

Protection of Privacy Policy

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	September 8, 2017	Cross Reference:	<ul style="list-style-type: none"> Records Management Policy Records Classification and Handling Policy Communication Policy IT Email Policy IT Acceptable Use Policy IT Security Policy IT Security Incident Management Policy
Policy Owner:	President & CEO	Appendices:	<ul style="list-style-type: none"> FOIP Delegation of Authority Table Personal Information Bank Form Privacy Impact Assessment Questionnaire Privacy or Information Security Breach Access Request Form
Policy Administrator:	Executive Planning Officer		
Approver:	Executive Committee		
Review Schedule:	Every 4 Years		

1. Policy Statement

- 1.1 The College is committed to protecting the privacy of individuals who work and study at the College or who otherwise interact with the College in accordance with the standards set out in the Freedom of Information and Protection of Privacy Act (FOIP), RSA 2000, Ch. F-25. As such, Keyano encourages a privacy culture within its operations to meet the expectations of the College Community, and to meet compliance with applicable legislation and regulations.

2. Background

- 2.1 Keyano College collects personal information from students, prospective students, employees, prospective employees, alumni, donors, Board of Governors, Board of Directors, and volunteers.
- 2.2 The College has been identified as a 'local public body' pursuant to section 1(j) of the FOIP Act and therefore, is subject to all provisions outlined in the Act. This policy applies to the personal information in the custody or under the control of the College.

3. Policy Objective

- 3.1 The objective of this policy is to advise employees of their responsibilities for the management and protection of personal information and to provide guidance in collecting, using, disclosing, and managing personal information in the custody of Keyano.

4. Scope

- 4.1 This policy applies to all members of the College community.

5. Definitions

5.1 Members of the College Community

Includes all employees, Board of Governors, Board of Directors, students and contractors of Keyano College.

5.2 Personal Information

Information related to an individual that can be used to identify, contact, or locate a single person. Although one of these elements by itself may not be information about an identifiable individual, when it is used in combination with other identifiers such as a name, it becomes personal information about an individual in context. This includes, but is not limited to:

- i. Name, date of birth, birthplace;
- ii. Home address, telephone number;
- iii. Unique identification numbers (e.g. SIN, driver's license, student ID, employee ID);
- iv. Gender, race, ethnic origin, citizenship;
- v. Income, financial history;
- vi. Family or marital status;
- vii. Educational, employment, health or criminal history;
- viii. Photograph

NOTE: 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.

6. Guiding Principles

- 6.1 Keyano College will collect, use, disclose, and manage personal information in accordance with the FOIP Act, and other applicable legislation and regulations , such as the *Health Information Act*.
- 6.2 The College is responsible for personal information under its custody and control, and shall designate an individual or individuals who are accountable for the organization's compliance with this policy, FOIP and other privacy-related legislation.
- 6.3 All members of the College community are responsible for the protection of personal, confidential, and sensitive information entrusted to them.
- 6.4 Keyano College will ensure the College community members are aware of its privacy policies and procedures, through training and education sessions, and other communication means.
- 6.5 Personal information will only be collected when it is necessary for the purposes of an approved activity by the College.

- 6.6 Keyano College will develop and maintain Personal Information Banks of all personal information it houses, as required by FOIP.
- 6.7 The purpose of collection of personal information will be clearly stated at or before the information is collected. Where practical, the College will collect personal information directly from individuals.
- 6.8 Personal information will not be released to third parties, and will only be used for the purpose for which it was collected, except with the consent of the individual or as required by law or as required by collective agreement.
- 6.9 Personal information will be maintained for the length of time necessary for its use, under the conditions of section 6.7. Personal information that is no longer required will be disposed of in accordance with the Records Classification and Handling Policy and any other information related policy.
- 6.10 The College will safeguard personal information and take all reasonable steps to protect the information in its possession by following the Records Management Policy, Records Classification and Handling Policy, Communication Policy, IT Email Policy, IT Acceptable Use Policy, and IT Security Policy.
- 6.11 If personal information is inadvertently disclosed, the College will notify the College FOIP Coordinator, where an internal investigation will be conducted. Where appropriate, notification will be sent to the Office of the Information and Privacy Commissioner. The College will follow the IT Security Incident Management Policy, in order to respond quickly to such issues.
- 6.12 Upon request, individuals can access their personal information. The individual can challenge the accuracy and completeness of information.
- 6.13 Access to Information Requests will be handled in accordance with FOIP and within the time limits allowable by legislation.
- 6.14 From time to time, compliance may be evaluated and determined by a third party or through a review of sample processes by the FOIP Coordinator.

