



<b>Policy:</b>	<b>O-6.1</b>
<b>Approved By:</b>	<b>Board of Governors</b>
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<b>Policy Holder:</b>	<b>VP Administration/CFO</b>

## FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

### Purpose / Rationale

The purpose of this policy is to establish principles and guidelines that enable the College to comply with the provisions of the *Freedom of Information and Protection of Privacy Act*.

### Scope / Limits

1. This policy applies to all records in the custody or under the control of the College.
2. This policy is subject to the *Freedom of Information and Protection of Privacy Act* and other laws of general application.

### Principles

1. Camosun College will comply in full with the provisions of *The Freedom of Information and Protection of Privacy Act (SBC 1992, Chapter 61, as amended by SBC 1993, Chapter 46)*.
2. For the purposes of the Act, the president is designated as the head of Camosun College and is responsible to ensure that the College complies with the Act.
3. To facilitate administration of the Act, the president will name a designate to act as the Information and Privacy Coordinator and define his/her duties to ensure compliance with the Act. Other officers of the College will have duties defined, as required, in support of the administration and implementation of the Act, the policy and the procedures.
4. To facilitate timely responses to requests under the Act, the College will establish time lines that are in alignment with the Act and this policy.
5. In compliance with the Act and ministry guidelines, a schedule of fees will be established. Procedures and guidelines to support the administration of the policy will be established as and when required.

## A. ROLE OF THE INFORMATION AND PRIVACY COORDINATOR

At Camosun College, the Information and Privacy Coordinator is responsible for overall coordination of freedom of information and protection of privacy functions, and for freedom of information request management.

### 1. Coordination of Information and Privacy Functions:

- a) Coordinating the implementation of effective policies, guidelines and procedures to manage the College's compliance with the Act;
- b) Providing advisory services to the board, president and senior administration on matters pertaining to the Act;
- c) Coordinating the development and delivery of training programs on freedom of information and protection of privacy as appropriate across the College;
- d) Coordinating the development and delivery of communications packages on freedom of information and protection of privacy as appropriate to the College's stakeholders;
- e) Attending to the creation of required directories and listings, and to the administrative reporting requirements of the Act and associated regulations; and
- f) Working with the Information and Privacy Commissioner during investigations and audits.

### 2. Freedom of Information (FOI) Request Management:

- a) Developing and implementing an effective FOI request management process.
- b) Managing formal FOI requests received under the Act including:
  - i) assisting the applicant;
  - ii) assigning requests;
  - iii) monitoring and tracking the processing of requests;
  - iv) meeting the time limits and notification requirements;
  - v) considering representations from third parties;
  - vi) calculating and collecting fees; and
  - vii) making recommendations to the president in response to requests.
- c) Responding to requests for correction of personal information;
- d) Where necessary, coordinating the College's negotiations and responses during reviews by the commissioner; and
- e) Maintaining adequate records on behalf of the institution and providing statistical reports on formal FOI requests as required.

## B. ROLE OF OTHER ADMINISTRATIVE OFFICERS

Vice presidents, deans, directors and departmental managers are responsible for ensuring that the management of information in their custody or under their control meets the requirements of the Act, and for the implementation of freedom of information and privacy functions in their schools and departments. In particular these responsibilities include:

**1. Ensuring that personal information is:**

- a) collected only as authorized under the Act;
- b) used only for the purpose for which it was collected or a consistent purpose;
- c) accurate and up-to-date;
- d) retained in accordance with the Act; and
- e) protected by appropriate security measures, and that appropriate policy and procedure is in place to reflect these principles.

**2. Ensuring that adequate control is maintained over records in their custody or control by:**

- a) maintaining an inventory of records held; and
- b) maintaining appropriate location and retrieval systems.

**3. Assisting the Coordinator to respond to formal FOI requests by:**

- a) ensuring knowledge of and compliance with FOI request procedures by point-of-contact staff; and
- b) determining if records exist and retrieving them in a timely fashion.

