



Policy on Freedom of Information, Personal Information and Records - Policy: G4

Revised/Reviewed: July 1, 2024

I. Purpose

This policy has been developed to provide direction to ensure the College meets the requirements under Manitoba's Freedom of Information and Protection of Privacy Act (FIPPA) and The Personal Health Information Act (PHIA).

II. Policy

The College is committed to the principles of public accountability and the protection of personal privacy. The College is subject to legal limitations and obligations in how it collects, accesses, uses and discloses personal records information. Furthermore, individuals have a right to access their personal information in accordance with the qualified rights under FIPPA and PHIA.

III. Definitions

- a. "College Access and Privacy Coordinator" also referred to as "Coordinator" is the College employee that is responsible for day-to-day administration of FIPPA and for receiving applications for access to records. The coordinator may also provide general guidance to staff members about compliance and obligations under FIPPA and PHIA.
- b. "College Access and Privacy Officer" is the College employee who is appointed by the President and deemed to be the head of the College regarding the responsibilities and obligations put in place by FIPPA.
- c. "Personal information" or "Personally Identifiable Information" means recorded information about an identifiable individual, as further outlined in FIPPA and PHIA (personal health information).
- d. "Privacy Breach" is the theft, loss, unauthorized access, unauthorized disclosure, or other unauthorized misuse, alteration or destruction of a record containing personal information that is not permitted by FIPPA or PHIA.
- e. "Record" means a record of information in any form, and includes information that is written, photographed, recorded, or stored in any manner, on any storage medium or by any means

including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records.

IV. Procedures

a. Collection, Storage, Use and Disclosure of Personal Information

- I. College staff members shall collect and record only such personal information as is either reasonably necessary for the proper administration of the College and its academic and other programs or is required by virtue of data collection or reporting requirements lawfully imposed upon the College by federal or provincial governmental authorities.
- II. The College shall not use personal information in its custody or under its control except:
 - i. where the individual has identified the information and consented to its use;
 - ii. for the purpose for which it was obtained or for a consistent purpose,
 - iii. for statistical analysis, if such does not identify individuals or disclose other personal information;
 - iv. in other circumstances, where the use of the information is necessary and proper in the discharge of the College's functions and responsibilities
- III. Employees who have access to personal information will hold the information in confidence and use the information only in the performance of their employment.
- IV. Personal information will not be disclosed to a third party unless the individual who the information is about has consented to disclosure, or in the following cases:
 - i. for the purpose for which the information was collected or for a use consistent with that purpose;
 - ii. for the purpose of complying with a requirement to provide information lawfully imposed upon the College by a federal or provincial governmental authority;
 - iii. for law enforcement purposes of crime prevention;
 - iv. where disclosure is made to another educational institution or to a professional licensing authority or board of certification or similar institution, provided the College has made reasonable efforts to inform the individuals of making such disclosure;
 - v. where the disclosure is about the third party's work contact information, job classification, salary range, benefits, employment responsibilities, travel expenses as an officer or employee of a public body;
 - vi. for the purpose of contacting a relative or friend or an individual who is injured, incapacitated or ill; assisting in identifying a deceased individual; or any other person it is reasonable to inform in the circumstances, of the individual's death;
 - vii. to a person who has been authorized by the individual to whom the information relates to make an enquiry on that individual's behalf or, where that individual is