7. Roles & Responsibilities

STAKEHOLDER	RESPONSIBILITIES
Executive Committee	<ul style="list-style-type: none"> • Approve and formally support this policy.
Vice-President, Finance & Administration, CFO	<ul style="list-style-type: none"> • Review and formally support this policy.

STAKEHOLDER	RESPONSIBILITIES
FOIP Coordinator	<ul style="list-style-type: none"> • Develop and maintain this policy. • Review and approve any exception requests relative to the requirements in this policy. • Take proactive steps to reinforce compliance with this policy by all stakeholders. • Overall development and implementation of the Privacy program • Supervision of the operation of the program including the review and establishment of personal information banks, security protocols, privacy notices and forms, etc. • Manage all access to information requests • Manage all privacy breach responses • Ensure training and publication of privacy expectations • Ensure consent is received at collection points • Manage disposition of personal information, as required.
Managers, Supervisors or Representatives	<ul style="list-style-type: none"> • Explain the terms of this policy to employees and students and assist users to understand the requirements of this policy. • Ensure that all users follow the requirements of this policy.
Procurement and Managers	<ul style="list-style-type: none"> • Follow the guidelines provided in this policy when performing due diligence and assessment of the risks related to security for any new contract. • Ensure that responsibilities and obligations of each party to the contractual relationship are outlined in the contract executed between the College and the contractor/sub-contractor.
Human Resources	<ul style="list-style-type: none"> • Ensure each new employee has read and signed off understood this policy upon the first 7 days of employment with the College. • Support all employees in the understanding of the requirements of this policy.
Registrar	<ul style="list-style-type: none"> • Support all students in the understanding of the requirements of this policy.
All users (Employees and contractors, Students, Visitors and or Volunteers)	<ul style="list-style-type: none"> • Comply with the requirements of this policy as applicable to them at all times. • Report all non-compliance instances with this policy (observed or suspected) to the FOIP Coordinator as soon as possible.

8. Policy Management

Policy Title:	Protection of Privacy Policy
Approval Date:	August 18, 2017
Effective Date:	September 8, 2017
Historical Review Dates:	N/A

Next Review Date:	August 18, 2021
Related Legislation:	<ul style="list-style-type: none"> • Freedom of Information and Protection of Privacy Act • Health Information Act
Supersedes:	<ul style="list-style-type: none"> • 605 Freedom of Information and Protection of Privacy • 605.1 FOIP Procedure • 605.1 FOIP Delegation Table
Monitoring/Frequency:	<ul style="list-style-type: none"> • Monitoring of compliance activities will be reviewed at a minimum, once a year. • Education and training sessions will periodically take place throughout the year.
Policy Owner:	President & CEO
Policy Administrator:	Executive Planning Officer
Policy Coordinator:	Executive Assistant, President & CEO and Board of Governors

Protection of Privacy Procedure

Questions regarding this policy should be directed to the Policy Administrator.

Effective Date:	September 8, 2017	Appendices:	<ul style="list-style-type: none"> • Delegation and Assignment of Responsibility • Personal Information Bank Form • Privacy Impact Assessment Questionnaire • Privacy or Information Security Breach Form • Formal Access Request Form
Procedure Owner:	President & CEO		
Approver:	Executive Committee		
Review Schedule:	Every 4 years		

1. Overview

The purpose of this procedure is to inform individuals on how the College fulfills its commitment to protecting the privacy of individuals who work and study at the College or otherwise interact with the College.

2. Procedures

2.1 Accountability

Pursuant to section 85(1) of the Act:

- 2.1.1 The head of the College may delegate to any person any duty, power or function of the head under this Act, except the power to delegate under this section.
- 2.1.2 A delegation under subsection (2.1.1) must be in writing and may contain any conditions or restrictions the head of the public body considers appropriate.
- 2.1.3 Refer to Appendix A– Delegation Authority Table

2.2 Collection of Personal Information

2.2.1 The College will collect personal information only for the following purposes:

- a) The information relates directly to and is necessary for an operating program or activity of the College;
- b) The collection of information is expressly authorized by an enactment of Alberta of Canada; or
- c) The information is collected for the purposes of law enforcement.

