

Policy Name:	Student and Applicant Record Policy
Originating/Responsible Department:	University Secretary and Legal Counsel
Approval Authority:	ARC
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Contact:	University Secretary

Purpose

- To define the rights and obligations of students and of the University and its officers in matters pertaining to student records and applications.
- This policy is in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA).
- This policy should guide the Registrar's Office, Graduate Studies Registrar's Office, Recruitment and Admissions, academic units, Awards and Financial Aid, Awards (Graduate Studies), Alumni and Advancement and all other primary and secondary custodians of data collected and stored about all applicants, students, and former students in degree programs, and certain non-degree programs, for the University.
- Any employee who occasionally and for specific purposes has access to the student record (regardless of format) will also adhere to this policy.

Responsibility

The University officials named by the Access to Information and Protection of Privacy Policy as Authorized Officers are responsible for ensuring the implementation of this policy.

- All documents submitted to the University by way of an application for admission, residence, financial awards, appeals or petitions become the property of the University.
- The Registrar's Office acts as the official custodian of registered student information and through systems, policies and procedures strives to ensure security and privacy of personal information.
- Responsibility for the protection of privacy must become part of the University's culture and must be fostered by all.
- The University is committed to taking reasonable steps to ensure the protection, confidentiality and privacy of the information gathered in application records of potential, current and former students.
- Unless obligated by law, authorized in writing by the student, or where explicit notice has been provided, the University will not disclose the contents of the student record outside the University unless it is public information (defined later in this policy).
- University, faculty, and staff are given access to information contained in the student records if it is required to perform their official university duties.

Scope

- This policy applies to all employees of the University who have access to general and personal information relating to students, applicants, and alumni of the University.

Definitions

Information	recorded information
Recorded Information	information that is recorded or stored by graphic, electronic, mechanical or other means.
Record	any document created in the course of practical University activity and constituting written evidence of that activity; such as a letter, memorandum, electronic mail, voice message, map, drawing, photograph, voucher, report and any other thing on which information is recorded or stored.
Collection	<p>the collection of personal information:</p> <ul style="list-style-type: none">• by or for the University, whether the information is collected directly from the person the information is about or indirectly from another source (e.g. a person or organization internal or external to the University); and• when such information is assembled or brought together and written down or recorded by any means (e.g. interview, questionnaire, survey, poll, audio tape, computer disk or tape, form, telephone call or letter) <p>Personal information must be collected directly from the individual it is about except in limited and specific circumstances.</p>
Authorization for Collection	personal information may be collected by the University only if the collection of that information is expressly authorized by law, the information is collected for the purposes of law enforcement, or the information relates directly to and is needed for an operating program or activity of the University.
Notification of Collection	the University must tell an individual from whom it collects personal information the purpose for collecting it, the legal authority for collecting it, and where the individual might receive answers to questions about the collection.
Personal	recorded information about an identifiable individual which

Information includes, but is not limited to names, home addresses and telephone numbers, age, sex, marital or family status, identifying number, race, national or ethnic origin, colour, religious or political beliefs or associations, educational history, medical history, disabilities, blood type, employment history, financial history, criminal history, anyone else's opinions about an individual, an individual's personal views or opinions, and name, address and phone number of parent, guardian, spouse or next of kin.

It does not mean the position, function and remuneration of a University employee.

Privacy the claim of individuals to determine for themselves when, how and to what extent information about themselves is communicated to others. Privacy includes such concepts as confidentiality of our personal beliefs and control over information about ourselves and others' knowledge of our affairs.

Policy and Procedures

A. Electronic Information and Networked Information

- Access to retrieve and manipulate data through our information systems will only be provided to those requiring such access as part of their job descriptions at the University.
- The Department Heads, Deans, and Directors will be responsible for delegating authority to access student records. The responsibility for due diligence rests upon these authorized users to ensure appropriate use and confidentiality of student and applicant information.
- Faculty and staff must use electronic communication with sensitivity and due diligence for the protection of students. Electronic communication that contains personal information (eg. Grades) should only be undertaken via official Carleton email systems (i.e. Network and Connect Accounts, or electronic teaching systems such as the University's Learning Management System (LMS)).
- In all cases, the protection of privacy will take priority over administrative efficiency.
- The gathering of personal information (beyond the class lists) by individual instructors must be preceded by a signed release form from the students registered in the class.