- incapacitated, has been authorized by the next-of-kin or legal representative of that individual;
- viii. where necessary to protect the mental or physical health or the safety of any individual or group of individuals;
 - ix. where disclosure is made to a physician or other health professional, to provide information for the assessment of disability, medical leave, workplace accommodation, or similar claims;
 - x. for the purpose of complying with an enactment of Manitoba or Canada or a collective agreement.
- V. The College shall take reasonable precautions to protect the security of records containing personal information, shall retain such information only for reasonable periods of time and shall make reasonable arrangements for the disposition when that reasonable time has expired.
- i. Reasonable precautions refer to the storage and security of records in the care and custody of the College. Confidential records should be stored in a secure location to ensure that no unauthorized persons will have access to the information. Secure locations include:
 - locked filing cabinet or office
 - record center in a locked room
 - secure server
 - other secured storage locations as approved by the Chief Information Officer and Access and Privacy Officer
 - ii. Any records set aside for confidential shredding must be held in a secure area until they are shredded.
 - iii. Personal information is not permitted to be stored or transmitted on removable storage devices (e.g., thumb drives, external hard drives) except in rare circumstances that must be approved in advance by the Chief Information Officer or the Access Privacy Coordinator/Officer. In the case where this is permitted, the device must be encrypted and any copies of the personal information on this device must be destroyed as soon as it is no longer needed.
 - iv. When records containing personal information are removed from their secured environment for appropriate use, the College employee who accesses the record must take reasonable precautions to guard the confidentiality of the record, and the record must be returned to its secure location when it is no longer in use.
 - v. Should an employee or college stakeholder become aware of a potential or actual privacy breach, they must immediately notify the Access and Privacy Coordinator. The coordinator will investigate to contain and assess the breach (should one exist), provide recommendations to prevent such a breach in the future, and notify affected individuals

as required under FIPPA or PHIA. Notification to the Ombudsman may also be required depending on the significance of the privacy breach.

b. Request for Access to Information

An individual may have a right of access to any record in the custody or under the control of the College, including records containing personal information about the individual.

- I. The right of access to a record does not extend to information that is excepted from disclosure under FIPPA and PHIA.
- II. To obtain access to a record, an individual must make a request to the College's Access and Privacy Officer on the prescribed form and must provide enough detail to enable the College's Access and Privacy Officer to identify the record.
 - An individual may make an oral request for access to a record, in special circumstances.
- III. Once the formal request has been made, the Access and Privacy Coordinator will review and assess the request and decide as to whether the applicant has a right to access some, all, or none of the information being requested.
 - The Access and Privacy Coordinator has a right to access the records that are the subject of the formal request. Employees of the College are obligated to cooperate and provide copies of records related to the request to the coordinator to make the determination as to what records may be accessed.
 - The coordinator may make this determination after consultation with other college stakeholders and subject matter experts.
 - The coordinator will communicate back to the applicant of the formal request as required by law.
- IV. The College shall make every reasonable effort to respond to a request in writing within 30 days after receiving it unless an extension has been granted or the request is transferred to another public body.
- V. Every individual who is given access to personal information is entitled to request correction of the personal information where the individual believes there is an error or omission.

c. Training and Documentation

- I. College employees must familiarize themselves with access and privacy training and related manuals/guidelines as part of the college's employee onboarding training.
- II. Depending on the nature of the employee's role at the College and their scope of access to personal information, additional and ongoing training and procedural guidance is required, as directed by the immediate supervisor and/or department head.
- III. As part of their conditions of employment with the college, College employees agree to comply with this policy and applicable legislation including FIPPA and PHIA.

- IV. College employees and stakeholders should seek guidance from the College's Access and Privacy Officer when they have questions about the appropriate collection, storage, use, disclosure, or destruction of records containing personal information.

V. Policy Authority

The Access and Privacy Officer is responsible for this policy. Questions regarding interpretation of this policy should be directed to:

Access & Privacy Officer

Assiniboine College
1430 Victoria Avenue East
Brandon, Manitoba, Canada R7A 2A9
accessandprivacy@assiniboine.net

VI. Policy History

Policy Change Date	Details
July 1, 2024	Policy updated, renamed G4
June 2004	Policy updated, named P-i-1

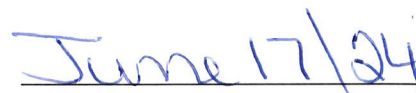
VI. Related Policies and Legislation

The Freedom of Information and Protection of Privacy Act C.C.S.M. c. F175, and its Access and Privacy Regulation

The Personal Health Information Act C.C.S.M. c. P33.5, and its Personal Health Information Regulation



President



Date