- 2.2.2 The College will collect personal information directly from the individual whom the information is about unless there is a reasonable requirement to collect from another source and the indirect collection is permitted under the FOIP Act (section 34).
- 2.2.3 Details to the purpose for the collection of personal information will be provided to the individuals at the time, or before the information is directly collected.
- 2.2.4 For all new authorized activities where personal information is being collected, the assigned department FOIP specialist must:
 - a) Complete a Personal Information Bank (PIB) Form – Appendix B.
 - b) Complete a Privacy Impact Assessment Questionnaire – Appendix C.
 - c) Send both forms to the FOIP Coordinator to review and ensure a record is included in the appropriate repository.

2.3 Use of Personal Information

- 2.3.1 Personal information will not be used for a purpose other than the purpose for which it was collected; or
- 2.3.2 Unless the individual the information is about has identified the information and consented, in the prescribed manner, to the us; or
- 2.3.3 For the purpose for which that information may be disclosed under section 40, 42, or 43 of the FOIP Act.

2.4 Disclosure of Personal Information

- 2.4.1 Personal information will only be made public or disclosed to a third party under the following circumstances:
 - a) The Disclosure is for the purpose identified at the time of collection or for a purpose consistent with the original purpose;
 - b) The individual whom the Personal information is about has consented to the Disclosure;
 - c) The Disclosure is not considered an unreasonable invasion of privacy of a third party's personal privacy; or
 - d) The Disclosure is required, permitted and authorized under the FOIP Act.
- 2.4.2 It is not considered to be an unreasonable invasion of a student's privacy to release the following information to a third party:
 - a) Degree(s), diploma(s), certificate(s) awarded from the College;
 - b) Convocation dates;
 - c) Attendance at or participation in a public event or activity related to the College (ie. graduation, sporting or cultural event); or
 - d) Personal Information already in the public domain.

NOTE: This information may be restricted in specific cases for security reasons. Any restrictions on disclosure of personal information must be authorized under the FOIP Act.

2.4.3 It is not considered to be an unreasonable invasion of an employee's privacy to release the following information to a third party:

- a) Employment status;
- b) Business address, telephone number, e-mail address;
- c) Job title;
- d) Job profile;
- e) Job classification (support, faculty, administration);
- f) Salary range;
- h) Relevant educational qualifications;
- i) Attendance at or participation in a public event or activity related to the College (ie. sporting or cultural event);
- j) Personal Information already in the public domain

NOTE: This information is generally available in public or through published sources such as the College website, College directory, the calendar, etc.

2.5 Accuracy

2.5.1 The College will take reasonable steps to ensure that personal information in its custody or under its control is as accurate and complete as is necessary for the purposes for which it is to be used.

2.5.2 Individuals can correct or update certain categories of personal information, such as contact information, by contacting the respective data custodian. (ie. Human Resources, Payroll, Registrar).

2.6 Security and Breaches

2.6.1 The College will take reasonable steps to protect information from unauthorized access, collection, use, disclosure or destruction.

2.6.2 When the College hires a third party (ie. contractors, consultants) to work on its behalf that involves the disclosure of personal information, the College will:

- a) enter an information sharing agreement; or
- b) Include specific provisions in the contract that set out conditions ensuring the College's responsibility for the protection of personal information, will be fulfilled by the third party.
- c) Third parties hired by the College to provide a service or program, will be subject to following all Canadian Federal and Provincial legislation.

- 2.6.3 In the event of a privacy or information security breach, a Privacy or Information Security Breach Form must be completed immediately in order to mitigate risk.
- 2.6.4 Forward the completed Privacy or Information Security Breach Form - Appendix D, to the appropriate individual.
- Privacy Breach – Report to FOIP Coordinator
 - Information Security Breach – Report to Chief Technology Officer

2.7 Access

- 2.7.1 A request by an individual for access to his/her own personal information should initially be directed to the data custodian or by following existing procedures for access to the information. If there is no process in place and/or the data custodian is unable to provide access for any reason, the applicant may file a Formal Access Request with the FOIP Coordinator using the Access Request Form – Appendix E.
- 2.7.2 The FOIP Coordinator will establish and maintain the procedure for responding to a Formal Access Request.
- 2.7.3 Fees for producing records in response to a Formal Access Request for your own personal information may be charged if the total fee is estimated to be greater than \$10.
- 2.7.4 Fees will be assessed in accordance with the Fee Schedule (Schedule 2) attached to the FOIP Regulations (Alberta Regulation 200/95).

3. Definitions

3.1 Collection

The act of gathering, acquiring, recording, or obtaining personal information from any source and by any means.

3.2 Consent

A voluntary agreement to the collection, use, and /or disclosure of personal information for a defined purpose.