**4. Providing background information as required.**

Those responsible for College-wide administrative functions play an important role in advising the president and the coordinator about information and privacy issues that relate to their functional areas. The president and the coordinator consult with these areas, as required, both in the formulation of administrative procedure and during the management of the request process. In addition, within these departments are College-wide records-keeping responsibilities relating to student, personnel, governance, contract, purchasing and financial records. Each of these areas have management policies and procedures for ensuring that the College's records management, as embodied in their functions, complies with the Act. These officers are responsible for administration, location and control, preservation and security of such records.

It is anticipated that the noted administrators are responsible for overseeing the College's records and play a particularly significant role in the management of freedom of information. The board and senior administration of the College depend on the special expertise of senior management in establishing communications policy and managing the overall flow of information to the public. The information and privacy coordinator and these administrators work together closely on requests related to sensitive issues.

**C. RESPONDING TO REQUESTS**

Under the Act, a person has the right to access any record in the custody or under the control of the College, subject to the exceptions noted in sections 12 through 22. This right includes the right of access to information about the applicant.

The applicant may ask for a copy of the record or to examine the record.

Access under the Act is not required where information is freely or regularly made available by the College through published sources or other means. A request under the Act is not necessary to access policy and procedures manuals, published reports, board minutes etc.

Camosun College does not require a request under the Act for a student to access his or her own official student record. A student or former student may view his/her own official student record at the appropriate registration office upon presentation of positive identification.

An applicant has the right to request correction of information about themselves contained in records in the custody or under the control of the College.

Under the Act, to obtain access to a record or to correct a record, an applicant must make a written request to the College. Forms are available in each public-contact office to facilitate this; however, any written request is sufficient, provided it adequately identifies the applicant and the records requested.

Under the Act, the College must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.

At point-of-contact with the applicant, staff should initially determine whether a FOI request is necessary (is the information available through normal channels?). If information is freely available the applicant should be directed to it. If a request is required staff should assist the applicant in making the request, specifying as precisely as possible the information required and obtaining appropriate identification and contact information from the applicant.

The Act requires that under normal circumstances the College respond to the applicant within thirty (30) days of receipt of the request. It also provides for extensions in limited circumstances; however, timeliness is of the essence.

In many cases requests will involve considerable consultation, notification of third parties, or severing of information from parts of the record to protect confidentiality. These will be time-consuming processes, and again, timeliness is of the essence.

In order to meet required time lines processing must begin immediately upon receipt of the request. Staff should assist the applicant and clarify the request. The request should then be forwarded to the information and privacy coordinator by the quickest possible means.

If, after clarifying the information requirement, a formal Freedom of Information request is necessary, staff should not respond to it without consulting the coordinator, even if the requested records are under their control. All requests should be forwarded to the coordinator, who will then involve appropriate College staff in complying with the request.

The Act allows the College to charge fees under certain conditions, and section D sets out the College's fee schedule. Where fees will be charged, the coordinator will give the applicant an estimate in advance, and the applicant will be asked to pay a deposit. The thirty (30) day time limit is suspended while awaiting payment of the deposit.

The information and privacy coordinator will ensure that the request is processed in accordance with the Act, will keep necessary records, and will seek advice from College staff, government advisors or the College's lawyers as necessary.

The coordinator will prepare a recommended response and advise the president, who will make a final decision and take appropriate action.

In responding to the applicant, the College must either provide the requested records or indicate the reasons under the Act for refusing to disclose all or portions of the records requested. In this latter case, the applicant must also be informed of their right to appeal to the commissioner.

The following procedures and time limits are suggested in order to respond to requests within thirty (30) calendar days or twenty-two (22) working days:

**Procedure****Time Limit**

- |  |               |
|--|---------------|
| 1. At 'contact' clarify request and identify applicant. Is information available through normal channels?  |               |
| 2. Forward request to Information and Privacy Coordinator (Coord) by quickest possible means.  |               |
| 3. Coord will send acknowledgment to applicant.  | End of Day 1  |
| 4. Coord identify and contact areas where records located.   | End of Day 2  |
| 5. Areas assemble records and transfer to Coord's office. Where records do not exist, inform the Coord who will notify the applicant.  | End of Day 5  |
| 6. Coord do an initial review of records. Consider extension and notify applicant if necessary. Consider fees and notify applicant if applicable. Calendar suspended while awaiting deposit. | End of Day 7  |
| 7. Coord carry out detailed review of records. Initiate internal and external consultations if necessary.  |               |
| 8. Third-party notice given if necessary. 21 day response period in effect.  | End of Day 10 |
| 9. Internal and external consultations complete.   | End of Day 15 |
| 10. Coord prepare a recommendation to president.   | End of Day 17 |
| 11. President will make final decision on request. Notify applicant and request balance of fees.   | End of Day 19 |
| 12. Prepare (copy and sever) records for applicant.  |               |
| 13. Collect balance of fees. Release records.  | End of Day 22 |

