A. Introduction
Niagara College is subject to Ontario’s Freedom of Information and Protection of Privacy Act (FIPPA) which came into effect on January 1, 1988. This provincial legislation has two purposes; a) to provide individuals with a right of access to certain information held by the college, and b) to give individuals a right of access to their own personal information while establishing standards to ensure that this information is protected.

B. Responsibility
The College regards all personal information as confidential, and undertakes to protect the privacy of all staff and students. Individual departments are responsible for developing and implementing their own procedures to ensure compliance with this policy, and any employee of the College having access to personal information is accountable for adhering to the responsibilities under both this policy and the Act. In addition, the College will ensure that reasonable measures are in place to prevent any unauthorized access to all personal information under its control.

C. Purpose
This policy outlines the College’s obligations regarding the collection, use, and disclosure of all personal information held in its custody, as well as the regulations surrounding the access of an individual to their own personal records.

D. Definition of Personal Information
Any information (recorded or non-recorded) about an identifiable individual, including:
   a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual
   b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved
c) any identifying number, symbol or other particular assigned to the individual
d) the address, telephone number, fingerprints or blood type of the individual
e) the personal opinions of the individual except where they relate to another individual
f) correspondence sent to an institution by the individual that is implicitly or explicitly of a
private or confidential nature, and replies to that correspondence
g) the views or opinions of another individual about the individual
h) the individual’s name where it appears with other personal information or where the
disclosure of the name would reveal other personal information about the individual

E. COLLECTION of Personal Information
Personal information will only be collected if one of the following applies:
- the collection is expressly authorized by statute
- is used for the purposes of law enforcement
- is necessary to the proper administration of a lawfully authorized activity

Personal information must be retained after use for 1 year in order to ensure that the individual
has a reasonable opportunity to obtain access to the personal information.

In most cases, personal information will only be collected directly from the individual to whom
the information relates. However, some exceptions may apply including, (but not limited to):
- where the individual authorizes another manner of collection
- for the purpose of determining suitability for an award to recognize outstanding achievement
- for the purpose of conducting a proceeding or a possible proceeding before a court or
tribunal, or for law enforcement

When personal information is collected, we will inform the individual of:
- the legal authority for the collection
- the principal purpose or purposes for which the personal information is intended to be used
- the contact information of a public official who can answer questions about the collection

F. USE of Personal Information
Personal information in our custody or under our control will only be used:
- when the person to whom the information relates has consented to its use
- for the purpose for which it was obtained or compiled or for a consistent purpose
- in accordance with the “Disclosure of Personal Information” section below
- for fundraising activities (subject to certain parameters)
PRACTICE TITLE: Freedom of Information and Protection of Privacy
(Protection of Privacy component)

G. DISCLOSURE of Personal Information
In most cases, personal information in our custody will not be disclosed. However, some exceptions may apply, including (but not limited to):
- in accordance with an official and approved Freedom of Information request
- where the person to whom the information relates has consented to its disclosure
- for the purpose for which it was obtained or compiled or for a consistent purpose
- to an employee of the college who needs the information in the performance of his/her duties and where disclosure is necessary and proper in the discharge of the college’s functions
- to a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result
- for fundraising activities (subject to certain parameters)

H. ACCESS to an Individual’s Own Personal Information
In most cases, individual’s have a right of access to any personal information about themselves contained in our custody. However, some exceptions may apply, including (but not limited to):
- where the disclosure would create an unjustified invasion of another individual’s privacy
- where the information is supplied in confidence and is evaluative or opinion material compiled solely for the purpose of:
  - assessing the teaching materials or research of an employee
  - determining suitability, eligibility or qualifications for admission to an academic program
  - determining suitability for an honour or award to recognize outstanding achievement

An individual may request that their personal information be corrected if they believe it is not accurate. Only factual information that can be proven will be corrected; information that is considered to be an “opinion” is not subject to change. However, an individual may request that a statement of disagreement be attached to this information reflecting any correction that was requested but denied. The Access/Correction Request form is available from Human Resources.

I. Appeals
All decisions made by the college regarding the collection, use, and disclosure of personal information may be appealed to the Information and Privacy Commissioner (www.ipc.on.ca). An individual also has the right to appeal any decision where the college refuses to make a correction to that individual’s personal information.

J. Other Privacy Legislation
Personal Health Information Protection Act (PHIPA)
- This Act applies to health care providers. The College Dental Clinic, Health Services, the Center for Students with Disabilities, and Counseling departments are all required to follow this legislation. Please contact the FOI Coordinator in Human Resources for further information.
Personal Information Protection and Electronic Documents Act (PIPEDA)
- This Act applies to all private sector organizations that conduct any commercial activity. The College is not governed by this legislation.

K. Procedure for Handling Personal Information Requests
Each department will be audited by the Freedom of Information (FOI) Coordinator to determine the type of personal information they hold and the type of requests that are frequently made. From this audit, specific guidelines will be put into place for handling routine requests for disclosure of personal information. For any new or unusual requests, the FOI Coordinator should be consulted for further direction.

L. College Contact
For any questions or concerns, or for more detailed guidelines regarding the collection, use, disclosure or access of personal information, contact the FOI Coordinator in Human Resources.