



## ACCESS TO INFORMATION AND PROTECTION OF PRIVACY POLICY

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|-------------------------|----------------------|----------------------------|------------------|
| <b>Policy Type:</b>     | Institutional        | <b>Initially Approved:</b> | October 4, 2017  |
| <b>Policy Sponsor:</b>  | President and CEO    | <b>Last Revised:</b>       | December 8, 2020 |
| <b>Primary Contact:</b> | University Secretary | <b>Review Scheduled:</b>   | December 2025    |
| <b>Approver:</b>        | President and CEO    |                            |                  |

### A. INTENT

Alberta University of the Arts (AUArts) is committed to ensuring the lawful and consistent collection, use, disclosure, and protection of information under its custody and control.

### B. SCOPE

This policy applies to all authorized users of the University's information, including employees, contractors, consultants, suppliers and service providers.

### C. POLICY STATEMENT

#### 1. Responsibilities

- 1.1 The President and CEO of AUArts is appointed as the designated head of AUArts and is responsible for the University's obligations under the Act.
- 1.2 The President and CEO can and has delegated the administrative duties required under the Act to the University's FOIP Coordinator. The FOIP coordinator provides guidance and advice to all University Employees and should be contacted when Employees have FOIP related questions.

#### 2. Principles

- 2.1 Information that is obtained, created or accessed to perform the operations of the University is in the custody or under the control of the University. The collection, use, disclosure, retention and destruction of information are subject to the Act.
- 2.2 All Employees who have access to information in the University's custody and control are responsible for ensuring they are adhering to the provisions of the FOIP Act and this policy.
- 2.3 The University shall ensure that information is safeguarded from deliberate, unintentional or unauthorized collection, use, destruction and/or inappropriate disclosure, consistent with the Act.

- 2.4 University community members must only collect personal information as provided for under Part 2 of the Act as follows:
  - a. When the personal information relates directly to and is necessary for an operating program or activity of the University;
  - b. When the collection of that personal information is expressly authorized by an enactment of Alberta or Canada;
  - c. When the personal information is collected for the purpose of law enforcement.
- 2.5 Notwithstanding limited allowances for indirect collection under section 32(1) of the Act, university community members must only collect personal information directly from the individual the personal information is about.
- 2.6 Notification statements must be included on all collection documents which inform the individual of the following:
  - a. The purpose for which the personal information is collected;
  - b. The specific legal authority for the collection (under section 33 of the under FOIP Act or other legislation applicable to the University).
  - c. The title, business address, and business telephone number of the employee of the University who can answer the individual's questions about the collection.

### **3. Use of Personal Information**

- 3.1 Any University employee must only use personal information if they has the legal authority to use the information under the Act. Personal information can only be used by a University employee if one of the following applies:
  - a. For the purpose for which the personal information was collected or for a use consistent with that purpose as outlined by the Notification Statement;
  - b. If the individual the information is about has identified the information and consented in the prescribed manner to the use;
  - c. For a purpose authorized under section 40, 42, or 43 of the Act.
- 3.2 University employees can determine appropriate use of personal information based on whether the personal information is being used in a manner consistent with the purpose for which it was collected or compiled.

### **4. Disclosure of Personal Information**

- 4.1 The University must only disclose limited personal information if it has the legal authority to disclose it under section 40, 42, or 43 of the Act.
- 4.2 The University may only disclose personal information to the extent necessary to enable it to carry out the purposes described in section 40 of the FOIP Act.

### **5. Protection and Retention of Personal Information**

- 5.1 University employees must protect personal information by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, modification, or destruction. These include but are not limited to the following:
  - a. Physical security: securing records in locked rooms or cabinets, limiting access to areas that hold personal information;

- b. Administrative security: policy, policy training, confidentiality agreements, identity authentication procedures;
  - c. Technical security: using password protection, saving data on server supported drives (e.g. H: Drive), locking computer when left unattended, limiting third party vendor access as recommended by referenced Information Technology procedures;
  - d. Portable device security: enabling password access, keeping mobile device physically secure (e.g. locking cable for laptop).
- 5.2 Official records will be disposed of securely and regularly as per the University's Records Management Procedure and Retention Schedule, consistent with the Act.

