of responsive records, or if none, of same;
- g) Keeping a record of the search conducted and the time spent in conducting such search;
- h) Identifying any reasons for disclosing or not disclosing requested information or records;
- i) Providing the results of the search to the Privacy Coordinator and consulting with the Privacy Coordinator and/or Officer regarding any proposed disclosure or withholding of records; and,
- j) Working with the Privacy Coordinator and/or Officer as necessary to permit the response to the requester within the required timeframes.

The Privacy Coordinator and/or Officer is responsible for preparation of response(s) to the requester.

5.0 – Additional Fess for Formal Requests Under FIPPA

The College may charge the following fees for Formal Requests for access to a record, or for access to Personal Information about the individual making the request for access:

- a) For photocopies and computer printouts, .20 cents per page.
- b) For records provided on CD-ROMs, \$10 for each CD-ROM.
- c) For developing a computer program or other method of producing a record from machine readable record, \$15 for each 15 minutes spent by the College Community or any Agent.
- d) The costs, including computer costs that the institution incurs in locating, retrieving, processing, and copying the record if those costs are specified in an invoice that the institution has received.

In addition, the College may charge the following fees for access to a record:

- a) For manually searching a record, \$7.50 for each 15 minutes spent by any person.
- b) For preparing a record for disclosure, including severing a part of the record, \$7.50 for each 15 minutes spent by any person.

If the College gives an estimate of more than \$100 for disclosing requested information, the College may require the requester to deposit half the requested amount before the College takes any further step in responding to the request.

The College may refuse access to records if the required fees are not paid. The College also has discretion to waive required payments in certain circumstances.

6.0 – Withholding of Personal Information

It is at the discretion of the College whether to withhold or disclose records that are normally exempt from disclosure. The College will make a determination on a case-by-case basis. These limitations are found within FIPPA (s. 12 - 22). More information about these exceptions can be found on the Information and Privacy Commissioner of Ontario Website.

7.0 – Correction of Personal Information Under FIPPA

Formal requests for Personal Information correction under FIPPA must be made using the FIPPA Request Form and addressed to the Department Head(s) of the College where the records are retained. The mandatory processing fee of \$5.00 must be paid by the requester to initiate the request.

The College has discretion regarding the decision to accept the correction of personal information. If the individual is dissatisfied with the College's decision the requester may appeal to the Privacy Coordinator and/or Officer or to the Information and Privacy Commissioner of Ontario.

The requester may also request that the College attach a statement of disagreement to its record of personal information and if the Personal Information is corrected, the requester may ask the College to notify everyone to whom the Personal Information was disclosed within one year prior to the date of the approved correction request, regarding the correction.

8.0 – Related Documents

Access to Information and Protection of Privacy Policy

Access to Information Request Form

FIPPA Request Form

Freedom of Information and Protection of Privacy Act R.S.O. 1990 c. F.31

<https://www.ontario.ca/laws/statute/90f31>

9.0 – History of Amendments & Reviews
