

Policy Name:	Collection of Personal Information
Originating/Responsible Department:	University Secretary and Legal Counsel
Approval Authority:	ARC
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Contact:	University Secretary

Purpose

- To ensure compliance with the privacy rules in Ontario's Freedom of Information and Protection of Privacy Act.
- To ensure that the University collects personal information using an appropriate method and notice of collection.
- To ensure that the information privacy rights of those individuals who give their personal information to the University are protected.

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.

Scope

This policy applies to all departments.

Introduction

The Freedom of Information and Protection of Privacy Act contains six privacy rules:

1. Collection
2. Accuracy
3. Protection
4. Use
5. Disclosure
6. Retention

Together these rules make up the Act's Code of Fair Information Practices. Collection of personal information is the key privacy rule upon which all others are based.

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 Information	recorded information about an identifiable individual which 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

1. Normally the University shall collect recorded personal information directly from individuals, ensuring at all times that it uses an appropriate notice and method of collection as described below under Direct Collection of Personal Information.
2. The University shall collect only recorded personal information about an individual indirectly from another source when:
 - authorized in advance by the individual;
 - in accordance with the Act's provisions as described below under Indirect Collection of Personal Information; or
 - the information is available through a public source.
3. The University shall only collect personal information that relates directly to and is necessary for its operating programs and activities as mandated by the Carleton University Act.

Procedures

A. Purpose for Which Personal Information may be Collected

1.1 The Freedom of Information Protection of Privacy Act recognizes the legitimate need to collect personal information in order to carry out ones mandate and to provide services but restricts that collection to a defined set of circumstances.

The circumstances are:

- the collection of information is expressly authorized by or under an Act;
- the information is collected for purposes of law enforcement (Under the powers conferred on the University President by the University Act, the University does collect, from time to time, law enforcement information in the form of investigations or proceedings that lead or could lead to a penalty or sanction being imposed against an employee or a student); or
- the information relates directly to and is necessary for the University's operating programs or activities.

1.2 In the case of a University, the University Act gives only general authority for Carleton University's educational program.

1.3 The University's operating program is any series of functions designed to carry out all or part of its mandate and an activity is an individual action designed to assist in carrying out an operating program.

2.1 The Carleton University Act does not specify what personal data elements can be collected. However, personal information must be relevant to the purpose for which it is being collected.

2.2 The University may do its own collection or may authorize an outside agent to carry out the collection on its behalf, either under contract or through an agreement or arrangement in writing with the other agency.

2.3 Any written agreement or contract with an outside agent should stipulate that the collection, protection, retention and disclosure of personal information will be governed by the Act.

B. How Personal Information is to be Collected

FIPPA promotes an individuals' control over his or her personal information by requiring, with few exceptions, that personal information be collected directly from the person it is about unless another method of collection is authorized by the person.

Direct Collection of Personal Information

3.1 Collecting personal information directly from the person concerned helps ensure that the University keeps up-to-date, accurate and complete information.

3.2 The Act imposes an obligation on the University to notify individuals of the purpose for which it is collecting the information, specify the ways in which their information will be used, its legal authority for the collection and a contact person who can answer questions about the collection.

3.3 Notice should be given at the beginning of a process either on the form used to collect the information or by giving the same notice to people at the beginning of an interview, mediation, conciliation, arbitration or inquiry process.

3.4 The notification should be in writing wherever possible. If notification is done verbally, the University should follow up with a written notification to the person(s) concerned.

3.5 This type of collection notice is called informed notice because it recognizes the individual's right to know and understand the purpose of the collection and how the information will be used. It also allows the person to make an informed decision as to whether or not to give the information in cases where a response is not mandatory.

Indirect Collection of Personal Information with Consent

3.6 Indirect collection of personal information is illegal under the FIPPA except in limited and specific circumstances.

3.7 When collecting personal information about an individual from another source, the University must first obtain written authorization from the person the information is about; but, if permission is given verbally the University should document the conversation and send a letter to the person concerned verifying the consent. [For exceptions to this procedure see section 4.6]

3.8 When asking a person to give consent for indirect collection of personal information, s/he should be informed of:

- the nature of the personal information to be collected;
- the purpose of the indirect collection;
- the reasons for making the collection indirectly; and
- the consequences of refusing to authorize the indirect collection.

