



# **FIPPA TIPS FOR FACULTY & STAFF**



# **Collection and Use of Personal Information**

## **Can we ask a student for personal information?**

**Yes** – but only as necessary for course or program delivery. Also, we must inform the student of the purpose for which the information is being collected. For example, emails may be collected to facilitate group work or seminar attendance.

This information, however, may not be used for another purpose without the consent of the student and should be kept only as long as necessary for the course.

## **Can we take attendance?**

**Yes** – but try to be privacy aware. In a smaller class, answering to a name roll call is not an invasion of privacy, however, any public display of student numbers is not permitted; thus, student numbers cannot be used on sign-in sheets or on a class list to initial. Circulating a class list of names (without student numbers) is okay. Note: exam proctors are permitted to have a list of names with student numbers.

## **Collection Notices**

Collection notices are necessary when asking a student for their personal information.

The collection notice states under what authority personal information is collected (the specific section of FIPPA) and makes a commitment not to use the information for a purpose other than that for which it was collected without consent. It must also include a University contact person who can provide information about the application of FIPPA to the personal information being collected and who can provide information about gaining access to the information. Below is a standard collection notice:

Huron University respects your privacy. Personal information that you provide to the University is collected pursuant to section 5 (Powers of Board) of the Huron University College Act, 2020. It is collected for the purpose of administering admissions, registration, academic programs, university-related student activities, activities of student societies, safety, financial assistance and awards, graduation and university advancement, and reporting to government agencies for statistical purposes. At all times it will be protected in accordance with the *Freedom of Information and Protection of Privacy Act*. If you have questions, please reach out to Huron's Privacy Officer at [privacy@huron.uwo.ca](mailto:privacy@huron.uwo.ca) or 519-438-7224 ext. 245.

Contact [Huron's Privacy Officer](#) for advice if you are unsure when collection notices are necessary.

## **Disclosure of Personal Information**

There are two principles at work when deciding to share student information within the University. One is that **FIPPA allows the sharing of information within the institution in order to do our jobs**. This is covered by the statement in the FIPPA legislation to the effect that we will only use the information we collect *for the purpose for which it was collected or a consistent purpose*. The second is that, even within the institution, **information is only to be shared on a need-to-know basis**.

Section 42(1) of FIPPA speaks to the usual circumstances under which personal information may be disclosed:

- With direct consent from the individual to whom the information relates.
- For a purpose consistent with the purpose for which it was originally collected.
- Where necessary to facilitate the completion of one's duties
- As associated with an employment position at the University.

### **Can we confirm student enrolment?**

**No** – Until an individual graduates, **all information pertaining to their academic history is considered to be personal information** and is treated as confidential by the University. All inquiries about current students (or former students **who did not graduate**), no matter from whom (including media or parents), are to be met with the same response – we cannot confirm or deny enrolment.

### **Can we have access to personal information in a student record?**

**Yes** – However, access to the information in a student record is given on a “need-to-know” basis. The level and nature of access should be directly related to the duties of the individual requesting access. An instructor will need to know whether someone is registered in their class, but this information should be obtained from the administrator responsible for records of class enrollment and registration and not from the student record.

### **Can we have access to student medical information?**

**No** – Students often provide medical information when requesting academic accommodation for an illness. Instructors are prohibited under Senate policy from collecting medical documentation from undergraduate students seeking accommodation for illness. Students must submit medical documentation directly to the appropriate Academic Advising office, which is required to hold the records in confidence.

### **Can we share personal information about my students with other University employees?**

**Yes** – But only with the employees whose duties and responsibilities authorize them to have access to that information and who need the information in order to carry out their duties.

## Can we post student grades in a public place?

**No** – A student’s mark is clearly covered by the definition of “personal information” as is their student number. Therefore, posting a student’s mark along with their name and student number would be a clear contravention of the Act.

Senate policy is quite clear with respect to the [communication of final grades](#). For optimal security, OWL is the recommended mechanism for communicating grades.

