

Policy Title:	Privacy in Remote Learning, Working, and Service Delivery
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Approved by:	Board of Governors
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Contacts for Policy Interpretation:	Vice President Academic Experience Chief Technology Officer Privacy and Policy Officer

1.0 - Policy Overview

This policy (the “**Policy**”) will describe how Fleming College (the “**College**”) will address privacy and security considerations related to remote learning, working, and delivery of services. It will also outline the responsibilities shared by every member of the College community for protecting the privacy of all participants who engage in remote learning, working, and delivery of services.

As an educational institution under the *Freedom of Information and Protection of Privacy Act (FIPPA)*, the College is subject to privacy provisions that govern how the College collects, uses, retains, discloses, and disposes of Personal Information. Further, in the provision of health care, the College must manage Personal Health Information in accordance with the *Personal Health Information Protection Act (PHIPA)*. The use of technology to enable remote learning, working, and delivery of services must comply with the privacy provisions of these two Acts, and College policies related to the protection of Personal Information and Personal Health Information.

2.0 - Purpose

The purpose of this Policy is to provide a framework for the use of technology to enable remote learning, working, and delivery of services that facilitates the protection of privacy for all participants. It is meant to inform practices regarding the collection, use, retention, disclosure, and disposal of Personal Information captured during the activities of remote learning, working, and delivery of services.

3.0 - Definitions and Acronyms

The following definitions and/or acronyms apply in this Policy:

College Community	Any person who studies, teaches, conducts research at or works at, or under, the auspices of the College and includes without limitation, employees or contractors; appointees (including volunteer board members); students; visitors; and any other person while they are acting on behalf of, or at the request of the College.
FIPPA	<i>Freedom of Information and Protection of Privacy Act</i> , R.S.O. 1990, c. F.31, s. 1.
IT	Information Technology; it includes software and systems used for academic delivery and administrative purposes either hosted at College facilities or in third party premises, all of the information stored in systems, computing devices and associated peripherals, VoIP communications network and wireless infrastructure and related equipment, facsimile machines, scanners, telephones, wireless devices, digital storage media, video and other multimedia devices.
IT Services	Services that facilitate the use of technology, including but not limited to all services provided related to Internet connection, email, voice mail and printing.
IT Resources	IT facilities and equipment the College owns, operates, or sources from external parties for use by employees, students and others.
Personal Health Information	<p>As defined under PHIPA:</p> <p>4(1) “personal health information”, subject to subsections (3) and (4), means identifying information about an individual in oral or recorded form, if the information:</p> <ul style="list-style-type: none">a) Relates to the physical or mental health of the individual, including information that consists of the health history of the individual’s family,b) Relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual,c) Is a plan of service within the meaning of the <i>Home Care and Community Services Act, 1994</i> for the individual,

- d) Relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect to the individual,
- e) Relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,
- f) Is the individual's health number, or
- g) Identifies an individual's substitute decision maker.

4(2) "identifying information" means information that identifies an individual or for which it is reasonably foreseeable in the circumstances that it could be utilized, either alone or with other information, to identify an individual.

Personal health information does not include records/identifying information pertaining to an individual that is not maintained primarily for the provision of health care and/or information that is not collected in the context of providing health care.

The College may handle your personal health information when you seek health care from one or more of these College services:

- Counselling Services;
- Student Health Services; and/or
- The Massage Clinic.

Personal Information

As defined under FIPPA, Personal Information means recorded information about an identifiable individual, including:

- a) information relating to race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c) any identifying number, symbol or other particular assigned to the individual,

- d) the address, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except where they relate to another individual,
- f) correspondence sent to the College by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual, and
- h) the individual's name where it appears with other Personal Information relating to the individual or where the disclosure of the name would reveal other Personal Information about the individual.

Personal Information does not include:

- the name, title, contact information or designation of an individual that identifies that individual in a business, professional or official capacity,
- information about an individual who has been dead for more than thirty years, and
- records of graduation that are otherwise publicly disclosed.

PHIPA

Personal Health Information Protection Act, 2004, S.O. 2004, c. 3, Sched. A.

Record

As defined under FIPPA, a record means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy of such material; and,
- subject to FIPPA regulations, any record that is capable of being produced from a machine readable record under the control of the College by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the College.

Work(s) Shall include but not be limited to teaching support materials, instructional by-products, curriculum support material, teaching/learning resources produced on assignment, administrative materials, College publications, applied research products, professional, technical and artistic work produced on assignment, and notes or recordkeeping in the provision of student support services.

