

# FIPPA & You

Student Privacy Awareness

# Legislation and Policies

# Legislation

## *Freedom of Information and Protection of Privacy Act (FIPPA)*

Two purposes:

1. Provides right of access to institutional information
2. Protects personal information held by institutions and provides right of access to personal information

Oversight through an officer of the Ontario Legislature, the Information and Privacy Commissioner of Ontario (IPC)

# Policies

## Carleton's Privacy Policies

- Access to Information and Privacy Policy, Sept. 2019
  - Repeals all former privacy policies
  - Codifies employee responsibilities
  - New, expanded 'Notice of Collection'
- So... what's changed?
  - Nothing – your obligations are the same now as before

# Definitions

# Definitions

- Personal Information

- Record information about an identifiable individual including, but not limited to;
  - race, age, sex, marital/family status, educational and employment history, financial transactions
  - any identifying number assigned to you (a.k.a. SIN, CUID #), phone number, address, fingerprints, blood type
  - your personal opinions and views, **except where they relate to another individual, and views and opinions of another individual about the individual**
- Does not include business contact information.

# Definitions

- Record

- Any record of information however recorded, whether in printed form, on film, or by electronic means or otherwise.
  - Hard Copy records include notebooks, binders, paper files, sticky notes
  - Electronic records include e-mails, PDFs, Excel or CSV documents, databases
  - Anything that is machine-readable (i.e. carpet samples)

# Privacy Inside the Classroom



# Attendance

- Attendance is now tracked through a variety of sources via student's username;
  - Brightspace
  - BBB
  - Teams
  - Zoom
- If course requirement, inform student via syllabus or through introductory message

# Grades

- Grades/marks should be posted to secure environments (e.g. Brightspace, departmental websites).
- Pay attention to how grades are entered/shared;
  - E.g.: If uploading a “public” grade sheet, remove personal identifiers and use only last five of student ID (CUID)

# Privacy between Classrooms

# Discussing student academic information

- You may discuss student information only with other employees whose duties/responsibilities extend to the student.
- Known as the “Right to Know and Need to Know” Rule. Both criteria need to be met in order to discuss student information with others.

# Discussing student academic information (cont'd)

Examples:

- Instructor discusses student's performance with the department chair to get advice on how to help the student succeed.
- Undergrad admin provides list of students meeting honour roll requirements to the department chair to ensure students are appropriately recognized.
- Instructor submits CARE report to Student Affairs as they're concerned about the student's well-being

# Privacy Outside the Classroom

# Student Services & Administration

- Students will interact with various services throughout their academic journey with Carleton
- Similar to academic-related data, admin-related data should only be shared either with consent from the student, or on a need-to-know and right-to-know basis.

## Student Services & Administration

- In addition to academic-related data, some Student Services or Administration Units collect these additional data elements;
  - Health data (COVID notifications, accommodations, allergies)
  - Demographic data (address, nationality, sex)
- Collect information via secure methods only (CMAIL, over the phone, secure web upload)



# Student Services & Administration (Cont'd)

- Examples of permissible disclosures;
  - Parent calls Awards office to find out the balance owing re student's tuition. As parent is identified on third party release form, the disclosure is permitted as consent has been received from the student.
  - Academic Advising Centre refers student to Departmental Advisor. Disclosure of AAC notes to DA is permitted as they require history of discussion to assist student with course selections. Need-to-know and Right-to-know criteria met.

# Forms, Procedures and Tools

# Publishing Student Info & References

- Consent is always required to publish student info or to provide references.
  - This includes student biographies, research, etc.
- Consent can be obtained;
  - Via e-mail through CMAIL
  - Using a “Consent to Publish Information” form
  - Typed consent letter
  - Verbally, over the phone
- Duty to Document



## CONSENT TO PUBLISH INFORMATION

### Part A:

To be completed by the faculty/staff member or academic/administrative unit:

from the  is requesting  
(Name of faculty/staff member) (Academic/Administrative unit)

your consent to publish your name, photograph, biography, scholarship award details, and/or other information as described below:

This information will be published for the purposes of promotion, publicity, and/or other purposes as described below:

This information will be published on websites, materials, and/or in other areas as described below:

# Third Party Release Authorization

- FIPPA does not allow the disclosure of Personal Information to third parties without the consent of the individual involved.
- Occasionally, students require disclosure of their Personal Information to a Third Party.
  - E.g. Employment verification, academic reference, tuition fee balances.
- Students can use the following;
  - Electronically via the Carleton360 portal, or
  - In writing using a Third Party Release Authorization Form



## Consent to Release Information to a Third Party

Carleton University collects and protects personal information under the authority of the Freedom of Information and Protection of Privacy Act for the purposes of operating the programs and services of the University.

If you require the disclosure of your personal information to another person, designated agent or agency, legal counsel or for other purposes, please complete the following informed consent document.

I authorize	
	<i>Individual / Office / Program / Agent</i>
to disclose	
	<i>State precise personal information, attach separate sheet if necessary.</i>
originally collected for	
	<i>State purpose for original collection of this information.</i>
to	
	<i>Identify person, designated agent or agency, legal counsel or other purposes to whom/for which information is to be released.</i>
in the period	
	<i>Provide date range for which permission will exist.</i>
Full Name:	
Date of Birth:	
Student I.D.#	
Date:	

I declare that I have made this authorization voluntarily and the information on this form is true and correct.

Signature

Date

# Statutory Requirements

# Government/Law Enforcement

- Can I disclose personal info to government or law enforcement officials?
  - Yes, but only with consent of the student, or if they have the authority to collect the information.
  - If no consent, they must present a written request for the information. Written request must cite their legal authority to collect the information.
    - E.g. Canada Revenue Agency authority is the Income Tax Act
  - If in doubt, re-direct government/law enforcement official to Privacy Office.

# Emergencies

- Can I disclose personal info in an emergency situation?
  - YES. Where the health and safety of the individual is in jeopardy, consent is not required to disclose.
    - Example: If you need to call 4444 (Campus Safety) or 9-1-1, you are permitted to disclose the facts present (student name, aged x, male/female, reason for call).

# Emergencies

- Can I disclose personal info in an emergency situation? (cont'd)
  - Additionally, disclosure to the emergency contact is also allowed due to two reasons;
    1. At time of collection, student provided consent to Carleton to contact emergency contact in emergencies involving the student; AND
    2. At time of emergency, info is disclosed to emergency contact under “compassionate circumstance” rule in FIPPA.



# Privacy Office Services

- Advice & Guidance
- Drafting and Reviews of Privacy Notices
- Policy and Procedure Reviews
- Privacy Audits
- Privacy Breach Investigations and Reporting
- Privacy Impact Assessments
- Training and Awareness



# Questions? Thank you!

If ever you have any questions or concerns relating to privacy management, you can contact the Privacy Office via;

- E-mail: [University\\_Privacy\\_Office@carleton.ca](mailto:University_Privacy_Office@carleton.ca)
- Phone: 613-520-2600, extension 2047
- Twitter: @CarletonPrivacy
- In-person: 607 Robertson Hall (Presently not available)

Please allow up to 5 business days for a response

If your request is urgent, please e-mail [Pierce.Whitejoncas@carleton.ca](mailto:Pierce.Whitejoncas@carleton.ca)

# Privacy Office Contacts

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