3.9 Where another source is asked for personal information about an individual, the source must also be informed of the purpose and authority for the collection of personal information about this individual.

3.10 This type of collection notice is called informed consent because it gives notification as well as seeking the individual's consent to collect information indirectly from another source (collection is not permitted without consent).

Indirect Collection of Personal Information without Consent

3.11 The University may collect personal information indirectly without prior written authorization according to Section 39 (1) of the Freedom of Information and Protection of Privacy Act (Appendix A). In the following circumstances:

- determining suitability for an honour or award, including an honorary degree, scholarship, prize or bursary; or
- a proceeding before a court or a judicial or quasi-judicial tribunal; or
- collecting a debt or fine or making a payment; or
- law enforcement; or
- another method of collection is authorized by the Information and Privacy Commissioner or another statute.

3.12 Notification and consent is not required when information about an individual is collected exclusively from sources in the public domain (such as newspaper clippings, published directories or biographical dictionaries).

Points of Collection for Personal Information

3.13 The two main sources to collect personal information at the university will be upon registration and the application for graduation. These two points, must have notices of collection to assist in making the use of personal information, its dissemination and retention, clear to applicants.

3.14 All forms that collect personal information in any media format must be made FIPPA compliant by following the checklist and guidelines offered in Appendix B.

Appendix A

39 (1) Collection of Personal Information

Manner of collection

39. (1) Personal information shall only be collected by an institution directly from the individual, to whom the information relates unless,

- (a) the individual authorizes another manner of collection;
- (b) the personal information may be disclosed to the institution concerned under section 42 or under section 32 of the *Municipal Freedom of Information and Protection of Privacy Act*;
- (c) the Commissioner has authorized the manner of collection under clause 59 (c);
- (d) the information is in a report from a reporting agency in accordance with the *Consumer Reporting Act*;
- (e) the information is collected for the purpose of determining suitability for an honour or award to recognize outstanding achievement or distinguished service;
- (f) the information is collected for the purpose of the conduct of a proceeding or a possible proceeding before a court or tribunal;
- (g) the information is collected for the purpose of law enforcement; or
- (h) another manner of collection is authorized by or under a statute. R.S.O. 1990, c. F.31, s. 39 (1).

Appendix B

Checklist for Review of Forms for Compliance with Privacy Protection Provisions

This checklist focuses on forms used for the collection of personal information. By bringing forms into compliance with the privacy protection provisions of the Act, University offices will:

- Support the public's right to know what personal information University offices collect and how this information is used;
- Support the right of individuals to access their own personal information; and
- Help assure individuals that their personal information is protected from unauthorized collection, use or disclosure.

All University offices current forms should be compliant with FIPPA so that the University can fully meet its legal obligations.

Definitions

"Personal information" is defined in Section 2 of the Act as 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")

A "Personal information bank" is defined in Section 2 of the Act as

"...a collection of personal information, that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual."

"Collection, use and disclosure of personal information" is:

"Collection" of personal information means the collection of personal information by or for the University, whether the information is collected directly from the person the information is about or indirectly from another source.

"Use" of personal information means access to and use of personal information within the University.

"Disclosure" of personal information means the release of personal information to any person or organization outside the University.

Checklist of Mandatory Requirements

Parts 1 to 3 of this checklist cover mandatory requirements for compliance with the Act.

1. Authorization for Collection

What is the authorization for collection of the personal information on the form? At least one must be **Yes**:

- Collection of the information is specifically authorized by or under FIPPA.
- The information is collected for the purposes of law enforcement.
- The information relates directly to and is necessary for operating a program or activity of the university.

If none of the above questions has been answered with a "yes", a revision to procedures may be required. Consult Carleton's University Secretary.