B. Information Contained in Student Record

The University shall collect no more information than it needs and the minimal amount of additional information required to accomplish a legitimate institutional purpose. The University will explain the purpose for which it collects information at the time of collection and will request authorization to release certain personal information externally where applicable. Where not possible the University will have confidentiality agreements signed with these third-parties.

The printed student record may consist of but is not limited to the following information:

- Biographical information (name, address, email address, telephone, date of birth, citizenship, next of kin, social insurance number, student number, photograph, signature, etc.)
- Admission information (application, record of previous studies, letters of recommendation, test results, etc.)
- Enrolment information (program of study, dates of attendance / registration, courses taken, student number)
- Performance information (examination results, evaluations; narrative and clinical, distinctions, sanctions, degrees obtained)
- Results from petitions and appeals filed by the student
- Medical information relevant to a student's performance, provided both by request or with the consent of the student
- Financial information (charges, payments, awards, debts, etc.)

The electronic student record may consist of but is not limited to the following information:

- Biographic (name, address, student number, social insurance number, photograph, signature, etc.)
- Academic (basis of admission, degree program, concentration, courses enrolled, transferred credits, rulings, grades, averages, ranks)
- Financial information (tuition fees, debts, scholarships and awards)

C. Storage and Retention of Records

- The University maintains and preserves student records in hard copy and electronic form
- Electronic records contain all information to monitor and administer the progress and performance of students, produce reports, and provide official transcripts of the academic record. They are also used to administer the operation of the University (enrolment reports, statistical information, and report to government agencies).
- All portions of the student electronic record required to produce official transcripts are maintained permanently. These records will be reviewed and accessed at the time of system upgrade or migration.
- Physical student records are retained and disposed of according to the Registrar's Office retention and disposition practices (Appendix A)

D. Access to Records and Disclosure of Information

- Personal information (as defined in Section 2 of FIPPA) contained in the student record is disclosed according to Sections 42 and 21 of FIPPA (See Appendix B)
- The University will disclose a minimum of information about students who have graduated, which is considered to be public information, as follows:
 - Degrees obtained and dates conferred, and in most circumstances;
 - Scholarships, grants, and awards and the dates received, but not including bursaries or needs based awards.
- A student's registration status is not considered to be public information, and may not be disclosed except in accordance with Section 42 of FIPPA (Appendix B)
- Students may request additional privacy for reasons of personal security (threats or harassment). These requests shall be directed to the Registrar's Office. The electronic record will be marked for additional privacy and authorized use will be limited. In these instances staff access and academic access for official duties will require contact with the Registrar's Office.

- The student number is considered personal information and must be kept confidential according to FIPPA. Its disclosure constitutes an unjustified invasion of personal privacy. (eg. Should not be released over the telephone)
- Grades and evaluative comments are also confidential; instructors should develop a process for returning graded material that does not jeopardize this confidentiality. Best-practice includes developing a LMS course website and having papers returned by the faculty or administrators to students upon presentation of proper identification (eg. Carleton Campus Card).

E. Student Access

- Students have the right to inspect documents contained in their own record:
 - This includes the right to view their submissions to final exams but not including the exam questions
 - The University may refuse to disclose personal information according to Section 49 of FIPPA, that includes exemptions for “evaluative or opinion material” such as confidential evaluations and letters of reference supplied to the University. (Appendix C)
- Students have the right to correct information contained in their record. Recipients of incorrect information will be notified of the correction. According to Section 47(2) (b) of FIPPA, a student may “require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made”.
- Students have direct access to their electronic record via Carleton Central for biographic, academic and financial information. If the student wishes to inspect the physical record they should contact the Registrar’s Office for an appointment. This information will only be provided in person or by written request and released only with proper identification (Carleton Campus Card / Student Number)
- A student’s formal request for their own official transcripts will be granted if it is accompanied by the required payment, and their account has no outstanding balance. The student may also request release of this official transcript to a third party however a signed Third Party Release Form must be signed beforehand.
- Students will not be granted access to official documents from other institutions or universities contained in their university record. Students must contact these parties individually and request the information directly.
- Students with a debt to the University may be sanctioned under the Student Accounts with a Debt Balance Policy and denied access to personal information such as official transcripts and may not be able to register. Access may also be denied based on other university policies.

F. Faculty and Staff Access

- Faculty and staff members of the University are given access to information contained in the official student record on a NEED TO KNOW basis. The University systems database has been designed to mask certain fields of personal information according to work / job duty requirements. Information about students will be provided to employees for performance of their official duties at the University. As a rule, only employees involved in aspects of academic administration or student affairs are given access to student record content. (See 42 (1)(d) – Appendix B)
- Individual instructors are generally not entitled to view any part of the student record unrelated to the administration of their specific course. This includes past academic performance and letters of reference.