**D. SCHEDULE OF FEES****1. Under the Act an applicant must not be charged a fee for:**

- a) Access to his or her personal information;
- b) The first three hours spent locating and retrieving a record; or
- c) Time spent severing information from a record.

In accordance with ministry guidelines, Camosun College may charge fees for additional services as follows:

<b><u>Service</u></b>	<b><u>Fee</u></b>
1. Locating and retrieving a record	\$7.50 per 1/4 hr after the first 3 hrs
2. Producing a record manually	\$7.50 per 1/4 hr
3. Producing a record from a machine readable record	\$16.50 per minute for CPU time and \$7.50 per 1/4 hr for developing a computer program

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|--|--|
| 4. For preparing a record for disclosure and handling a record | \$7.50 per 1/4 hr  |
| 5. For shipping copies   | Actual cost of shipping method chosen by the applicant     |
| 6. For copying records:  |  |
| Photocopies and computer printouts                             | \$0.25 per page  |
| Floppy disks   | \$10.00 per disk   |
| Computer Tapes   | \$40.00 per tape up to 2400 ft                             |
| Other  | Actual cost of materials plus \$7.50 per 1/4 hr processing |

Where fees will be applied, the College will notify the applicant in advance and provide an estimate of the total cost.

The College may require a deposit of 30% of the estimated cost before proceeding with the request.

Fees will be subject to periodic review and adjustment.

## E. INSTRUCTIONAL RECORDS

### 1. Preamble

The instructional dean has overall responsibility for management of instructional records.

To facilitate administration of instructional records, faculty and staff of the college will create, retain or dispose of instructional records as specified in the administrative guidelines below.

### 2. Administrative Guidelines

#### a) Definition

The instructional record is the academic progress of a student in the elements of a course, with relevant personal information of an academic nature, that together comprise the instructor's assessment of a student's achievement while enrolled in a Camosun course.

#### b) Creation

The instructor creates instructional records. The records stem from materials used in the course which include, but are not limited to, the standard course outline of content, the schedule for each class session and the instructor's lecture notes.

#### c) Access

College employees while in performance of their assigned duties will have access to instructional records.

Instructors will be provided with or have access to information contained in the academic, demographic and/or assessment portions of the official student record of

their students. (For a description of what is contained in the official student record, see the policy on Freedom of Information and Protection of Privacy - Student Records.)

Instructors will make available to students the evaluation scheme for a course and their progress in it.

**d) Security**

Instructional records and completed final exams are stored with the instructor. The coordinator will take custody if the instructor leaves the college at the conclusion of the course.

After it is marked, a final exam is the property of the college but is made available to the student for viewing.

**e) Retention**

Instructional records of all students' marks must be kept one year after the conclusion of a course. In addition, completed final exams must be kept one year and all assignments and tests not returned to the student must also be retained one year.

**f) Disposition**

Instructors will forward final grades to department of data management upon completion of a course.

After one year destroyed exams and course materials are not returned to students.

Course outlines are archived by the school office.

**F. PERSONNEL RECORD**

**1. Preamble**

Personnel records are generally covered in the Act under the title "Personal Information." The Act defines personal information as "recorded information about an identifiable individual." Nine (9) different groups of personal information are defined. Guidelines on how the college will deal with each of these groups are given below.

Under the provisions of the Act, anyone can request access to all personal information held by the college. Disclosure of personal information to anyone else is restricted. Personal information must not be disclosed without reference to the Information and Privacy Act. Seek advice from the Information and Privacy Coordinator.

**2. General Considerations**

**a) Security**

All personal information is to be stored in a secure area with access available only to those employees who require it in the performance of their duties. This includes both physical and electronically stored information.

