

Policy Title: Information Access and Privacy Protection
Policy Approver: President's Office
Policy Holder: Director, Finance and Administrative Services
Original Date: July 2008
Next Review: July 2010

Policy Statement

Yukon University will ensure appropriate public access to University records, and protection for personal and business information.

Approval Statement

With the approval of the President of Yukon College, this policy is hereby deemed in effect the 14th day of July, 2008.

July 14, 2008

President, Yukon College

Date

1. Purpose of Policy

Implementation

The Chief Information Officer (CIO) shall be responsible for implementation of the policy and procedures.

Information Access

Students, staff, and the public have the right to access University records informally, including their personal information, with exceptions specified in the procedures. If access is refused, the applicant will be informed of the reasons in writing and how to make a formal request.

Privacy Protection

The University will adhere to the principles of Canadian Standards Association Code CAN/CSA-Q830-96.

Time for Response

A response to informal and formal access and privacy requests will be provided within 30 calendar days. If additional time is required, the applicant will be told of the reasons for delay and the response date.

Fees

A request may be subject to any usual University fees plus search and copying costs to prepare a response.

Challenging Compliance

The President shall designate an independent Information Access and Privacy Protection (IAPP) Review Officer to review complaints about compliance with this policy and procedures.

Report on Information Access and Privacy Protection at Yukon University

The Chief Information Officer (CIO) will report annually to the President on the status of access and privacy requests and complaints at Yukon University.

2. Governing Legislation and Relevant Documents

Board Policies 1, 3, 6.

Yukon: University Act; Access to Information and Protection of Privacy Act (ATIPP)

Canada: Personal Information and Protection of Electronic Documents Act (PIPEDA) Canadian Standards Association CAN/CSA-Q830-96 Model Code

3. Scope

This policy and related procedures apply to all records in all formats, including electronic records, created or received by all University employees, including contractors and other third party partners deemed employees for the purposes of this policy, while carrying out their functions, roles and responsibilities.

4. Definitions

Definitions shall be included in procedures and based on common understandings of terms used in access and privacy legislation.

The following definitions apply to the IAPP Policy and Procedures:

- *University Records* means all recorded information in all formats, including electronic records, created or received by Yukon University employees, and contractors or other third-party partners deemed employees for the purposes of this policy, while carrying out their functions, roles and responsibilities.
- *Disciplinary Actions* include investigations and/or proceedings that lead to or could lead to a penalty or sanction being imposed on a student or employee in accordance with University policies and/or the Collective Agreement.
- *Educational History* includes, but is not limited to course grades, grade point average, academic status, graduation status, other institutions attended, admission status, course schedule, and course registration status.

- *Employment History* includes, but is not limited to personal recommendations, evaluations, character references, letters of discipline and reprimand, and reasons of termination.
- *Financial History* includes, but is not limited to information about beneficiaries, insurance, benefits and debts.
- *Medical History* includes but is not limited to health care history relating to medical, psychiatric or psychological diagnosis, condition, treatment or evaluation.
- *Personal Information* means recorded information about an identifiable individual which includes, but is not limited to names, home addresses and telephone numbers, age, sex, marital or family status, identifying number, race, national or ethnic origin, colour, religious or political beliefs or associations, educational history, medical history, disabilities, blood type, employment history, financial history, criminal history, anyone else's opinions about an individual, an individual's personal views or opinions, and name, address and phone number of parent, guardian, spouse or next of kin.
- *Request Applicant* means an individual or organization making an access or privacy request; *Second Party* means Yukon University in relation to an access or privacy request; *Third Party* means the person or organization the information concerns other than the applicant in relation to an access or privacy request.
- *Security and Law Enforcement Actions* include investigations and/or proceedings by University Security staff or external law enforcement agencies that lead to or could lead to a penalty or sanction being imposed on a student, employee or other person.

5. Procedures

The University will implement procedures consistent with the Yukon University Information Access and Protection of Privacy (IAPP) Policy, the principles of the Yukon Access to Information and Protection of Privacy (ATIPP) Act, applicable sections of the federal Personal

Information and Protection of Electronic Data Act (PIPEDA), and the Canadian Standards Association Code CAN/CSA-Q830-96, adapted to the University administrative and instructional environment. The procedures apply to all University records including records, curriculum or other materials created as part of a contractual relationship with the University or related third party partner(s), when the University and/or third party partner(s) are designated as owners and/or holders of copyright for the materials. It does not apply to the intellectual property and copyrighted instructional materials or research belonging to instructors or other staff.

