

University of Prince Edward Island	Policy No. govbrdgnl0017	Revision No. 0
Policy Title: Access to Information and Protection of Personal Information and Privacy		Page 1 of 8
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Policy Approval Authority: Board of Governors	Designated Executive Officer: Vice-President, Administration & Finance	WWW Access: Yes

BACKGROUND

1. On March 22, 2004, the University created its policy in relation to privacy and the protection of personal information. The policy recognized the commitment made by the University to protect privacy while, at the same time, providing a useful guideline for the ongoing collection, use, and disclosure of information by the University. As part of the effort by the University to modernize its policies, and recognizing the importance of both privacy and access to information in our community today, the University wishes to update its policy to establish a new guideline for the future collection, use, and disclosure of information by the University.
2. The University occupies a unique place in our community. While it has been created by statute and performs a public service, the University is a legally autonomous institution that has its own governing body, manages its own affairs, allocates its funds, and pursues its own academic interests. This autonomy is buttressed by the traditional position occupied by universities in our society. This Policy is a reflection of the unique role that the University plays in our community and must be interpreted with these principles in mind.

PURPOSE

3. The purpose of this Policy is to enhance the University's continued commitments to:
 - (a) providing access to information,
 - (b) protecting personal information and privacy, and
 - (c) setting out the processes for handling access to information requests ("access requests") and breach of privacy complaints ("privacy complaints").

SCOPE

4. This Policy applies to
 - (a) all requests for access to information maintained by the University; and
 - (b) all members of the University community with access to information maintained by the University.

EFFECTIVE DATE

5. This Policy is effective May 1, 2017 and shall apply to all information created by the University after the effective date of the Policy.
6. All requests for information before the effective date of this Policy shall be determined in accordance with the policy in effect at the University at the applicable time.

ACCESS TO INFORMATION

7. The University routinely makes large amounts of institutional and other information available to the public on its website. The University is committed to continuing this online practice. If information is not available on the University's website, a request for information may be made to the Office of UPEI Information & Privacy ("UPEIIP") in accordance with this Policy.

PRIVACY

8. The University is committed to maintaining and protecting the integrity of personal and other confidential information. If a person believes his or her privacy rights have been breached, the person may file a written complaint with the Office of UPEIIP in accordance with this Policy.

OFFICE OF THE INFORMATION & PRIVACY COMMISSIONER

9. The Office of UPEIIP handles access requests and privacy complaints made to the University. The Office of UPEIIP also carries out other associated duties, such as:
 - (a) educating University staff on access to information and privacy,
 - (b) assisting University staff members in conducting searches and addressing complaints,
 - (c) clarifying and responding to access requests,
 - (d) preparing fee estimates,
 - (e) investigating and remedying complaints,
 - (f) reporting on the number of access requests and complaints, and
 - (g) representing the University in interactions following an access request or privacy complaint.

PROCESS FOR HANDLING ACCESS REQUESTS

Basic Steps

10. The steps in processing an access request may vary depending on the nature of the request. Generally, the Office of UPEIIP follows these basic steps:
 - (a) An access request means a request for access to institutional or personal information. An access request must be submitted in writing, addressed to the Office of UPEIIP, and must provide sufficient detail to enable the Office to identify the record(s) sought. The person making the request (the "requester") must also pay the initial fee and complete the Access Request Form.

- (b) The Office contacts staff responsible at the faculty, administrative office or service to conduct a search for records responsive to the access request.
- (c) The records located as a result of the search are sent to the Office of UPEIIP. The Office reviews the records to determine whether exemptions and/or exclusions apply.
- (d) The Office of UPEIIP notifies the requester about the Office's decision whether to release the records in part or in their entirety and the fees associated with the release of the records.
- (e) Once the requester pays the fees associated with the access request, the Office of UPEIIP sends copies of the responsive records to the requester.

