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| <b>University of Prince Edward Island Policy</b>               | <b>Policy No.</b> govbrdgnl0007    | <b>Revision No.</b> 0 |
| <b>Policy Title</b> Personal Information and Privacy Policy    |                                    | <b>Page 1 of 6</b>    |
| <b>Creation Date</b> March 22, 2004                            | <b>Version Date</b> April 15, 2005 |                       |
| <b>Authority</b> Board of Governors                            | <b>Review Date</b> May, 2007       |                       |
| <b>Responsibility</b> Vice President of Finance and Facilities |                                    | <b>Access</b> W       |

**Background**

On January 1, 2004, the third and final phase of the Federal *Personal Information Protection and Electronic Documents Act* (PIPEDA) legislation came into effect with respect to provincially-regulated organizations not covered by “substantially similar” legislation. What underlies the Federal legislation is a list of 10 principles of fair information practices (Schedule 1 of the *Act*), which form ground rules for the collection, use and disclosure of personal information. These principles give individuals control over how their personal information is handled in the private sector. An organization is responsible for the protection of personal information and the fair handling of it at all times, throughout the organization and in dealings with third parties. Care in collecting, using and disclosing personal information is essential to continued consumer confidence and good will. These 10 principles are: Accountability, Identifying Purposes, Consent, Limiting collection, Limiting Use, Disclosure, and Retention, Accuracy, Safeguards, Openness, Individual Access, and Challenging Compliance.

In light of this, the University of Prince Edward Island recognizes that it has an obligation and a commitment to protecting the privacy of those who work and study here. The University shall make its students, staff and faculty aware of the importance of maintaining the confidentiality of personal information and shall advise them of the existence of this policy and its application to the collection, use and disclosure of personal information through both printed and electronic means. Regulations dealing with the collection, storage, utilization, and the dissemination of personal information concerning its members is part of the University’s ongoing effort to ensure that decisions concerning individuals are based on accurate information; that information gathered for one purpose is not used inappropriately for another; and, that the privacy of individuals is not invaded through disclosure of sensitive information to third parties without the necessary approvals.

**1 Purpose**

To provide for the protection and privacy of personal information held by the University.

**2 Scope**

This policy applies to all personal information at the University of Prince Edward Island.

### 3 Policy

This policy falls under the authority of the Board of Governors while the development and maintenance of the policy is the responsibility of the Vice President, Finance and Facilities. All academic and administrative departments are responsible for complying with this policy governing privacy protection and access to records. Individual departments are responsible for developing and implementing their own procedures to ensure that they reflect the intent of the University's policy.

#### 3.1 Definitions

##### 3.1.2 Personal Information

Personal information *includes* any factual or subjective information, recorded or not, about an identifiable individual such as name, home address and telephone number, gender, identification numbers, income, blood type, personal credit card records, personal loan records, information relating to the educational, medical, criminal or employment history of an individual or about financial transactions involving an individual.

Personal information *does not include* the name, title, business address or telephone number of an employee of an organization.

##### 3.2.2 Records

“Record” means any document containing personal information, however recorded, whether in manuscript, printed, filmed, electronic, magnetic or other form.

#### 3.3 Guiding Principles

##### 3.3.1 Accountability

1. The University is responsible for personal information under its control and has designated a Privacy Officer who is accountable for the University’s compliance.

The name of the Privacy Officer for the University will be communicated both internally and externally for public knowledge.

The University is responsible for personal information in its possession or custody, including information that has been transferred to a third party for processing. The University will use contractual or other means to provide a comparable level of protection while the information is being processed by a third party.

In compliance with privacy legislation, the University has policies and practices that give effect to this policy, including:

- ▶ implementing procedures to protect personal information;
- ▶ establishing procedures to receive and respond to complaints and inquiries;
- ▶ communicating to the university community information about the University's policies and practices;
- ▶ developing information to explain the University's policies and procedures; and
- ▶ collective agreement provisions.