Roles & Responsibilities

Roles and responsibilities for the IAPP Policy and Procedures are as follows:

- *President* will:
 - assign roles and responsibilities for implementation of the policy and procedures
 - appoint the Chief Information Officer (CIO)
 - designate an independent Information Access and Protection of Privacy Review Officer from a list of qualified individuals mutually agreed upon by the YEU/PSAC and the President

- *President, Vice-President(s), Deans, and Directors* will:
 - designate staff to process informal and formal access and privacy requests
 - verify responsive records and forward response to applicant (informal requests) or University Archivist (formal requests), or indicate reasons for refusal of request based on exceptions
 - expedite access to University records and protect privacy of personal and business information by implementing appropriate records classification systems and security

- *Chief Information Officer* will:
 - assist managers and staff to implement the policy and procedures
 - report annually on the status of access and privacy requests and compliance with the policy

- *University Archivist* will:
 - receive formal access and privacy requests from students, staff, and the public
 - forward requests to appropriate Senior Manager(s) for identification of responsive records
 - advise Senior Manager(s) and designated staff on appropriate responses to requests
 - process University response to formal requests within specified timeframes
- *Records Manager* will:
 - assist staff in locating responsive inactive records
 - assist staff in establishing appropriate records classification systems and security
- *Records Management Committee* will:
 - review records policies, systems and security on an ongoing basis to ensure University compliance with applicable policy and legislation
 - conduct periodic privacy audits
 - provide regular reports to the President
- *University Managers and all Employees* will:
 - comply with the policy and procedures
 - attend Information Access and Privacy Protection training sessions
- Information Access and Protection of Privacy Review Officer will:
review complaints about compliance with the policy and procedures and make recommendations in a report to the President which shall be made available to the applicant

Access to Information Exceptions

The IAPP policy and procedures apply to all University records. Students, staff, and the public have the right to make an informal verbal or written request to the appropriate official for

access to University records, including their personal information, with exceptions specified below. If an informal access request is refused, the applicant will be informed of the reasons in writing and how to make a formal request. If the information requested can be reasonably separated from information in a record that falls within the exceptions, then that part of the record will be released. Exceptions to access are:

1. *Board of Governor Records of in camera meetings*: restricted access for a specified period of time appropriate to the issue under discussion, to be determined by the Board at the time of the meeting.
2. *Record of advice*: provided to a government minister, Cabinet, council or other executive body of a University, university or community organization, Yukon University Board of Governors, President, Senior Management Team, or other committee or agency, on a matter of policy or programming, legal advice, contract negotiations, staffing action, collective bargaining or budget matter not yet implemented. Once a decision has been made and/or implemented these records would be available unless some other exception is outstanding. Legal opinions may be restricted for longer periods of time as appropriate.
3. *Records of personal information*: about someone other than the applicant, unless the person has requested and/or consented to the release of the information in writing.
4. *Records of proprietary business information*: provided to the University in confidence as part of a bid process or other transaction unless a responsible officer of the business has requested and/or consented to the release of the information in writing.
5. *Records of Grievances, Disciplinary, Law Enforcement or Security Actions*: will be released in accordance with requirements of the Collective Agreement, legal proceedings, court orders, and/or other statutes, policies and procedures.
6. *Records of Test, Exam, or other Assessment Questions or Processes*: will be restricted while in active use as assessment criteria.

7. *Health, Security, Harassment or other Investigation Records:* the release of which could reasonably be expected to cause harm to the applicant or someone else, or to affect the safety of Yukon University employees, students, and the public, or the security of University facilities.

Protection of Privacy

The University will adhere to the ten principles of the CSA Model Code on privacy protection:

1. *Accountability:* The Chief Information Officer shall be responsible for monitoring University compliance with the policy and procedures.
2. *Identifying purposes:* The purposes for which personal information is collected shall be identified on all relevant forms, including e-forms, through a disclaimer and appropriate signage at University offices where personal information is collected.
3. *Consent:* The consent of the individual providing personal information shall be obtained on forms before use or disclosure of the information, except where inappropriate.
4. *Limiting Collection:* The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization, including research and archival requirements. Information shall be collected by fair and lawful means.
5. *Limiting Use, Disclosure and Retention:* Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfilment of those purposes, including research and archival requirements.
6. *Accuracy:* Personal information shall be as accurate, complete and up to date as is necessary for the purpose for which it is used.

7. *Safeguards:* Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.
8. *Openness:* The University will publish an IAPP brochure and web site information with contacts, forms, and processes related to access and privacy issues, a Records Directory identifying record series, electronic databases, and records available without formal application, and the Annual Report of the Chief Information Officer.
9. *Access, Correction or Annotation of Personal Information:* Upon request, an individual shall be informed of the existence, use and disclosure of his or her personal information in University records, and shall be given access to and copies of the records. An individual shall be able to challenge the accuracy and completeness of the records and to have them amended or annotated as appropriate.
10. *Challenging Compliance:* The President shall designate an independent Information Access and Privacy Protection Review Officer to make recommendations about complaints regarding refusal of formal requests for access, response times, fees, and concerns regarding the collection, use, disclosure, correction or care of personal information or third party business information.

6. Other Related and/or Accompanying Documents

Forms:

1. Application for Access to Information in Yukon University Records
2. Application for Correction or Annotation of Personal Information in Yukon University Records.