DOUGLASCOLLEGE

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY POLICY

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A. PURPOSE

Douglas College (the College) is committed to protecting the privacy of members of the College Community, as well as that of other individuals who access and use the College's programs, services and website.

The College is subject to the BC *Freedom of Information and Protection of Privacy Act* (the Act). This policy establishes a framework for managing Personal Information in the custody or under the control of the College in compliance with the Act. The purpose of this policy is to ensure that College Employees, Students, and others are aware of their rights and responsibilities under the Act and other relevant policies and legislation.

B. SCOPE

This policy applies to all Personal Information in the custody or under the control of the College and to all College Employees, volunteers, and service providers who have access to Personal Information.

This policy does not apply to a Record containing a question or answer used in an examination or a test, a Record containing teaching or research materials of a faculty member or another person teaching or carrying out research at the College, a Record donated to the College archives by a private individual or organization, or a Record of a service provider that is not related to the provision of services to the College.

C. DEFINITIONS

College Community: All College Employees, Students and Board members, and any other person contractually obligated to comply with College policy; for the purpose of this policy, also includes individuals who interact with the College (e.g., alumni, donors, prospective students).

Complaint: A written statement alleging violation(s) of policy.

Contact Information: Information to enable an individual at a place of business to be contacted; includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual.

Employee: A person employed by the College, including administrators, faculty members and staff, and Students when employed by the College (e.g., as Student Assistants or Peer Tutors).

Personal Information: Recorded information other than Contact Information about an identifiable individual.

Privacy Breach: Any access to or collection, use, disclosure or disposal of Personal Information that is not authorized by the Act, including the loss or theft of such information (e.g., when a computer is stolen or when Personal Information is mistakenly emailed to the wrong person).

Privacy Impact Assessment: An assessment conducted by the College to determine if a current or proposed enactment, system, project, program or activity meets or will meet the requirements of the *Freedom of Information and Protection of Privacy Act* (the Act)

Privacy Officer: A Responsible Administrator who serves as the point of contact for privacy-related matters at Douglas College and has responsibility for supporting the College's compliance with the Act.

Record: Includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

Responsible Administrator: An executive of the College or an administrator responsible for the operations of a College department, Faculty or service area (e.g., Dean, Director, Chief Information Officer, Registrar).

Routine Requests: Requests for Records that do not contain confidential or sensitive information; Records that have been provided by or previously released to the requester; and Personal Information about an individual released on the basis of consent from that individual.

Student: A person enrolled in studies at the College in credit or non-credit courses.

D. POLICY STATEMENTS

1. The College will manage all Personal Information in compliance with the *Freedom of Information and Protection of Privacy Act* (the Act) and this policy.

2. The College supports the public's right of access to information and acknowledges that a person has a right of access to any Record in the custody or under the control of the College, including a Record containing that person's Personal Information. This right of access does not extend to information excepted from disclosure under sections 3 and 12 – 22.1 of the Act; however, if that information can reasonably be severed from a Record, a person applying for access to a Record has the right of access to the remainder of that Record.

3. The College makes every reasonable effort to respond to Routine Requests without requiring the requestor to use the formal access provisions under the Act.

4. The right of access to a Record may be subject to the payment of any fee allowed under the Act.

5. The College collects Personal Information only when authorized by the Act. In accordance with the Act, the College seeks to limit the scope and amount of Personal Information that it collects.

6. Personal Information that the College collects about its Students includes name and personal contact information, information related to educational and employment history, academic performance information, emergency contact information, information about conduct and disciplinary history, payment and financial information, and other information that Students voluntarily provide to the College.

7. Personal Information that the College collects about its Employees includes name and personal contact information, employment and educational history, professional designations and qualifications, emergency contact information, financial and payment information, information related to Employee benefits, information about work performance and conduct, medical information, and other information that may be relevant to employment.

8. Personal Information that the College collects about members of the College Community varies widely but may include donor information, alumni contact information and information about prospective students.

9. The College seeks to be transparent about how it collects and uses Personal Information by identifying to individuals the purposes for which their Personal Information is being collected and the legal authority authorizing the collection, and by providing a contact for further questions.

    a. Generally, the Personal Information the College collects about Students is used to
        i. Make decisions about eligibility for admissions to an educational program;
        ii. Administer and deliver educational services;
        iii. Comply with contractual, legal and/or regulatory obligations; and

iv. Conduct other legitimate business activities, such as administering programs and activities.

b. Generally, the Personal Information the College collects about its Employees is used to
   i. Establish, manage and end the employment or contractor relationship;
   ii. Evaluate and improve the College's employment-related programs and services;
   iii. Comply with contractual, legal and/or regulatory obligations; and
   iv. Conduct other legitimate business activities, such as administering programs and activities.

c. Generally, the Personal Information the College collects about members of the College Community is used to
   i. Conduct marketing and fundraising activities;
   ii. Provide information about the College and its programs and services; and
   iii. Conduct other legitimate business activities, such as administering programs and activities.