Exemptions and Exceptions

11. There are certain types of records that are exempt from disclosure to protect institutional interests, the privacy of others, confidentiality, ongoing operations of the University, and other interests important to the University. For example, exemptions and exceptions include, but are not limited, to any information that:
 - (a) is an invasion of privacy,
 - (b) may be harmful to the interests of the University, a third party, or an individual,
 - (c) may negatively affect a relationship important to the University,
 - (d) may affect public safety or the health or safety of an individual,
 - (e) is confidential,
 - (f) relates to a policy, project or other matter under consideration by the University,
 - (g) relates to employees, labour relations or student relations at the University,
 - (h) relates to an investigation,
 - (i) relates to a legal or administrative proceeding,
 - (j) relates to a disciplinary matter,
 - (k) is protected by any form of privilege,
 - (l) relates to legal advice given to the University, or
 - (m) relates to a request that is frivolous, vexatious and an abuse of the Policy
12. A record may contain information about an individual other than a requester. Generally, information related to another individual is not disclosed.
13. A record may contain information that reveals commercial, financial, confidential or other information belonging to an external person, entity or organization. Generally, information related to another party is not disclosed.

Fees

14. The University charges fees for the processing of access requests. Responding to an access request will require the University to expend both human and financial resources. An initial and non-refundable fee must therefore be paid to the University before the Office of UPEIIP begins to process the access request and records will not be released until the Office of UPEIIP receives payment in full of all fees associated with request. Information on fees is found in the Fee Schedule. Notwithstanding this provision, the fees for any request requiring less than one (1) hour of time shall be waived.

PROCESS FOR HANDLING PRIVACY COMPLAINTS

Complaint

15. For the purpose of this Policy, a privacy breach occurs when there is unauthorized disclosure of personal information or someone has obtained unauthorized access to personal information. If a person believes his or her privacy rights have been breached, the person may file a written complaint with the Office of PEIIP. The person making the complaint must complete the Privacy Complaint Form.

Basic Steps

16. The steps in processing a privacy complaint may vary depending on the nature, circumstances, and complexity of the complaint. Generally, the Office of UPEIIP follows these steps:
 - (a) receipt of the complaint,
 - (b) communication with the faculty, administrative office or service and person(s) involved with the complaint or who may have knowledge of the circumstances,
 - (c) consultation with other appropriate authorities and/or external entities, if necessary, and
 - (d) notification of the person who filed the complaint as to the outcome of the complaint and informing them of any steps taken to resolve the complaint.

PROTECTION OF PERSONAL INFORMATION AND PRIVACY

Personal Information

17. Personal information is regularly collected by the University from students, employees, alumni, donors and other individuals, and this information is intended to be used for the purpose of administering programs and activities at the University, delivering services at the University, and carrying out the operations of the University, including:
 - (a) recruitment, admission, registration, evaluation, and/or graduation in an academic

- and non-academic program,
- (b) student associations and organizations, including the alumni association,
- (c) financial assistance and awards,
- (d) development and fundraising activities,
- (e) institutional planning and statistics,
- (f) reporting to government agencies and/or professional organizations,
- (g) employment,
- (h) safety and security, and
- (i) print, electronic, and internet publications.

Disclosure

18. It is the general policy of the University not to disclose personal information to external individuals or organizations unless:
- (a) the individual was notified of the disclosure when the personal information was collected,
 - (b) the individual has consented to the disclosure,
 - (c) disclosure is permitted or required by law,
 - (d) the information is public information, or
 - (e) disclosure is authorized under this Policy.

Correction

19. Individuals have a right to request access to their own personal information and to request the correction of their personal information. Those who wish to obtain access to their personal information or to request a correction should begin by contacting the faculty, administrative office or service that has possession of the information. Depending on the nature of the request, it may require a written request to the Office of UPEIIP.

PIPEDA

20. The University is committed to adhering to the Personal Information Protection and Electronic Documents Act (“PIPEDA”) and to promoting responsible practices regarding the management of personal information at the University.

