



Freedom of Information and Protection of Privacy

Category:	Governance
Number:	
Audience:	University Community
Issued:	April 27, 2014
Owner:	President
Approved by:	Board of Governors
Contact:	Secretary to the Board (ext. 2100)

Introduction

The First Nations University of Canada is committed to protecting the privacy of individuals who work and study at the University or who otherwise interact with the University in accordance with the standards set out in *The Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan) which governs The University of Regina as well as the *Personal Information Protection and Electronic Documents Act* (Canada).

The purpose of this policy is to inform individuals how the University fulfills that commitment as it is required to adhere to the provincial law due to its federated partnership with The University of Regina and to respect the agreement that has been put in place for sharing Personal Information between FNUUniv and the U of R for students that attend FNUUniv. For commercial related activities that FNUUniv may engage in, the *Personal Information Protection and Electronic Documents Act* (Canada) is the governing legislation.

This policy applies to Personal Information and organizational records in the custody or under the control of First Nations University of Canada.

Definitions

Collection - means the act of gathering, acquiring, recording, or obtaining Personal Information from any source and by any means.

Consent - means a voluntary agreement to collection, use, and/or disclosure of Personal Information for defined purposes.

Commercial activity – means “any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, including the selling, bartering or leasing of donor, membership or other fundraising lists” as defined by PIPEDA. This applies at FNUUniv should the University engage in a non-core commercial activity such as selling an alumni list or if

FIRST NATIONS UNIVERSITY OF CANADA

personal information is collected for the purpose of selling a good or service such as running a parking garage or a bookstore.

Disclosure - means making Personal Information available to a Third Party.

Formal Access Request - refers to a request for access to information which cannot be answered through existing or established processes.

LAFOIP – refers to *The Local Authority Freedom of Information and Protection of Privacy Act* which is the Act that governs this responsibility for The University of Regina.

Personal Information - means personal information about an identifiable individual that is recorded in any form. Examples include, but are not limited to, information related to race, creed, religion, colour, sex, sexual orientation, family or marital status, disability, age, nationality, education, employment, health, identifying number, home or business address, etc. Personal Information does not include work product information, that is, information that is prepared or collected by an employee as part of the employee's work responsibilities.

PIPEDA – refers to the *Personal Information Protection and Electronic Documents Act*.

Privacy Legislation – means *The Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan) and/or the *Personal Information Protection and Electronic Documents Act* (Canada).

Regulations – means *The Local Authority Freedom of Information and Protection of Privacy Regulations* (Saskatchewan).

Systems – mean the University of Regina's "BANNER" Student Module electronic information service and database, CASPUR reports, Web Mark Entry, Moodle and in limited cases, Novell.

Third Party - means a person, a group of persons, or an organization other than the individual the information is about. An employee of the University, acting in his or her official capacity, is not considered a third party.

University Official - refers to an individual who has authority to act in an administrative capacity at the University.

Policy

Members of the University's Board of Governors and all faculty and staff are responsible for the appropriate collection, access, use, disposal/archival, and disclosure of Personal Information as defined in the Act and this policy.

FIRST NATIONS UNIVERSITY OF CANADA

Contractors and third party service providers who receive confidential University records or personal information are also required to comply with the Acts and this policy. This expectation will be communicated in writing in the contract that is signed with the contractor and/or third party service.

Protection of Privacy

- Personal information about an identifiable individual is protected under LAFOIP and will not be used or disclosed except for the specific purpose for which it is collected or in accordance with one of the exceptions in the Act or the Regulations.
- Subject to the Act and Regulations, individuals are entitled to access their own personal information and to request correction of the personal information where they believe there is an error or omission.

The University of Regina shall grant access to student records and files maintained by the University of Regina to the FNUUniv Registrar's Office staff who have been trained on the Systems as well as to the President, Vice-Presidents and the Department Heads of FNUUniv.

Role and Responsibilities

Student records - FNUUniv Registrar's Office staff, President, Vice-Presidents and Department Heads of FNUUniv

The University of Regina shall provide access to the personal information for students at FNUUniv and the Systems for the following purposes:

- Registration of students;
- Reviewing and administering personnel and academic records of FNUUniv students;
- Reviewing academic history and current registration status of students; and,
- Updating information on the Systems and in the Records pertaining only to FNUUniv students.

Without the consent of both the student and the University of Regina, FNUUniv shall not access any additional personal information or the System for any purpose not directly related to the provision of academic services to students of FNUUniv and the University.

Records that contain personal information (i.e. personnel records)

All records that contain personal information at FNUUniv will be protected and kept confidential. This information is to be used only for the purpose that was intended when collected and will be archived and/or disposed according to the records management schedule that has been approved and is relevant to this information.

Organizational records

All records that are prepared for the purposes of operating FNUniv are to be protected and kept confidential unless there has been a conscious decision to make the information public by a University official. These records will be archived and/or disposed according to the records management schedule that has been approved and is relevant to this information.

Consequences for Noncompliance

A breach or unauthorized disclosure may have ramifications for the University, which could include: legal action; financial costs; imposition of fines; and, the loss of reputation. Individuals who breach either of the Acts or misuse personal information may also be subject to disciplinary actions.

Violators of this policy may be subject to penalties under University regulations, collective agreements, and under provincial and federal laws.

Processes

Process if an access to information request is received at FNUniv

1. Any requests for information should be directed to the Secretary of the Board who in turn will advise the President.
2. For access to information requests that pertain to the organization's records, these requests will be denied as FNUniv is not subject to the Local Authority Freedom of Information and Protection of Privacy Act and these records are to remain confidential to FNUniv. If the information is available publicly, the Secretary of the Board will assist the requestor in finding access to the information.
3. For access to information requests that pertain to personal information, this request should be directed to the Head, Access to Information and Protection of Privacy at the University of Regina who can facilitate responding to the request.

Process for a Breach in Privacy

1. If you become aware of a [privacy breach](#) involving personal information in the custody or control of the University notify the Head of Access to Information and Protection of Privacy at the University of Regina immediately.
2. The Head will investigate to confirm the privacy breach, usually within 24 hours of the notification.

3. The Head will decide who within the University of Regina and FNUUniv to notify depending on the scope of the breach.
4. The Head will take the following steps to contain the breach:
 1. Work with the unit to contain the breach. This could include recovering records, correcting weaknesses in security, etc.
 2. In consultation with University officials, notify the police if the breach involves, or may involve any criminal activity.
 3. Notify affected individuals as soon as possible following the breach or have the police determine notification.
 4. Report the privacy breach to the Office of the Privacy Commissioner.
 5. Work with the unit to mitigate the risk of any further privacy breach.

Related Information

- The Local Authority Freedom of Information and Protection of Privacy Act - <http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L27-1.pdf>
- The Local Authority Freedom of Information and Protection of Privacy Regulations - <http://www.qp.gov.sk.ca/documents/English/Regulations/Regulations/L27-1R1.pdf>
- Personal Information Protection and Electronic Documents Act - <http://laws-lois.justice.gc.ca/eng/acts/P-8.6/index.html>
- The University of Regina website - <http://www.uregina.ca/president/executive-team/ed-governance-univ-secretary/position-profile/privacy-access.html>