10. The College uses Personal Information in the following ways:

    a. For the purposes for which the information was obtained or compiled, or for a use consistent with that purpose;
    b. If the individual the information is about has identified the information and has consented, in the prescribed manner, to the use;
    c. For the purpose for which that information was disclosed to the College; or
    d. For any other purpose permitted by legislation.

11. The College provides Employees with access to the Personal Information that is necessary for the performance of their duties.

12. The College will not disclose any Personal Information in its custody or under its control to any third party without the person's consent, unless doing so is authorized by legislation.

13. The College will retain for at least one year an individual's Personal Information when it is used to make a decision that directly affects the individual.

14. The College disposes of Personal Information in accordance with its Records Retention Schedule.

15. The College makes reasonable efforts to ensure the Personal Information it collects, uses and maintains is as accurate, complete and current as required for the purposes for which it was collected. In some cases, the College relies on Employees and Students to ensure that certain information about them (e.g., contact information) is current, complete and accurate.

16. Upon request from the individual to whom the Personal Information relates, the College will correct, make additions to or annotate the information with a correction when documentary evidence is provided to substantiate the correction.

17. The College protects Personal Information by implementing security measures (physical, organizational, technological) appropriate to the sensitivity of the information, to maintain a secure information technology environment.

18. Any Privacy Breaches will be managed in a timely manner, according to the Privacy Breach SOP (*see* E. PROCEDURES), and will be reported to the provincial Office of the Information and Privacy Commissioner and the impacted individuals if the breach could reasonably be expected to result in significant harm.

19. The College conducts Privacy Impact Assessments (PIAs) as required by the Act and in accordance with the directions of the minister responsible for the Act.

20. PIAs are a responsibility shared between the College Privacy Officer and a program area seeking to implement a new initiative. PIAs are approved by the Responsible Administrator and the College Privacy Officer.

21. The College has a privacy management program in accordance with the directions of the minister responsible for the Act.

22. The College regularly monitors its privacy management program and updates it as required to ensure it remains appropriate to the College's activities and compliant with the Act.

23. The College recognizes that, from time to time, certain of its programs and activities may take place in or involve individuals in jurisdictions outside of Canada. To the extent that the College's activities fall within the scope of foreign data protection laws, such as the General Data Protection Regulation (GDPR) applicable to individuals within the European Economic Community, the College endeavours to fully comply with such laws.

ROLES AND RESPONSIBILITIES

24. The Director, Learning Resources and Records Management is the designated College Privacy Officer. The Privacy Officer is responsible for

    a. Being a point of contact for privacy-related matters such as privacy questions or concerns;
    b. Supporting the development, implementation, and maintenance of privacy policies and/or procedures;
    c. Reviewing and approving Privacy Impact Assessments (PIAs); and
    d. Supporting the College's compliance with the Act.

25. The Manager, Records and Information Management is responsible for responding to access requests on behalf of the College.

26. Employees are responsible for

    a. Ensuring they handle and access Personal Information in accordance with the Act and this policy;

b. Reporting any suspected or actual unauthorized disclosures of Personal Information to the College Privacy Officer and undertaking the actions detailed in the Privacy Breach SOP;
c. As required, conducting PIAs and submitting them to their Responsible Administrator and the Privacy Officer for review; and
d. As required, searching their files, emails and other communications for any Records relating to an access request and providing them to the Manager, Records and Information Management in a timely manner.

27. Responsible Administrators are responsible for

a. Ensuring that the activities of their departments comply with the Act and this policy; and
b. With the relevant SMT member, signing off on access requests before Records are released by the College.

E. PROCEDURES

1. Complaints about the College's handling of Personal Information should be directed to the College Privacy Officer.

2. Individuals may correct their Personal Information online via MyAccount (Students) or Employee Self Services (Employees).

3. Questions about this policy should be directed to the College's Privacy Officer at privacy@douglascollege.ca.

Standard Operating Procedures on DC Connect (for internal users)

- *Records and Information Management – Paper Records Storage SOP*
- *Records and Information Management – Records Destruction SOP*
- *Privacy Breaches (Reporting and Responding to) SOP*

F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

- *Douglas College Records Retention Schedule* (for internal users)

G. RELATED ACTS AND REGULATIONS

- *Freedom of Information and Protection of Privacy Act* [RSBC 1996], c. 165

H. RELATED COLLECTIVE AGREEMENTS

- *Collective Agreement between Douglas College and Douglas College Faculty Association (DCFA)*