Application

21. PIPEDA only applies where the University collects, uses or discloses personal

information in the course of a “commercial activity.” In other words, this section of the Policy therefore does not apply where the University collects, uses, or discloses the personal information of individual students, former students, employees, or former employees, or third parties (e.g. family members or contractors) unless that information is collected, used or disclosed in the course of a commercial activity. If an individual has a question about whether a particular activity falls within PIPEDA and this section of the Policy, then the individual should consult with the Office of UPEIIP.

Definitions

22. A “commercial activity” means any particular transaction, act, or conduct or any regular course of conduct that is of a “commercial character,” including the selling, bartering or leasing of donor, membership, or other fundraising lists.
23. An activity has a “commercial character” if it or another activity with which it is associated:
- (a) involves an exchange of goods or services for valuable consideration,
 - (b) is for the purpose of creating a profit, generating revenue or producing a positive cash flow, and
 - (c) is not principally educational in nature.
24. “Personal information” means information that the University collects, uses, or discloses in the course of a commercial activity about an identifiable individual. It may include, but is not limited to, an individual’s name, home address, home telephone number, home e-mail address, student ID number, information about an individual’s personal characteristics (e.g. age, sex, marital or family status, race, social status, educational background, employment background, source of income), financial information, medical information, criminal record information, opinions, evaluations and comments, but does not include the following:
- (a) the name, title, business address, or business telephone number of an employee of the University or other organization,
 - (b) information that relates only to a corporation or other organization, and
 - (c) publicly available information as defined in PIPEDA.

Responsibility for Compliance

25. The Office of UPEIIP is designated as the entity responsible for compliance with PIPEDA on behalf of the University.

Collection, Use, and Disclosure of Personal Information

26. The University will collect, use, or disclose personal information in the course of a commercial activity only for purposes that a reasonable person would consider

appropriate in the circumstances.

The Ten Principles

27. Personal information that is collected, used, or disclosed by the University in the course of a commercial activity will be handled in accordance with the ten privacy principles set out in PIPEDA.

Questions, Requests, and Reconsideration

28. An individual who has a question or request about any matter covered by this section of the Policy or about the application of PIPEDA at the University may address their inquiry, request or complaint, in writing, to the Office of UPEIIP. The question or request must include sufficient information to enable the University to deal with the matter.

Reconsideration

29. If an individual disagrees with a decision made by the Office of UPEIIP under this policy, the individual may submit a written request for reconsideration with the Vice President Administration and Finance within thirty (30) days of the date of the decision. The decision of the office of UPEIIP shall be reconsidered by the Vice President Administration & Finance within thirty (30) days and his/her decision will be final.

RESPONSIBILITIES

30. This Policy is authorized by the Board of Governors.
31. The development and maintenance of this Policy is the responsibility of Vice-President, Administration & Finance.
32. The administration of this Policy is the responsibility of the Office of UPEIIP as set out hereinabove.

REVIEW

33. This policy is to be reviewed every five (5) years.

RELEVANT LEGISLATION

Personal Information Protection and Electronic Documents Act, S.C. 2000, c 5.

FEE SCHEDULE

All applicable taxes are payable in addition to the listed fees.

Description	Fee
Access request fee	\$25.00
Locating and retrieving a record	\$40.00 per hour
Preparing and handling a record for disclosure	\$40.00 per hour
Examining a record	\$40.00 per hour
Shipping a record	Actual cost
Scanning a record	\$0.50 per page
Producing a record	
photocopying or printing	\$0.25 per page
CDs	\$10.00 per CD
DVDs	\$10.00 per DVD
USB drives	\$15.00 per USB drive
duplication of 16mm microfilm	\$50.00 per roll
duplication of 35mm microfilm	\$70.00 per roll
duplication microfilm to paper	\$1.00 per exposure
photographs	
5" X 7"	\$10.00 per photograph
8" X 10"	\$15.00 per photograph
11" X 14"	\$50.00 per photograph
16" X 20"	\$75.00 per photograph
20" X 24"	\$200.00 per photograph
any other media not listed above	Actual cost