**b) Disposition**

All records are destroyed after the specified retention period.

**c) Collection of personal information**

This is generally done with the use of forms which must identify authorization for the collection of personal information and the purpose(s) for which it is to be used.

Employees of Camosun College may have access to their own personnel record without a formal Freedom of Information request.

Records collected in connection with harassment complaints will be handled in accordance with the existing Harassment Policy and in compliance with the Freedom of Information and Protection of Privacy Act.

### **3. Administrative Guidelines**

#### **a) The individual's name, address or telephone number**

Collection: via application forms and other applicable payroll and personnel forms.

Location: Human Resources, Payroll, Departmental and School Offices will retain this for all their current employees and applicants for faculty positions (this includes prior term faculty).

Retention: Human Resources, Payroll:

- ♦ applicants - 1 year;
- ♦ employees - 7 years after termination of employment.

Dept./School. Office:

- ♦ applicants - 1 year;
- ♦ employees - duration of employment in the school/department.

#### **b) The individual's race, national or ethnic origin, colour, or religious or political beliefs or associations**

Collection: only through highly confidential forms, if required, for employment equity (or similar) purposes, carried out by someone specifically identified, or through a resume if an individual has chosen to include such information.

Location: secure location as may be identified in an employment equity procedure.

Retention: as identified in an employment equity procedure.

#### **c) The individual's age, sex, sexual orientation, marital or family status**

Collection: via forms by Human Resources/Payroll as required for payroll and benefits administration purposes. May also be collected for employment equity purposes as identified in 3.2 above.

Location: Human Resources/Payroll office or as outlined in an employment equity procedure.

Retention: 7 years following the termination of employment or as outlined in an employment equity procedure.

#### **d) An identifying number, symbol or other particular assigned to the individual**

Collection: Human Resources/Payroll. This would include SIN, payroll number and similar identifiers.

Location: Human Resources/Payroll

Retention: 7 years following the termination of employment.

**e) The individual's fingerprints, blood type or inheritable characteristics**

Collection: Human Resources, Health & Safety Department, First Aid Attendants

This would only apply to blood type or inheritable characteristics related to an employee's health, and would only be collected if volunteered by the employee.

Location: Health and Safety Department - First Aid Attendant Records

Retention: Duration of employment.

**f) Information about the individual's health care history, including a physical or mental disability**

Collection: as in section 3.5 above

- ♦ by Human Resources for sick-leave documentation and long-term disability applications and records.
- ♦ by department/school if required by legislation in order to work in a certain area.

Location: as in section 3.5 above

- ♦ Human Resources
- ♦ Department/school for any legislated requirements.

Retention: 7 years following termination of employment in Human Resources.

- ♦ duration of employment in department/school.

**g) Information about the individual's educational, financial, criminal or employment history**

Collection: Educational and employment history information will be collected via application form or resume by Human Resources or school/departmental offices. There is currently no need to collect financial history information. Criminal history information would only be collected as required by law and college policy (e.g. currently required in connection with provision of childcare services).

Location: Educational and employment history information will be located in the Human Resources department for college employees. Copies can also be kept in divisional/departmental offices for current employees. Applications for faculty positions will be located in departmental/school offices. Criminal record information will be located in a secure area as outlined in any relevant policy. Financial information concerning salaries and other information relating to employment at the college will be maintained in Human Resources/Payroll and financial record files.

Retention: Applications will be retained for 1 year. Employee files will be retained for 7 years. Criminal record files will be retained according to legal and policy requirements.

**h) Anyone else's opinions about the individual**

The documentation that would fall within this group is employee appraisals and records on employee selection (including interviewers' notes and reference material). Employees can access this information about themselves. References and information collected from others for appraisals must be disclosed unless they are explicitly provided in confidence. If the information can be summarized or rewritten without identifying the person who provided it, then it must be made available. It is a condition of employment that references can be obtained from previous employers. (This will be stated on all application forms.) However, a candidate must give permission to obtain a reference from anyone else.

Collection: generally at the departmental/school level.

Location: Information from selections - in school office.

Employee appraisals in Human Resources. If input from others has been collected, this should be destroyed after the information is summarized on the appraisal form.

