The **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT (FIPPA)** is a Provincial Act and has been in force at Ontario universities since June 10, 2006. This Act ensures that:

1) the public has the right to access non-personal information in university-controlled records;
2) individuals have the right to access their own personal information at the university; and
3) standards are established for the collection, use, disclosure, and destruction of personal information.

**PERSONAL INFORMATION** is factual or subjective data that makes a person uniquely identifiable. Some examples include:

- name;
- home address, telephone, email address;
- gender, age, marital status, health information, religion;
- student number, enrolment status, all education history (courses taken, grades, evaluative comments);
- employee number, employment history;
- opinions, financial data.

**NOTE:** *Business contact information, such as information found on a business card is not considered personal information. Once a student has graduated, confirmation of enrolment at a university is not considered personal information and can be provided.*

**RECORDS** are any recorded information regardless of whether it is printed on paper or available in digital form that can be recovered, reproduced, and accessed.

**FIPPA REQUIREMENTS FOR THE COLLECTION AND USE OF PERSONAL INFORMATION**

As employees of Carleton University, FIPPA requires that we:

- collect only the information needed to perform our lawfully mandated functions;
- use the information we collect only for the purpose for which it was collected or for a consistent purpose;
- undertake not to disclose personal information other than to the individual to whom it relates (except in the limited circumstances specified by FIPPA); and
- inform people when we collect their personal information and make clear what we intend to do with the information.

This means that when we collect personal information, we must **state the purpose for collecting the information** and we **may share information within the university in order to do our jobs**, but **information should only be shared on a need to know basis**.

The following **standard statement or Collection Notice** should be included when collecting personal information:

The personal information requested on this form is collected in accordance with Sections 38(2) and 41(1) of the **Freedom of Information and Protection of Privacy Act (FIPPA)**, R.S.O. 1990, c.F.31 as amended. The information provided will not be used for any purposes other than those stated upon this form unless you give your consent. Should you have any questions concerning your personal information please contact <insert name of academic FIPPA Contact>, FIPPA Representative for the Academic Unit of <Insert Address and Phone Number of FIPPA Contact>. Carleton University is fully compliant with FIPPA and endeavours at all times to treat your personal information in accordance with this law.
CONSENT IS REQUIRED TO USE PERSONAL INFORMATION

In order to use personal information for other purposes, such as posting a current student’s name and/or photo on your website (for example scholarship winners) or on an academic CV (for example supervised students), consent from the student must be obtained and a record of this consent must be kept.

Posting Student Names on Websites/Academic CVs

Implicit consent (i.e. email) is acceptable. A record will need to be kept, probably in the academic unit offices, that students have been advised of plans to post their names. If any student objects, their name may not be posted publicly and must be removed if already posted. A sample notice could be: “I am/we are planning to post your name on the following web pages (include url). If you object to your name being posted, please advise the writer by return e-mail within 5 days. If you do not respond, your consent to post your name will be assumed.”

Posting Student Names/Photos/Biographies for Publicity Purposes

Explicit consent is required in this case and a record of consent will need to be kept for each student as long as we continue to use their personal information (i.e. name, likeness and other personal information). A “Consent to Publish Student Information Form” is available on the Provost’s website in the forms section.

TIMELINES FOR KEEPING PERSONAL INFORMATION

In general, all records containing personal information must be kept for a minimum period of one year, unless the individual to whom the information relates consents to earlier disposal. Operational requirements of the university or government regulation may require that records be retained for longer periods.

Exams, essays and other student work should be kept as long as is necessary for the student to exhaust all avenues of appeal or at least one year – whichever is longer. Most academic units keep student work at least 18 months. All personal information should be disposed of by shredding.

