



## ACCESS TO INFORMATION AND PROTECTION OF PRIVACY POLICY

|                         |                   |                            |                   |
|-------------------------|-------------------|----------------------------|-------------------|
| <b>Policy Type:</b>     | Institutional     | <b>Initially Approved:</b> | October 4, 2017   |
| <b>Policy Sponsor:</b>  | President and CEO | <b>Last Revised:</b>       | November 21, 2019 |
| <b>Primary Contact:</b> | FOIP Coordinator  | <b>Review Scheduled:</b>   | August 2024       |
| <b>Approver:</b>        | President and CEO |                            |                   |

### A. INTENT

The 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.

#### 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 and disclosure of information are subject to the Act.
- 2.2 All University community members who have access to University information share responsibility for the appropriate use and accurate interpretation and representation of information.
- 2.3 The University will ensure adherence to the principles of accuracy, access, and availability of information consistent with the Act.
- 2.4 The University shall ensure that information is safeguarded from deliberate, unintentional or unauthorized alteration, destruction and/or inappropriate disclosure, consistent with the Act.

#### 3. Collection of Personal Information

- 3.1 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.
- 3.2 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.
- 3.3 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 Act);
  - 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.

#### **4. Use of Personal Information**

- 4.1 Any University employee must only use personal information if it 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.
- 4.2 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. If a community member has questions, they should contact the University's FOIP Coordinator.

#### **5. Disclosure of Personal Information**

- 5.1 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.
- 5.2 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 Act in a reasonable manner.
- 5.3 Personal information should be treated as confidential and must not be disclosed to anyone but University employees who have demonstrated need for the personal information to carry out their duties. These allowances are found under sections 40, 42, and 43 of the Act.

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

- 6.1 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: privacy 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).
- 6.2 Official records will be disposed of securely and regularly per the University's Records Management Procedure and Retention Schedule, consistent with the Act.

## **7. Access to Information**

- 7.1 Upon receiving a FOIP request, University employees shall immediately forward the request to the University's FOIP Coordinator.
- 7.2 The University will grant access to any individual who requests access to any record containing general information or the applicant's personal information in the University's control.
- 7.3 A request may be excluded if it falls under section 4 of the Act.
- 7.4 Individuals may at any time make a written request to the University or the FOIP Coordinator in order to access their personal information held by the University.
- 7.5 Employees must not dispose of any records relating to a FOIP request, even if the records are scheduled for destruction under the Records Management Retention Schedule.
- 7.6 Employees will be notified of an ongoing request by the FOIP Coordinator.

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

- 8.1 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.
- 8.2 Individuals have the right to access personal information about themselves and to request corrections to that 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 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 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 and procedure, 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:** Recorded information about an identifiable individual, including:
- The individual's name, home or business address, or home or business telephone number;
  - The individual's race, national or ethnic origin, colour or religious or political beliefs or associations;
  - The individual's age, sex, marital status or family status;
  - Identifying number, symbol or other particular assigned to the individual;
  - The individual's fingerprints, or other biometric information;
  - Information on the individual's health and health care history, including information about a physical or mental disability;
  - Information about the individual's educational, financial, employment or criminal history;
  - Anyone else's opinion about the individual;
  - The individual's personal views or opinions except if they are about someone else.
- Record:** 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 considered to be Official Records as defined in the Records Management Procedure.

## **E. RELATED LEGISLATION**

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

## **F. RELATED DOCUMENTS**

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

## **G. REVISION HISTORY**

| Date<br>(mm/dd/yyyy) | Description of<br>Change | Sections | Person who<br>Entered Revision<br>(Position Title) | Person who<br>Authorized<br>Revision<br>(Position Title) |
|----------------------|--------------------------|----------|--|--|
| 03/28/2017           | Revisions                |          |  |  |
| 08/2019              | Revisions                |          |  |  |
|                      |                          |          |  |  |