#### 3.3.2. Identifying Purposes

The University will identify the purposes for which personal information is collected, at or before the time the information is collected.

#### 3.3.3 Limiting Collection

The collection of personal information shall be limited to that which is necessary for the proper administration of the University and its academic programs and services.

#### 3.3.4 Limiting Use, Disclosure, Informed Consent and Retention

Personal information will not be used or disclosed for purposes other than those for which it was collected, except with the knowledge and consent of the individual or as required by law. Personal information will be retained only for as long as necessary for the fulfillment of those purposes.

Personal information will be stored in confidence and accessed only by authorized University employees and agents or consultants retained by the University.

Personal information will be retained and/or destroyed in accordance with current University practices.

### 3.3.5 Accuracy

Personal information will be as accurate, complete, and up-to-date as is necessary for the purposes for which it is used by the University, taking into account its use.

Personal information shall be sufficiently accurate, complete, and up-to-date to minimize the possibility that inappropriate information may be used to make a decision about the individual.

The University/individual will update an individual's personal information as necessary to fulfill the specified purposes for which it was collected.

### 3.3.6 Safeguards

The University will safeguard personal information from unauthorized access, disclosure, copying, use or modification, regardless of the format in which it is held (i.e. print, electronic), by employing various methods of protection appropriate to the sensitivity of the information.

The methods of protection will include, but not be limited to:

- a. physical measures (locked filing cabinets, restricted access to files and offices);
- b. technological measures (passwords, encryptions, firewalls, and audits); and
- c. organizational controls (access clearances, limiting access on a "need-to-know" basis, staff training, confidentiality agreements, policies and procedures).

When an individual successfully demonstrates the inaccuracy or incompleteness of personal information the University uses to make a decision, the University will correct or update the information as required.

### 3.3.7 Challenging Compliance

An individual shall be able to address a challenge concerning compliance with the above principles to University's Privacy Officer.

The University shall put procedures in place to receive and respond to complaints or inquiries about its policies and practices relating to the handling of personal information.

The University shall inform individuals who make inquiries or lodge complaints of the existence of relevant complaint procedures.

The University shall investigate all complaints. If a complaint is found to be justified, the University will take appropriate measure, including, if necessary, amending its policies and practices.

When a challenge is not resolved to the satisfaction of the individual, the substance of the unresolved challenge shall be recorded by the University.

### 3.4 Management of Personal Information in Commercial Activities

This policy applies to activities that have a primarily commercial purpose where personal information is collected, used, disclosed by or held in the custody of the University of Prince Edward Island. Effective January 1, 2004 certain commercial activities of the University are subject to the provisions of the Federal *Personal Information Protection and Electronic Documents Act (PIPEDA)*. The *Act* requires that the University appoint a Privacy Officer responsible for overseeing compliance.

#### 3.4.1 Commercial activity

For the purpose of the policy, an activity where its purpose is to create profit, generate revenue or result in a positive cash flow.

3.4.2 The University of Prince Edward Island shall comply with the *Personal Information Protection and Electronic Documents Act (PIPEDA)* as it applies to the management of personal information in the course of commercial activities engaged in by the University.

3.4.3 Personal information that is collected, used, disclosed or held in the custody of the University for commercial purposes is handled in accordance with the ten privacy principles set out in Schedule 1 of *PIPEDA*.

3.4.4 Companies that have a commercial relationship with the University and are involved in the handling of personal information on behalf of the University are expected to comply with applicable privacy legislation.

3.4.5 The current version of this policy shall be accessible on the University of Prince Edward Island web site, with a link to the web site of the federal Privacy Commissioner where the full text of *PIPEDA* is available.

- 3.4.6 Requests for information about the privacy legislation or this policy, inquiries regarding compliance, requests for access to one's own information under this policy and complaints about the University's compliance may be submitted to the University's Privacy Officer. Requests for access to one's own information and complaints should be in writing.
- 3.4.7 Individuals who are not satisfied with the resolution of a complaint or request for access under this policy may appeal to the Vice President, Finance and Facilities.