

# Fleming College

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

## 1.0 - Purpose

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The purpose of this procedure (the “**Procedure**”) is to set out instructions for members of the College Community on how to use and disclose Personal Information 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.

## 2.0 - Accountability

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Department Head(s) are ultimately responsible for ensuring adherence to this procedure, and for the development and implementation of any required department specific departmental processes or protocols that operationalize this procedure and the overarching policy.

The College Privacy Coordinator and/or Officer will advise Department Head(s), as required, regarding the interpretation of this procedure.

## 3.0 – Use of Personal Information

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The use of Personal Information by the College must comply with the following:

- a) The College must only use Personal Information for the purpose for which it was collected or for a consistent purpose;
- b) If the College informed an individual of a specific purpose for the collection of Personal Information, then the College must only use that Personal Information for that purpose or for a purpose that the individual might reasonably have expected;
- c) If the College wishes to use the Personal Information for any other purpose, it must obtain consent from the individual;

- d) The College must only provide Personal Information to a College employee if the employee needs the Personal Information to perform the employee's duties; and,
- e) The College must make reasonable efforts to prevent unauthorized access to Personal Information and inadvertent destruction or damage to Personal Information.

#### **4.0 – Disclosure of Personal Information**

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The College may disclose Personal Information to another person or organization in the following circumstances:

- a) When the College is disclosing Personal Information for the purpose for which it was collected;
- b) If the Personal Information was collected for a purpose which implicitly or explicitly included disclosure to a third-party;
- c) When the individual to whom the Personal Information relates has consented to the disclosure - such consent should specify: (1) the Personal Information to be disclosed, (2) the entity to whom the Personal Information is to be disclosed, and (3) the date, and duration, of the consent;
- d) When the College is disclosing to a consultant or agent of the College who needs the Record to perform their duties; security and confidentiality agreements must be signed prior to such disclosure;
- e) If the College is asked by a law enforcement agent for Personal Information (refer request to the Manager of Safety and Security);
- f) When disclosure is required by law (consult the Privacy Coordinator and/or Officer prior to disclosure);
- g) In compelling circumstances involving an individual's health or safety, such as in cases of emergency or where there is a risk of serious bodily harm to an individual;
- h) In compassionate circumstances when an individual is injured, ill or deceased, such as to facilitate contact with the individual's spouse, close relative, or friend;
- i) To a Member of Provincial Parliament who has been authorized by the individual to make an inquiry on the individual's behalf;
- j) To a member of the bargaining agent who has been authorized by an employee to make an inquiry on the employee's behalf;
- k) For research purposes, provided certain conditions have been met, such as the requirement that the research cannot be reasonably accomplished unless the Personal Information is provided in individually identifiable form, and a research agreement is in place and in accordance with the Access to Information and Protection of Privacy policy and the associated departmental process/operating procedure.

- l) For fundraising in accordance with the Access to Information and Protection of Privacy policy and the associated departmental process/operating procedure.

## **5.0 – Retention and Disposal of Personal Information**

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- a) College Records containing Personal Information must be retained for a minimum of one year in accordance with the *Freedom of Information and Protection of Privacy Act* (“**FIPPA**”), unless the individual has provided consent to dispose of the Personal Information at an earlier date.
- b) Department Head(s) are responsible for ensuring the creation of, and adherence to, retention and disposal processes for their respective departments.
- c) Printed Records must be disposed of by shredding the Record using a cross-cut shredder or by placing them in an appropriate and secure bin for shredding.
- d) The College shall ensure that Records that are destroyed or disposed of cannot be reconstructed or retrieved.
- e) If the Record is in electronic format, the Personal Information must be adequately deleted so that it cannot be retrieved or reconstructed.
- f) Upon disposal of the Personal Information, the College Community must log the date and type of Record that was destroyed, or disposed of, how, and by whom. Certificates of Destruction may be requested from third-parties, and if requested must be identified by request date in the log. This log may be audited by the College at any time. This log must not contain any Personal Information.

## **6.0 – History of Amendments & Reviews**

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