PROTECTING PERSONAL INFORMATION FROM UNAUTHORIZED ACCESS, USE, AND DISCLOSURE

General guidelines include:

- Avoid keeping personal information on removable storage devices (usb keys, laptops, handheld mobile devices) that are not encrypted.
- Paper documents (such as student papers) and data devices should be locked in the trunk, not left on the seat, and should never be left in a car overnight.
- When communicating with students by email, attempt to confirm their identity before disclosing personal information, for example through the use of a ‘Connect’ account.
- Ensure personal information that may be on your desk or on computer screens is not visible to visitors to your office. Keep sensitive personal information in a locked cabinet and log off your computer when you are not present.

MORE INFORMATION

For more information or questions, please contact:

Chris Trainor
Corporate Archivist and Assistant Privacy Officer
Tel: 613.520.2600 ext 2047
Email: chris.trainor@carleton.ca
CAN I 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 I ASK A STUDENT FOR PERSONAL INFORMATION?
Yes, but only as necessary for course or program delivery. Also, you 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. However, this information 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 I TAKE ATTENDANCE IN CLASS?
Yes, but try to be privacy aware. In a smaller class, answering to a name roll call is not an invasion of privacy. In larger classes, the use of complete student numbers on sign-up sheets is discouraged. Never pass around a class list of names and associated student numbers to initial.

CAN I 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 enrolment and registration and not from the student record.

CAN I 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 I POST STUDENT GRADES IN A PUBLIC PLACE?
Ideally marks should only be posted in the secure environments of WebCT or Carleton Central. If it is necessary to post marks in a public place, steps should be taken to make the individuals anonymous. For example, use only the last four digits of the student number and scramble the order. Do not leave graded assignments in a public place for pick-up. Write grades and comments on an inside page.

CAN I POST STUDENT PERSONAL INFORMATION ON WEB PAGES OR INCLUDE IT ON CVs?
Yes, as long as you obtain their permission first. An email is sufficient to include information on a CV, but to publish biographical information on web pages or to use student information for promotional purposes, a more formal consent should be obtained. See the Provost’s Faculty Resources for the “Consent to Publish Student Information Form”.

CAN I GIVE REFERENCES FOR MY STUDENTS?
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 Carleton (or attended in the past and did not graduate) or worked in your academic unit.
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. The Student Mental Health Framework specifically those sections on Communication and Documentation and Notification Protocols) gives more information on determining when and to whom to disclose information in the event of an emergency. Consult with the Director of Student Affairs or the Privacy Office if time allows; if not, use your best judgment.

HOW LONG DO WE KEEP PERSONAL INFORMATION?
FIPPA mandates that all records (including email) that carry personal information and that relate to university business must 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. Exams, essays and other student work should be kept as long as is necessary for the student to exhaust all avenues of appeal or at least one year – whichever is longer. Most departments keep student work at least 18 months.

WHAT IS A PRIVACY BREACH?
A privacy breach is an incident involving the unauthorized disclosure of personal information in the custody or control of Carleton. This would include personal information being lost or stolen, accessed by unauthorized persons or disclosed outside the parameters allowed by FIPPA. **You must contact the Privacy Office immediately if you believe a privacy breach has occurred.** 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. Contact the Privacy Office if you have further questions.

CAN THE PUBLIC OBTAIN ACCESS TO MY TEACHING MATERIALS AND/OR RESEARCH-RELATED RECORDS?
No, most research-related records and teaching materials are excluded access under FIPPA. This includes material such as research and study notes, reports, manuscripts, and publications - **unless** they were specifically commissioned or prepared under contract for Carleton or in the context of administrative work.

IF SOMEONE SUBMITS A FORMAL REQUEST UNDER FIPPA, CAN MY E-MAIL COMMUNICATION BE RELEASED?
Yes, faculty and staff e-mail, blackberry, and even home computer communication **on university matters** may be disclosed under FIPPA and therefore care and professionalism should 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.

WHERE CAN I GET MORE INFORMATION?
Chris Trainor
Corporate Archivist and Assistant Privacy Officer
Tel: 613.520.2600 ext 2047
Email: chris.trainor@carleton.ca