Retention: Information from selections - 1 year

Employee appraisals - 7 years following termination of employment.

**i) The individual's personal views or opinions, except in reference to another**

This may include opinions sought in surveys where the person is identified; letters, memos, e-mails sent with opinions, but only if filed under the individual's name (otherwise it is not considered "personal" information).

Collection: school/departmental offices and possibly Human Resources.

Location: school/departmental offices only as long as that individual is a member; Human Resources

Retention: Length of employment in school/departmental offices, if required.

- 7 years following termination of employment in Human Resources.

## G. STUDENT RECORDS

### 1. Preamble

Student records are generally covered in the Act under the title "personal information." The Act defines personal information as being "recorded information about an identifiable individual." Under the provisions of the Act, anyone can request access to all personal information held by the college. Disclosure of personal information, including that held as student records, is very restricted and must not be disclosed without reference to the Act. Advice from the college's Information and Privacy Coordinator should be requested.

### 2. General Considerations

The Official Student Record contains six groups that are managed by the Registrar/Director Student Services:

a) Demographic

b) Academic

c) Fees For Service

**d) Financial Aid**

**e) Counselling**

**f) Assessment**

Student information is generally collected using official college forms, by in-person transfer from the student to the employee, or by means of a touch-tone telephone. The college calendar and application form state the authorization for the collection, maintenance and use of such information and the application form requiring the student's signature.

**3. Administrative Guidelines**

**a) Access**

- i) the student can have complete access to his/her individual record without a formal FOI/POP request.
- ii) Access, admission and registration employees have access to the student record except that part which constitutes the counselling record. These employees have a college responsibility for creating, maintaining, using and servicing the student record and are requested to sign a notice of guidelines related to this Act.
- iii) the president or vice presidents may have access in pursuit of an academic or disciplinary matter.
- iv) designated staff and faculty employed within the education schools, community education and international education can have access to the student record (except counselling records). Such access is provided in order that the academic performance of the student can be professionally facilitated and is subject to the employee signing a notice of guidelines related to the Act.
- v) any external agency; e.g. sponsoring agency, family member or other individual as prescribed and authorized in a signed release provided to the registrar by the student, can access that individual student's record.
- vi) law enforcement officers and courts of law can access the student record when appropriate warrants and orders are provided to the registrar. Also, certain agencies have statutory authority to access; e.g. Statistics Canada or the Apprenticeship Board.
- vii) Educational Research and Development staff can access student records (except for counselling records) in order to support research needs in compliance with the FOI/POP Act.
- viii) Counselling records are maintained by the counselling department and are generally accessible only to counsellors and the individual student.

**4. Content**

The official student record contains five groups.

**a) Demographic, which includes:**

- ◆ student identification number
- ◆ last and given names
- ◆ previous names

- ◆ birth date
- ◆ citizenship
- ◆ gender
- ◆ permanent and local addresses
- ◆ home and business phone numbers
- ◆ emergency contact name and phone number

**b) Academic, which includes:**

- ◆ BC Exam identification number
- ◆ previous external academic record
- ◆ college program and courses completed
- ◆ admission and assessment date
- ◆ current enrollment status in college program and courses
- ◆ timetable of attendance
- ◆ transcript and grade information
- ◆ graduation records

**c) Fees for Service:**

- ◆ complete record of tuition and associated fees either paid or outstanding
- ◆ reference to sponsorship agencies as applicable
- ◆ record of ancillary fees as collected by registrar's office

**d) Financial Aid, which includes:**

- ◆ personal financial background information, loan assessment and loan and bursary history information

**e) Counselling, which includes:**

- ◆ personal records on an individual student basis that form a written record of any counselling appointment

**5. Collection**

The College and Institute Act authorizes the college to collect that information directly related to and necessary for the operating activities of the college and needs of agencies and ministries of government. There are two prime methods of collecting student information:

- a) the student provides most information by completing official college forms, by transferring information directly to college employees and by submitting information electronically;
- b) the faculty and staff within the instructional areas provide student information associated with the student's academic performance.

A secondary source of student information is that provided by other educational institutions. This data is normally released to the college as a result of the student's request to do so.