## Can we post personal student information on web pages or include it on CVs?

**Yes** – as long as we obtain their permission first. An email is sufficient to include information on a CV, however, to publish images or videos on web pages or to use student information for promotional purposes, [Huron’s Media Release Form](#) should be completed.

## Can we give references for students and employees?

**Yes** – However, sharing personal information outside of the University should only take place with the consent of the individual. This consent may be obtained by the person or institution requesting the reference or it may be obtained directly from the student. Be sure to have written proof of consent (an email from the student will suffice) and keep it for at least one year. Without consent, you are not at liberty to disclose any information about the individual. That includes, confirming whether or not the student attends Huron (or attended in the past and did not graduate) or worked in your department.

# **Disclosure of Access to References**

## **Access to confidential letters of reference**

The assessments and recommendations included in a letter of reference do not have to be disclosed to the subject named in response to a request for access to information (as per sections 49 and 65 of FIPPA). This includes assessments of:

- Teaching Materials
- Research
- Employment
- Suitability, eligibility or qualifications for admission to an academic program
- Suitability for an honor or award to recognize outstanding achievement or distinguished service.

The disclosure of references and evaluations pertaining to Huron faculty and instructors is governed by the application, if applicable, by the Collective Agreement.

## **Disclosure of Personal Information in an Emergency**

**What if it is an emergency? Can I disclose personal information without permission?**

**Yes** – FIPPA does not require that permission be obtained before disclosing personal information in the event of an emergency, (whether to someone inside or outside the University). FIPPA allows for the disclosure of personal information in exceptional circumstances such as those relating to protection of health and safety or for compassionate reasons. Make every effort to consult with Huron’s Director, Community Safety or Huron’s Privacy Officer if time allows; if not, use your best judgment.

## **Retention of Personal Information**

**How long do we keep personal information?**

FIPPA mandates that all records (including email) that carry personal information and that relate to university business be kept for a minimum period of one year – unless the individual to whom the information relates consents to earlier disposal.

In some cases, the operational requirements of the University or government regulation will require that records be retained for longer periods.

Student work should be retained for at least one year. Senate regulations require that examination papers and other work not returned to the student must be retained for a minimum of one year from the date of last use.

## **Disposal of Personal Information**

Once it is no longer necessary to keep copies of student work, it should be disposed of in the departmental shred bin or shredded before disposal.

**DO NOT PUT COPIES OF STUDENT WORK (or any other record still containing student personal information) IN THE GARBAGE!**

**Protect Against Unauthorized Access or Disclosure.**

FIPPA requires that the university protect personal information from unauthorized access, use and disclosure.

- Avoid keeping personal information on removable storage devices (USB keys, laptops, cell phones) that are not encrypted. If transporting paper documents (such as student papers) and data devices, they should be locked in the vehicle’s trunk not left on the seat and should never be left in a vehicle overnight.
- When communicating with students by email, attempt to confirm their identity before disclosing personal information.
- Ensure personal information that may be on your desk or on computer screens is not

visible to visitors to your office. Always log out of your computer if leaving it unattended. Keep sensitive personal information in a locked cabinet when you are not present.

- If accessing information related to the University, which might include personal information in a public place, do not leave records unattended, e.g. at restaurants, washrooms, public transit, etc. Don't read where others could see records.

## **Privacy Breach**

### **What is a privacy breach?**

A privacy breach is an incident involving the unauthorized disclosure of personal information in the custody or control of Huron University.

This would include personal information being lost or stolen, accessed by unauthorized persons, or disclosed outside the parameters allowed by FIPPA.

If you believe a privacy breach has occurred, please refer to the [Four Step Plan for Handling a Privacy Breach](#) document and complete [Huron's Privacy Breach Notification Form](#) immediately.

A breach does not necessarily constitute non-compliance with FIPPA, but failure to correct any faulty practices or procedures within your department or office could lead the University to be assessed penalties under the *Act*.