2. Source of Information

Is the form designed to be filled out by the individual or by the university on behalf of the individual (direct collection)?

If **YES**, go to question 3.

If **NO**: ie. the form is designed to be filled out by a source other than the individual or an agent of the university (indirect collection)? If so, is there evidence on the form or elsewhere on file of one of the following:

(At least one must be **Yes**)

- The indirect collection is authorized by the individual the information is about, by statute, or by the Information and Privacy Commissioner.
- The personal information on the form is provided by another public body, in accordance with Section 39 of the Act. (<http://www.e-laws.gov.on.ca>)
- The personal information is collected to determine the suitability for an honour or award.
- The personal information is collected for the purpose of collecting a debt or fine or making a payment.
- The personal information is collected for a proceeding before a court or a judicial or quasi-judicial tribunal.
- The personal information is collected for law enforcement purposes.

If none of the above questions has been answered with a "yes", a revision to procedures may be required. Consult Carleton's University Secretary.

3. Notification of Collection

Is notification of the following points provided to the person from whom the information is collected?

All must be **Yes**

- The specific purposes for which the information will be used.
- The specific legal authority for the collection of the information.
- The title, address and telephone number of an official in the University who can answer questions about the collection of the personal information.

This notification may be printed on the collection form, on a separate form or given verbally.

If notification as described above is not given to the person from whom the information is collected?

One of the following must be **Yes**

- The information is about law enforcement or is information the disclosure of which could be harmful to law enforcement.
- The minister responsible for the Act has excused the public body from complying with notification requirements.

If neither of the above questions has been answered with a "yes", a revision to procedures may be required. Consult Carleton's University Secretary.

Checklist of Optional Guidelines

Parts 4 to 5 of this checklist cover points which are not mandatory requirements for compliance with the Act. These guidelines should be considered in reviewing forms used to collect sensitive personal information.

4. Optional Guidelines for Notification on Printed Forms

Does the design of the form ensure that the individual from whom the information is collected is given a copy of the notification?

Does the design of the form ensure that a copy of the notification is also kept on file by the public body?

Does the notification of collection on the forms include the following information:

- The right of the person the information is about to request a correction.
- The right of the person the information is about to appeal a refusal to correct information.
- A description of the role of the Information and Privacy Commissioner.

If the form is designed to be filled out from a source other than the individual the information is about (indirect collection) is there evidence on the form or that:

- A notification of collection is provided to the person the information is about?
- A copy of the notification is kept on file by the public body?

5. Optional Guidelines for Computer Generated Forms

If the information is either collected on an electronic form or keyed directly into a database during an interview:

Is there provision for obtaining the individual's signature authorizing collection and use of the information?

Is a hardcopy of the completed form provided to the person from whom the information is collected?

Is a hardcopy notification of collection (as outlined in part 3 of this checklist) provided to the person the information is about?

Does the office retain a copy of the authorization and/or notification?

If the answer to any one of questions in Section 5 is "no", is some other form of audit trail maintained of the authorization for collection, the source of information and the notification of collection and use?

Guidelines on Interim Procedures

The following are suggested guidelines to bring existing forms into compliance with the Act.

- Include the requirements of the Act in your normal forms review process.
- Keep stocks of all forms used to collect personal information at minimum levels pending review.
- Make revisions to forms at normal re-order points to avoid special printing runs.
- Set up interim procedures for staff to follow pending forms revision:
- Staff that receives forms containing personal information over the counter will be trained to give a verbal notification that meets the requirements of the Act. Such verbal notification should cover: the purpose for which the information is collected, the authorization for collection and the name of a person who can provide more information about the collection and use of the information.
- Prepare a supply of photocopied notifications covering the above points and attach to forms when they are given out to individuals for completion.
- In cases where some of the information on a form should no longer be collected, instruct clients or employees not to fill out certain fields. Such instructions may be given verbally or on a printed notification of collection attached to the form. If the form is photocopied rather than preprinted, the fields which should not be completed may be blacked out prior to photocopying.