#### **6. Security**

The physical records of student information are maintained in locked cabinets situated at the campus of attendance for the individual student. The electronic records are maintained either on Camosun's central computer (student record system) or on campus-based personal computers. In both cases, the electronic record is protected by log-on security protocols.

#### **7. Retention**

The official student record that is maintained electronically is retained permanently. The physical record is maintained in its complete form while the student is enrolled.

When an enrollment break of two years has elapsed, the physical record, which is a duplicate of the electronic record, is destroyed. The remaining part of the physical record is then permanently retained.

#### **8. Disposition**

Any part of the physical student record that is redundant, as per the retention guidelines referenced above, is destroyed.

### H. CLOSED CIRCUIT GUIDELINES

#### **1. Ethics/Value**

Camosun will only use Closed Circuit Cameras (CCC) when the benefit to the safety and security of the College community outweighs to a substantial degree other competing social interests and other individual rights, especially the preservation of personal privacy.

#### **2. Guidelines / Consultation**

- a) The use of CCC will be in compliance with the Freedom of Information and Protection of Privacy Act ("the Act").
- b) Use of (CCC) equipment will only be permitted within these guidelines.
- c) Employee and student groups will be made aware of these guidelines, and reference to them placed in training and orientation programs.
- d) When the College perceives a need for CCC, it will consult with an advisory committee composed of members from CCFA, CUPE, BCGEU, CCSS and administration on the following points:
- e) Need for, viability of, location of, operation of, and times of operation.
- f) These guidelines will be made available to the public on request, and will be available on the Camosun College Web-site.
- g) These guidelines will be reviewed by the advisory committee after one year, and subsequently as needed.

### **3. Use of Closed Circuit Camera Equipment**

- a) Responsibility for implementation and supervision of CCC will reside with the Manager of College Safety under the direction of the Director, Physical Resources.
- b) CCC will be used where it provides a necessary and viable benefit to law enforcement, public safety or security of students, clients, employees or physical assets.
- c) By “necessary” it is meant that CCC will be used where other measures have been examined and deemed to be insufficient or inappropriate.
- d) By “viable” it is meant CCC constitutes a likely effective deterrent or tool relating to law enforcement, public safety or security of students, clients, employees or physical assets exists.
- e) CCC will not be used to monitor, evaluate or discipline employees over job performance issues.
- f) CCC will not normally be used in an instructional setting except where viable benefit to law enforcement, public safety or security of students, clients, employees or physical assets exists.

### **4. Camera Location, Operation and Control**

- a) Cameras will be located where there is reasonable expectation that the Camera will detect or deter criminal activity or risks to public safety or security.
- b) Signs containing pertinent information will be posted at the entry to any area using CCC. The purpose of the signs will be to alert the College community to the presence of the cameras and to provide appropriate information as identified under the Act.
- c) CCC tapes will only be reviewed when it is believed they contain information regarding an incident involving criminal activity, safety or security, or for other purposes as expressly provided under law.
- d) Only the Director of Physical Resources or the Manager of College Safety or individuals authorized by them or members of the police may review the tapes.

### **5. Security, Retention and Disposal of Tapes**

- a) CCC tapes will be stored in a controlled access area.
- b) In the absence of any requirement to retain the video information for safety or security reasons, the information on the videotapes will be erased within three weeks.
- c) If a video record contains material related to public safety, security, or criminal activity, the record will be retained for at least one year, as provided under the Act.

### **6. Video Monitors**

- a) Video monitors will be located in a controlled access area.
- b) Only the Director of Physical Resources or the Manager of College Safety or individuals authorized by them or members of the police will have access to the video monitors while they are in operation.

### **7. Disclosure of Recorded Information**

- a) Disclosure of recorded information will be in compliance with Section 33 of the Act.

### **8. Use of Recorded Information**

- a) Use of recorded information will be limited to detecting or deterring criminal offenses or actions related to public safety and security that occur in view of the cameras; or
- b) Inquiries and proceedings relating to law enforcement
- c) Tapes will not be used to monitor, evaluate or discipline employees over job performance issues.

**9. Access to Personal Information**

- a) An individual who is the subject of a video record has the right to access the record (under Section 5 of the Act), not subject to the provisions of Division 2 of Part 2 of the Act.