

# **FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT**

## **BASIC TUTORIAL**

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# Contents/Agenda

- Overview of legislation
- What is “Personal Information”
- Collection, use, disclosure & disposal of personal information
- FAQ’s
- Questions



# What is FIPPA?

- Freedom of Information & Protection of Privacy Act (FIPPA)
- Applies to Provincial Ministries and most Provincial Agencies, Boards and Commissions, Colleges of Applied Arts & Technology, Universities, District Health Councils
- Public has a right to information (records) held by institutions covered by the Act
- Individuals have a right to the protection of personal information



# Principles of FIPPA legislation

## Freedom of Information

- Public has a right, through a formal process, to access information (records) held by institutions covered by the Act
- Exemptions to access are limited and specific
- Decisions can be appealed to the Information and Privacy Commissioner

## Protection of Privacy

- Individuals have a right to the protection of personal information (PI)
- Individuals have a right to access and correct their personal information (through a formal request)



## What this means to you?

- This legislation specifies how Fleming College must handle (collect, use, disclose, retain) personal information in its custody or under its control
- This includes all collected student data and how you deal with any information in your custody or control



# Collection of Personal Information

- Must have legal authority,
- Must collect directly from individual
- Must provide notice of collection on forms ( eg. The information on this form is collected under the legal authority of the *Ontario Colleges of Applied Arts and Technology Act*, 2002, Regulation 34/03. The information on this form is used for administration and statistical purposes of the College and/or the Ministries and Agencies of the Government of Ontario and the Government of Canada. Questions about this collection should be directed to the Associate Registrar, Records, Sir Sandford Fleming College, Peterborough, Ontario K9J 7B1 (705) 749-5512).
- Where personal information is collected and will be used by or disclosed to another institution, the individual should be given notice of the fact

# What is Personal Information?

- Recorded information about an individual which includes:
  - Address, phone number, fingerprints, blood type on an individual
  - Info relating to the age, race, gender, ethnic origin, sexual orientation, marital/family status of the individual
  - Info relating to the medical, criminal, employment history or financial transactions/status, educational status, educational history, student's grades and records and pictures/photos
  - Social Insurance Number (SIN), employee number/student number (EMPL ID) or other identifiable number associated with an individual.



## What is Personal Information?...continued

- Views or opinions of another individual about an individual (e.g. performance or other evaluation comments)
- Correspondence sent to the institution by the individual that is implicitly or explicitly of a private or confidential nature and replies to that correspondence
- Individual's name where it appears with other personal information or where the disclosure of the name would reveal other personal information about the individual.



# Use and Disclosure of Personal Information

- Personal information may be used only when:
  - The information is used for the same purpose as when originally collected
  - The individual to whom the information relates to consents
  - Other very limited exceptions
- Personal information may be disclosed only when:
  - The individual has granted consent (preferably in writing);
  - Disclosure is for the original or for a consistent purpose
  - On a need to know basis between employees for authorized college functions;
  - Other very limited exceptions



# Privacy Do's and Don'ts

- Don't inadvertently release personal information (PI):
  - Don't' disclose PI in the process of answering correspondence
  - Don't disclose PI except on a need to know basis and in compliance with FIPPA
- Don't put PI in communications, marketing and briefing materials
- Do keep PI secure at all times and shred any materials containing PI if not needed for record keeping
- Don't remove any PI from the workplace and if you must ensure it remains secure (eg. Data keys, laptops, blackberries etc)



# Frequently Asked Questions

Question: “I’m trying to reach my son/daughter regarding a family matter. Could I get a copy of their timetable so that I can find them at the College?”

**ANSWER:** No. Timetables are considered a student’s personal information therefore, the College will not disclose a timetable to anyone other than to the individual student. Our staff may be able to provide some assistance by checking whether your son/daughter is a student at Fleming and if they are, they will get a message to them asking them to call you at home to collect the message directly.



# Frequently Asked Questions

Question: “I’d like to grant permission for the College to release all my school information to my parents...is there just a form I can sign once to take care of it all?”

**ANSWER: No. The College requires your authorization to be specific, explicit and in a written format. A ‘blanket’ authorization attempting to cover all possible personal information and timeframes would not be appropriate**



# Frequently Asked Questions

Question: “My son/daughter is living in residence at Fleming College. Could you please give me their room number so that I can visit them?”

**ANSWER:** No. Our residence facility is the student’s home while they are attending Fleming College therefore, the room number is considered part of their home address. This information needs to be obtained directly from the student.



# Frequently Asked Questions

Question: “My friend is away on vacation but he/she asked me to pick up his/her marked assignment when I was here picking up mine. Could I get it please?”

**ANSWER:** No. Without the express written permission of the individual, the College will not release any personal information to anyone other than to the individual to whom it relates



# Role of the FOI Coordinator

- Processing FOI Requests and access to information advice
- Providing privacy advice
- Providing Notices of Collection
- Promoting privacy and helping to ensure compliance with Freedom of Information and Protection of Privacy Act
- Investigating privacy complaints

# Questions?

- **FOI Coordinator:**  
Eva Rees  
Human Resources Dept  
[erees@flemingc.on.ca](mailto:erees@flemingc.on.ca),  
705-749-5530 Ext. 1692
- **FOI or Privacy Resources HR Web Page:**
- <http://fleming0.flemingc.on.ca/hod/Pages/Policies-Procedures/Practices-Procedures/FOI-welcome.html>