G. Student Government Access

- Students will be notified during registration that their personal information may be provided to the student government. Students have the right to request that their information not be provided to student associations by contacting the Registrar's Office.
- The University and the student associations will sign an agreement stating the use/s of this information and the responsibility and onus for the protection of privacy. If new uses of personal information arise, an amendment must be signed and attached to the agreement. The agreement shall be reviewed annually.
- Students become members of the Carleton University Student Association or the Graduate Student Association (GSA and CUSA) upon the payment of their student activity fees. Students may opt out of certain fees that will deny them access to specific services and activities. The University may provide the student government with labels or lists for the purpose of communicating with students or identifying eligibility for some services.

H. Legally Mandated Access

- Specific records or portions of these records may be provided to:
 - Persons or agencies pursuant to a court order, summons, or subpoena directing the University to release information;
 - To the Ministry of Education and the Ministry of Training, Colleges and Universities in connection with enrolment audits and fraud;
 - To Statistics Canada for national surveys
 - In accordance with the requirements of duly constituted professional licensing and certification bodies
 - In accordance with Section 42 (1) of FIPPA (see Appendix B).

Appendix A

Registrar's Office Retention and Disposition Practices

The Registrar's Office maintains both electronic and paper records for each registered student.

The paper records will be retained for 5 years after the last date of registration.

The electronic record will be stripped of all information except for tomb stone information; proper name, last known address, phone number, SIN number, student number, final grades, and degree conferred. This will become the official record of the student.

Appendix B

Section 2:

“Personal Information” means recorded information 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 or views 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 that would reveal the contents of the original correspondence,*
- (g) the views or opinions of another individual about the individual, and*
- (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual; (“renseignements personnels”)*

Section 42 (1)

42. An institution shall not disclose personal information in its custody or under its control except,

- (a) in accordance with Part II;*
- (b) where the person to whom the information relates has identified that information in particular and consented to its disclosure;*
- (c) for the purpose for which it was obtained or compiled or for a consistent purpose;*
- (d) where disclosure is made to an officer or employee of the institution who needs the record in the performance of his or her duties and where disclosure is necessary and proper in the discharge of the institution's functions;*
- (e) for the purpose of complying with an Act of the Legislature or an Act of Parliament or a treaty, agreement or arrangement thereunder;*
- (f) where disclosure is by a law enforcement institution,
 - (i) to a law enforcement agency in a foreign country under an arrangement, a written agreement or treaty or legislative authority, or*
 - (ii) to another law enforcement agency in Canada;**
- (g) where disclosure is to an institution or 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;*
- (h) in compelling circumstances affecting the health or safety of an individual if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;*
- (i) in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased;*

(j) to a member of the Legislative Assembly who has been authorized by a constituent to whom the information relates to make an inquiry on the constituent's behalf or, where the constituent is incapacitated, has been authorized by the spouse, a close relative or the legal representative of the constituent;

(k) to a member of the bargaining agent who has been authorized by an employee to whom the information relates to make an inquiry on the employee's behalf or, where the employee is incapacitated, has been authorized by the spouse, a close relative or the legal representative of the employee;

(l) to the responsible minister;

(m) to the Information and Privacy Commissioner;

(n) to the Government of Canada in order to facilitate the auditing of shared cost programs; and

(o) subject to subsection (2), an educational institution may disclose personal information in its alumni records for the purpose of its own fundraising activities if,

(i) the educational institution and the person to whom the information is disclosed have entered into a written agreement that satisfies the requirements of subsection (3), and

(ii) the personal information is reasonably necessary for the fundraising activities.

Section 21 (1-5):

21. (1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

(a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;

(b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;

(c) personal information collected and maintained specifically for the purpose of creating a record available to the general public;

(d) under an Act of Ontario or Canada that expressly authorizes the disclosure;

(e) for a research purpose if,

(i) the disclosure is consistent with the conditions or reasonable expectations of disclosure under which the personal information was provided, collected or obtained,

(ii) the research purpose for which the disclosure is to be made cannot be reasonably accomplished unless the information is provided in individually identifiable form, and

(iii) the person who is to receive the record has agreed to comply with the conditions relating to security and confidentiality prescribed by the regulations; or

(f) if the disclosure does not constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. F.31, s. 21 (1).

