



Student Privacy FAQ for Faculty

To assist faculty at the college in understanding the practical implications of our privacy protection obligations, this brief summary of Frequently Asked Questions has been prepared. The Freedom of Information and Protection of Privacy Act (FIPPA/FOI) legislation specifies how Fleming College must handle (collect, use, disclose, retain) personal information in its custody or under its control, such as student data.

What is Personal Information?

Under FIPPA, personal information is defined as recorded information about an identifiable individual and includes:

- ❖ The individual's name where it is linked to his or her other personal information
- ❖ Identifying numbers or symbols such as Social Insurance Number (SIN), Student and Employee # (EMPL ID)
- ❖ Home address and phone number, photograph
- ❖ Race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status or family status
- ❖ Educational, medical, psychiatric, psychological, criminal, employment history or financial transactions in which the individual has been involved
- ❖ Opinions expressed by others about the individual and Private correspondence

Question: "Are faculty entitled to have access to personal information in student records?"

ANSWER: Access to student personal information, including student photographs, is given on a need to know basis and as required by faculty and staff and only if related to their particular duties. For example, faculty members and staff who are charged with academic advising functions are entitled to access student records for those purposes.

Question: "How should I take student's attendance in class and at exams?"

ANSWER: Don't have students sign a list where they can see other students' full names, complete student number or photograph. Students should sign an attendance roster showing only their name.

Question: "Can a student email address be displayed in a group mailing?"

ANSWER: No it is personal information. Instead of displaying individual student names and email addresses in a group mailing, include the addresses in the BCC line.

Question: "What practices should be followed in communicating with students by email?"

ANSWER: Email is a useful method for communicating with students about course-related information. The following best practices should be observed:

- **Maintain a professional tone in email communications – they may be forwarded to or retained by others, or inadvertently transmitted to unauthorized recipients. Also, if email messages relate to the operation or administration of the College, they may be subject to access to information requests (FOI request) under FIPPA**
- **Always be cautious about including others' personal information in email messages. Be aware that email messages sent to non-Fleming email accounts is not secure for transmitting personal, sensitive or confidential information.**
- **Retain email sent to and received from students containing personal information for at least one year if that information was used for advising or course related communication etc.**

Question: “What information about a student may I release to his or her parents/legal guardians/spouse when they request it?”

ANSWER: None. Although parents/legal guardians/spouse may believe they have a right to a student’s attendance and/or academic record, especially if they are paying the tuition, such information may be shared **ONLY** with the student’s explicit written consent.

Question: “What kind of release would I have to get to allow me to speak with the parents/legal guardians/spouse of a student about his or her academic progress or other situation in class or the college?”

ANSWER: The student’s consent may be oral or written – written is recommended. There are consent form templates available on the HOD Web page, FOI resources. The authorization must be specific and therefore a ‘blanket’ authorization attempting to cover all possible personal information and timeframes would not be appropriate. If you only have oral consent, ensure that you document the date, time and exactly what was said as it may be required later in the event of a complaint by the student to the college administration or the provincial Privacy Commissioner.

Question: “Can student grades be posted?”

ANSWER: Yes, only if anonymity can be assured. Grades are the student’s personal information and the posting of grades in any format that can lead to the identification of an individual (e.g. grade + name and/or student #) would be considered an invasion of their personal information. It is acceptable to post grades in a list containing only the grade and the last 4 digits of the student number and randomizing the list every time it is posted. It is preferable to use WebCT so students see only their own grades.

Question: “What best practices should be followed in collecting and returning student work?”

ANSWER: Work should be collected with adequate supervision and security and should be retained and returned to them with the same diligence to protect privacy. Do not leave documents for pick-up in an area where students may see other’s assignments.

Question: “Can another student pick up a friend’s marked assignment when picking up theirs?”

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. Do not leave documents for pick-up in an area where students may see other’s assignments.

Question: “May I provide information about a student in response to a reference request by a potential employer?”

ANSWER: You can only confirm if the student is a graduate. Any other information including whether or not the individual is currently a student, can only be released with the student’s/graduates written consent. This consent can be from the student contacting you by letter or email or by the use of the template form on the HOD Web Page..

Question: “If someone asks me where a student can be found (i.e. scheduling information), may I release the information from his/her timetable?”

ANSWER: No. However, if it is an emergency situation, you must offer to contact the student yourself (or with staff assistance) and ask the student to contact the requestor.

Question: “If the police contact me about a student, what can I tell them?”

ANSWER: Refer them to the Manager, Safety and Security Office. There are exemptions in FIPPA for releasing personal information to law enforcement officers, however all such requests must be recorded and logged to create a record.

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For further information and Privacy resources log into the Staff Portal, HR Web Page, <http://fleming0.flemingc.on.ca/hod/Pages/Policies-Procedures/Practices-Procedures/FOI-welcome.html>
College FOI Coordinator, Eva Rees, Manager, Human Resources Department Operations, erees@flemingc.on.ca