Access to Information & Privacy Office

550 Cumberland (M407)
Ottawa ON K1N 6N5
Phone (613) 562-5800 (1667)
Fax (613) 562-5914
alpo@uottawa.ca
www.uottawa.ca/privacy/home

May 2012
The Access to Information & Privacy Office (‘AIPO’) ensures the University of Ottawa’s compliance with the Freedom of Information and Protection of Privacy Act R.S.O. 1990 chap. F-31 (FIPPA), other legislation as well as internal policies relating to access to information and protection of privacy.

The AIPO coordinates responses regarding FIPPA requests and responds to privacy complaints and breaches.

FIPPA
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

In June 2006, the Freedom of Information and Protection of Privacy Act (FIPPA) started applying to Ontario Universities.

FIPPA has two purposes, it allows:
(1) the right to request and access information held by the University;
(2) the protection of privacy of individuals personal information.

ACCESS TO INFORMATION

Anybody can make an access to information request under FIPPA for records under the custody and control of the University.

The University has 30 days to respond to the request and may extend the response for specific reasons.

Certain limitations on the right of access to records exist in the form of exclusions and exemptions.

Exclusions: information excluded from the scope of the Act (FIPPA does not apply).
- Labour relations
- Research and teaching materials

Exemptions: information may be (discretionary) or must be (mandatory) exempt from disclosure.
- Personal information (mandatory)
- Third party information (mandatory)
- Solicitor-client privilege
- Economic and other interests
- Advice and recommendations
- Law enforcement

For a full list of the exemptions and exclusions, please consult the Act. For additional information and/or guidance on the application of these exemptions, please contact the AIPO.
**ACCESS TO INFORMATION (CONT’D)**

**Searches**

Searches must be performed by an experience employee knowledgeable of the office’s filing system and practices.

All types of records forms and types of records must be searched, this includes and is not limited to, emails, paper files, handwritten notes, videos, photos, electronic records saved in your computer.

**Right to Appeal**

A requester may appeal the University’s decision to the Information and Privacy Commissioner (IPC). First, the University will participate in a mediation session with the requester. If a settlement was not reached, the appeal will proceed to adjudication. Ultimately, an Adjudicator will issue an order upholding the University’s decision or will order the University to take action.

**Correction of Personal Information**

Individuals have a right to request the correction of their personal information under FIPPA. Depending on the nature of the request for correction, it may require a written request to the AIPO.

**Privacy**

Personal information consists of recorded information about an identifiable individual (e.g. information related to one’s education, employment history, personal address and telephone number). Personal information does not include business identity information.

FIPPA contains specific rules on how to collect, use and disclose personal information.

**Collection**

A notice of collection must be provided to individuals whenever personal information is collected. The notice must include the following three requirements:

- The legal authority for the collection;
- The principle purposes for which the personal information is intended to be used;
- The contact information of an employee who can answer questions about the collection.

**Use**

Personal information could be used within the institution where any one of the following circumstances exists:

- Consent was obtained for the specific use;
- For the purpose for which it was obtained or compiled or for a consistent purpose;
- In its alumni records for the purpose of its own fundraising activities.
DISCLOSURE

WITHIN THE UNIVERSITY

If the University has provided a Notice of Collection, disclosure to an employee or consultant or agent of the University is authorized if:

- The disclosure must be made to an officer, employee, consultant or agent; and
- Who needed the information in the performance of his or her duties; and
- The disclosure must be necessary and proper in the performance of the institution’s functions.

OUTSIDE THE UNIVERSITY

The following list consists of a partial list of circumstances under which the University is permitted to disclose personal information:

- Consent was obtained;
- For the purpose for which it was collected or for a consistent purpose;
- Where disclosure is made to an officer, employee, consultant or agent of the institution who needs the record in the performance of their duties and is necessary and proper for institution’s functions;
- For the purpose of complying with an Act of the Legislature or an Act of Parliament.

Always consult the AIPO if you are unsure if you are allowed to collect, use or disclose personal information.

BEST PRACTICES

ACCESS TO INFORMATION

Always create and maintain records with access in mind.

- Personal information must be maintained for at least 1 year
- Avoid writing unnecessary comments in records
- Avoid including various subject matters in the same record
- Reduce mailing lists to a minimum
- State views, comments and opinions as objective as possible.
- Avoid e-mail ‘strings’ (this includes forwards and replies)
BEST PRACTICES (CONT’D)

PRIVACY

Always ask questions if you are unsure that the disclosure of information is permitted.

- Keep confidential and personal information safe (i.e. lock doors, desktop, filing cabinets...);
- Never share your passwords;
- Verify individual identity prior to releasing personal information;
- All records containing personal information should be destroyed by shredding.

For additional best practices and information on access to information and protection of privacy, please consult our website at www.uottawa.ca/privacy/home.html.

UNIVERSITY RELATED POLICIES

- Policy 90 & Procedure – Access to information and Protection of Privacy
  web5.uottawa.ca/admingov/policy_90.html
- Procedure 20-5 – Handling Access to Information Requests and Privacy Breach
  web5.uottawa.ca/admingov/procedure_20-5.html
- Policy 14a) – Student Record Policy
  www.uottawa.ca/governance/policy_14a.html
- Procedure 20-4 – Archives of the University – Records Retention Schedule
  web5.uottawa.ca/admingov/documents/records_retention_schedule_2008.pdf

EXTERNAL RESOURCES

- Information and Privacy Commissioner
  www.ipc.on.ca
- Chief Information and Privacy Officer
- FIPPA
  www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90f31_e.htm
  www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900459_e.htm
- General – R.R.O. 1990, Reg. 460
  www.e-laws.gov.on.ca/html/regs/english/elaws_regs_900460_e.htm