4.0 - Scope

This Policy applies to all members of the College community who participate in remote learning, working, and delivery of services, including but not limited to:

- Staff;
- Faculty;
- Administrators;
- Students;
- Board of Governors;
- Vendors, consultants, and agents of the College; and
- Guests.

This Policy will address privacy and security considerations relating to those IT collaborative tools that are used by members of the College community primarily to enable remote learning, working, and delivery of services.

This includes, but is not limited to:

- Video/audio/web conferencing platforms, also known as collaboration services
 - Live and recorded sessions
- Remote proctoring software
- Video conferencing within the learning management system

Members of the College Community may elect to use these tools and other online services or social media in a personal capacity. This Policy will not address this use. However, other College policies may apply to the personal use of IT Services and Resources, and the use by members of the College community of online services or social media as that use impacts the College.

5.0 - General Principles

5.1 – Overview

The following guiding principles will inform this Policy and accompanying procedures related to the use of technology to enable remote learning, working, and delivery of services.

Privacy

Protecting privacy must be prioritized. Activities involving the collection, use, retention, disclosure, and destruction of Personal Information must be conducted in accordance with the privacy provisions of FIPPA and PHIPA.

Accountability

Every member of the College community has a responsibility to respect and protect the privacy of all users when participating in remote learning, working, and delivery of services.

Transparency

Expectations regarding participation in remote learning, working, and delivery of services must be disclosed to participants proactively and all participants must be provided with guidelines regarding safe use of the technology that enables these activities.

Equity and Accessibility

The use of technology to enable remote learning, working, and delivery of services must align with principles of equity, diversity and inclusion (including the College's commitments to Truth and Reconciliation). Furthermore, to support accessibility the use of technology must comply with the *Accessibility for Ontarians with Disabilities Act* (AODA) and be consistent with Universal Design for Learning (UDL) principles.

5.2– Choosing the Right Tools for the Job

The College will ensure that IT Services and Resources that enable remote learning, working, and delivery of services are vetted for security and compliance with College privacy policies and applicable privacy legislation.

All members of the College community will ensure that:

- a) Only approved and supported IT Services and Resources are used to enable remote learning, working, and delivery of services. Be aware that use of non-College provided tools creates a risk to the privacy and security of the user(s).
- b) Technology is employed mindfully, ensuring use is necessary and supports teaching, learning, and business activities that advance the goals and objectives of the College, and that consideration is given to privacy impacts.

5.3 – Adopting Privacy Protective Measures

The College will ensure that:

- a) System-wide settings of approved technology are configured to enhance security and privacy for all users.
- b) All employees are provided with guidance and awareness regarding default settings for IT Services and Resources to enhance security and privacy for all users.
- c) All users are provided with guidance regarding privacy protective conduct when employing IT Services and Resources to enable remote learning, working, and delivery of services that respects the rights of all users.

All members of the College community will ensure that:

- a) They adhere to College policies and guidelines when engaged in remote learning, working, and delivery of services.
- b) Privacy rights are respected when technology is employed to enable remote learning, working, and delivery of services.

5.4 – Managing Personal Information

The College will ensure that:

- a) All members of the College community are provided with guidance regarding the collection, use, retention, disclosure, and disposal of Personal Information through IT Services and Resources that are used to enable remote learning, working, and delivery of services.
- b) Participants are notified when their Personal Information is being collected, in accordance with the notice provisions of FIPPA and PHIPA.
- c) Personal Information collected is only used or disclosed for purposes that were identified in the original notice of collection, or for purposes consistent with those originally identified, unless the individuals have expressly consented to the new use or disclosure.
- d) In the event of a privacy breach involving Personal Information or Personal Health Information, the relevant College privacy breach reporting procedure (#OP 1-111C or #OP1-112C) will guide the breach response.

6.0 Related Documents

- The *Freedom of Information and Protection of Privacy Act* R.S.O. 1990 c. F. 31
- *Personal Health Information Protection Act*, 2004, S.O. 2004, c. 3, Sched. A
- *Accessibility for Ontario with Disabilities Act*, 2005, S.O. 2005, c. 11
- 1-111 Access to Information and Protection of Privacy Policy
- 1-112 Information Practices Related to Personal Health Information Policy
- 6-601 Information Technology (IT) Appropriate Use Policy
- 7-701 Access and Accommodation for Students with Disabilities Policy

History of Amendments/Reviews

Approved by the Board of Governors on June 23, 2021.