Criteria re invasion of privacy

(2) A head, in determining whether a disclosure of personal information constitutes an unjustified invasion of personal privacy, shall consider all the relevant circumstances, including whether,

- (a) the disclosure is desirable for the purpose of subjecting the activities of the Government of Ontario and its agencies to public scrutiny;*
- (b) access to the personal information may promote public health and safety;*
- (c) access to the personal information will promote informed choice in the purchase of goods and services;*
- (d) the personal information is relevant to a fair determination of rights affecting the person who made the request;*
- (e) the individual to whom the information relates will be exposed unfairly to pecuniary or other harm;*
- (f) the personal information is highly sensitive;*
- (g) the personal information is unlikely to be accurate or reliable;*
- (h) the personal information has been supplied by the individual to whom the information relates in confidence; and*
- (i) the disclosure may unfairly damage the reputation of any person referred to in the record. R.S.O. 1990, c. F. 31, s. 21 (2).*

Presumed invasion of privacy

(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy where the personal information,

- (a) relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;*
- (b) was compiled and is identifiable as part of an investigation into a possible violation of law, except to the extent that disclosure is necessary to prosecute the violation or to continue the investigation;*
- (c) relates to eligibility for social service or welfare benefits or to the determination of benefit levels;*
- (d) relates to employment or educational history;*
- (e) was obtained on a tax return or gathered for the purpose of collecting a tax;*
- (f) describes an individual's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;*
- (g) consists of personal recommendations or evaluations, character references or personnel evaluations; or*
- (h) indicates the individual's racial or ethnic origin, sexual orientation or religious or political beliefs or associations. R.S.O. 1990, c. F. 31, s. 21 (3).*

Limitation

(4) Despite subsection (3), a disclosure does not constitute an unjustified invasion of personal privacy if it,

- (a) discloses the classification, salary range and benefits, or employment responsibilities of an individual who is or was an officer or employee of an institution or a member of the staff of a minister;*
- (b) discloses financial or other details of a contract for personal services between an individual and an institution;*

- (c) *discloses details of a license or permit or a similar discretionary financial benefit conferred on an individual by an institution or a head under circumstances where,*
 - (i) *the individual represents 1 per cent or more of all persons and organizations in Ontario receiving a similar benefit, and*
 - (ii) *the value of the benefit to the individual represents 1 per cent or more of the total value of similar benefits provided to other persons and organizations in Ontario. R.S.O. 1990, c. F. 31, s. 21 (4).*
- (d) *discloses personal information about a deceased individual to the spouse or a close relative of the deceased individual, and the head is satisfied that, in the circumstances, the disclosure is desirable for compassionate reasons.*

Refusal to confirm or deny existence of record

(5) *A head may refuse to confirm or deny the existence of a record if disclosure of the record would constitute an unjustified invasion of personal privacy. R.S.O. 1990, c. F. 31, s. 21 (5).*

Appendix C

Section 49

49. A head may refuse to disclose to the individual to whom the information relates personal information,

- (a) where section 12, 13, 14, 14.1, 14.2, 15, 16, 17, 18, 19, 20 or 22 would apply to the disclosure of that personal information;
- (b) where the disclosure would constitute an unjustified invasion of another individual's personal privacy;
- (c) that is evaluative or opinion material compiled solely for the purpose of determining suitability, eligibility or qualifications for the awarding of government contracts and other benefits where the disclosure would reveal the identity of a source who furnished information to the institution in circumstances where it may reasonably have been assumed that the identity of the source would be held in confidence;
 - (c.1) if the information is supplied explicitly or implicitly in confidence and is evaluative or opinion material compiled solely for the purpose of,
 - (i) assessing the teaching materials or research of an employee of an educational institution or of a person associated with an educational institution,
 - (ii) determining suitability, eligibility or qualifications for admission to an academic program of an educational institution, or
 - (iii) determining suitability for an honour or award to recognize outstanding achievement or distinguished service;
 - (d) that is medical information where the disclosure could reasonably be expected to prejudice the mental or physical health of the individual;
 - (e) that is a correctional record where the disclosure could reasonably be expected to reveal information supplied in confidence; or
 - (f) that is a research or statistical record. R.S.O. 1990, c. F.31, s. 49; 2001, c. 28, s. 22 (4); 2002, c. 2, ss. 15 (4), 19 (7); 2002, c. 18, Sched. K, s. 10; 2005, c. 28, Sched. F, s. 7.