## **6. Access to Information**

- 6.1 Upon the University receiving a written FOIP request for information, in writing, Employees shall immediately forward the request to the University's FOIP Coordinator.
- 6.2 The University will grant access, subject to the specific and limited exceptions in Part One of the FOIP Act, to any individual who requests access to any record containing general information or the applicant's personal information in the University's control.
- 6.3 A request may be excluded if it falls under section 4 of the Act.
- 6.4 According to Part 2 of FOIP, individuals may at any time make a written request to the University or the FOIP Coordinator in order to access their own personal information held by the University.
- 6.5 Employees will be notified if it appears they have records responsive to a request and will be asked to do a thorough and timely search.
- 6.6 Employees must not dispose of or alter any records relating to a FOIP request, even if the records are scheduled for destruction under the Records Management Retention Schedule.

## **7. Accuracy and Corrections of Personal Information**

- 7.1 Personal information collected, used and disclosed by the University shall be as accurate, complete and up to date as is necessary for the purposes for which it is to be used.
- 7.2 Individuals have the right to request corrections of errors or omissions to their own personal information. Individuals may use informal means to request access or corrections to their personal information.

## D. DEFINITIONS

|                       |   |
|-----------------------|---|
| Act:                  | Alberta Freedom of Information and Protection of Privacy Act and Regulations.   |
| Collection documents: | Any University form, electronic or physical, that requests and collects personal information from a person.   |
| Control:              | Refers to the power or authority of the University to manage, restrict, regulate or administer the use or disclosure or destruction of the record.  |
| Custody:              | Refers to the physical possession of a record, electronic or physical, by the University.   |
| Employee:             | Within the context of this policy includes a person who performs a service for the University as faculty, staff, appointee, volunteer, student, under a contract or agency relationship with the University.  |
| Personal Information: | <p>Recorded information about an identifiable individual, including the following examples listed in the FOIP Act:</p> <ul style="list-style-type: none"><li>• The individual's name, home or business address, or home or business telephone number;</li><li>• The individual's race, national or ethnic origin, colour or religious or political beliefs or associations;</li><li>• The individual's age, sex, marital status or family status;</li><li>• Identifying number, symbol or other assigned to the individual;</li><li>• The individual's fingerprints, or other biometric information;</li><li>• Information on the individual's health and health care history, including information about a physical or mental disability;</li><li>• Information about the individual's educational, financial, employment or criminal history;</li><li>• Anyone else's opinion about the individual;</li><li>• The individual's personal views or opinions except if they are about someone else.</li></ul> |
| Record:               | <p>A record of information in any form including notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers, papers and any other information that is written, photographed, recorded or stored in any manner. This definition includes a record that can be created from existing data in a computer. This definition does not include software or any mechanism that produces records. All records in the custody and control of the University are Official Records as defined in the Records Management Procedure.</p>   |

**E. RELATED POLICIES**

- Board of Governors: Code of Conduct Policy
- Executive Administration: AUArts Records Management Procedure and Retention Schedule

**F. RELATED LEGISLATION**

- Post-Secondary Learning Act
- Alberta Freedom of Information and Protection of Privacy Act

**G. REVISION HISTORY**

| <b>Date<br/>(mm/dd/yyyy)</b> | <b>Description of<br/>Change</b>                       | <b>Sections</b>          | <b>Person who<br/>Entered Revision<br/>(Position Title)</b> | <b>Person who<br/>Authorized<br/>Revision<br/>(Position Title)</b> |
|------------------------------|--|--------------------------|---|--|
| 12/08/2020                   | Revisions to reflect the FOIP Act and AUArts documents | Throughout all sections. | University Secretary  | University Secretary   |
|                              |  |                          |   |  |