## **Research & Teaching Records**

**With limited exceptions, FIPPA does not apply to:**

- Records about or associated with research
- A record of teaching materials

The definitions below provide guidance on what the terms *research records* and *teaching materials* are commonly understood to mean for the purpose of administering FIPPA.

### **Research Records**

“**Research records**” includes records that are collected, prepared, and maintained for a research purpose. The research program or project may be proposed, in progress or completed. The research is conducted or proposed by a University employee, student, research assistant, private research partner or other person (individual, group or organization) associated with the University.

**Record types:** may include documents in various media and formats containing information about research methodology, reference material, research notes, formulas, calculations, surveys, interviews, compositions, artwork, literary works, etc.

## Instances of research records

- Detailed information about proposed or continuing research contained in an application and its supporting documentation submitted to a granting agency
- Research information contained in an application for research ethics approval involving human or animal subjects
- Information acquired by agreement from a government body for a research purpose such as vital statistics and clinical data

**Where research records do fall under FIPPA:** the subject matter and amount of funding being received with respect to research is required to be disclosed pursuant to a request under FIPPA.

## Teaching Records

“**Teaching materials**” includes records that are collected, prepared, and maintained for a teaching purpose. The teaching material is for use at the University. The teaching is conducted by a University employee which may include a professor, lecturer, teaching assistant, sessional instructor, adjunct professor, professor *emeritus* or other individual, group or organization associated with the University; and may also include non-credit instructors who are independent contractors if the terms of the contract stipulate that teaching materials are the property of the contractor.

**Record types:** may include documents in various media and formats and be in the form of lesson plans, lecture notes, reading lists, reading schedule, assignment topics, overhead slides, case studies, exercises, assignments, quizzes, tests, and other instructional materials.

## Instances of teaching records

- Research undertaken to develop a course topic, outline or assignments
- Notes to assist the instructor in delivering a lecture
- Visual aids – overheads, PowerPoint and multimedia presentations used in adding interest and/or explication to a lecture

**Where teaching records may fall under FIPPA:** versions of teaching materials that have been approved by University governance and administration bodies and are incorporated into the University’s recordkeeping system. Examples may include course numbers and titles, course descriptions, outlines and syllabi, method of evaluation including grading schemes, etc.

## Can the public obtain access to teaching materials and/or research- related records?

**No** – Most research-related records and teaching materials are excluded under FIPPA. This includes material such as research and study notes, reports and manuscripts - *unless* they were specifically commissioned or prepared under contract for the University or in the context of administrative work.

## **Other Requests for Access to Information**

Normally, a formal request for access to information is not an issue that will impact heavily on your work.

In general, if you are asked for information that you would normally provide, such as a course syllabus or outline, a reading list or copy of an assigned reading, you should provide that information. You should also provide personal information – such as grades on tests and papers - if it relates to the student making the request.

If a request for access involving records from your area is received by Huron's Privacy Officer, your department will be contacted with a description of the records requested. **Although you may believe that the records requested are not accessible under FIPPA, this is a decision that will be made by Huron's Privacy Officer guided by the FIPPA legislation.**

## **Access to Email and Personal Records**

**If someone submits a formal request under FIPPA, can my e-mail communication be released?**

**Yes** – Faculty and staff e-mail, personal mobile device files, and even home computer communication *on University matters* may be disclosed under FIPPA and therefore care and professionalism should always be exercised when communicating by e-mail.

**Does FIPPA apply to the records of faculty that are created as part of professional or volunteer work performed outside of regular employment with the University?**

**No** – FIPPA does not apply to records that are personal to you. However, to prevent confusion these records should be kept separate from the records related to your duties for the University. Avoid the use of University e-mail to transmit personal information. If University email is used, create a separate 'Personal' folder for these items.

## **Contact**

Huron's Privacy Officer is your best resource should you have any questions about the practices and procedures at Huron regarding the FIPPA.

Should you have any questions concerning FIPPA and its role in your department, please feel free to reach out to [Huron's Privacy Officer](#).