3.3 Disclosure

Making personal information available to a third party.

3.4 FOIP

Refers to the Freedom of Information and Protection of Privacy Act and applicable regulations.

3.5 Formal Access Request

Refers to a request for access to information which cannot be answered through existing or established processes. A formal access request is processed under terms and conditions set out under the FOIP Act.

3.6 Head

Refers to the administrative head of the College, the President & CEO.

3.7 Personal Information

Information related to an individual that can be used to identify, contact, or locate a single person. Although one of these elements by itself may not be information about an identifiable individual, when it is used in combination with other identifiers such as a name, it becomes personal information about an individual in context. This includes, but is not limited to:

- a) Name, date of birth, birthplace;
- b) Home address, telephone number;
- c) Unique identification numbers (e.g. SIN, driver's license, student ID, employee ID);
- d) Gender, race, ethnic origin, citizenship;
- e) Income, financial history;
- f) Family or marital status;
- g) Educational, employment, health or criminal history;
- h) Photograph

NOTE: 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.

3.8 Third Party

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

4. Procedure Management

Procedure Title:	Protection of Privacy Procedure
Approval Date:	August 18, 2017
Effective Date:	September 8, 2017
Historical Review Dates:	N/A
Next Review Date:	August 18, 2021
Related Legislation:	<ul style="list-style-type: none"> • Freedom of Information and Protection of Privacy Act • Health Information Act
Parent Policy:	<ul style="list-style-type: none"> • Protection of Privacy Policy
Policy Owner:	President & CEO
Policy Administrator:	Executive Planning Officer
Policy Coordinator:	Executive Assistant, President & CEO, Board of Governors

NOTE: Given the length of privacy-related documents, the below can be located on the 'Form' tab on Connect.

- Appendix B - Personal Information Bank Form
- Appendix C - Privacy Impact Assessment Questionnaire
- Appendix D - Privacy or Information Security Breach
- Appendix E - Access Request Form

Appendix A

Delegation and Assignment of Responsibility

The Delegation and assignment of responsibility matrix is the instrument through which the President as “Head” for the purposes of the Act authorizes College employees to carry out specific tasks and obligations under the FOIP Act on his/her behalf. This is particularly important in regard to disclosure of information because an employee, who is delegated responsibility under the matrix and carries out that responsibility in good faith, is making an authorized disclosure or decision under the Act.

It is important to remember that only the employees, identified by title and office, in the delegation table can carry out the responsibilities or duties delegated to him or her. The Act does not permit sub-delegations. Any individual in an ‘Acting’ capacity is by default, granted such responsibility.

It is also important to note that whether or not authority is delegated, the President remains accountable for all actions and decisions under the Act.

Delegation Table – Provisions of the *FOIP Act* and Regulation for which Delegation of Authority Should be Considered

Transaction	Section reference	Decision-Making Authority	Implementation Authority
Right of Access			
Authority to declare request abandoned	8(1)	FOIP Coordinator	FOIP Coordinator
Duty to assist applicants	10(1)	FOIP Coordinator	FOIP Coordinator
Duty to create records	10(2)	FOIP Coordinator, EA to Office of the President	FOIP Coordinator, EA to Office of the President
Authority to decide on content of response/ grant or refuse access	11, 12(1)	FOIP Coordinator	FOIP Coordinator
Authority to decide how access will be given	13 Regulation 4	FOIP Coordinator	FOIP Coordinator

Transaction	Section reference	Decision-Making Authority	Implementation Authority
Authority to approve a 30 day extension of time limit	14(1), (3)	FOIP Coordinator	FOIP Coordinator
Authority to request Commissioner's permission for extension of more than 30 days	14(1), (2)	FOIP Coordinator	FOIP Coordinator
Authority to transfer a request for access	15	FOIP Coordinator	FOIP Coordinator
Exceptions			
Authority to withhold information harmful to business interests of a third party	16	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold information harmful to personal privacy	17	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold information harmful to individual or public health or safety	18 Regulation 6(1), (3), (5)	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold confidential evaluations	19	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold information harmful to law enforcement	20	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator

Transaction	Section reference	Decision-Making Authority	Implementation Authority
Authority to withhold information harmful to intergovernmental relations	21	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold Cabinet confidences	22	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold local public body confidences	23	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold advice from officials	24(1)	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold information/records about audit by Chief Internal Auditor	24(2.1)	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold information harmful to economic interests of a public body	25	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold testing procedures, tests and audits	26	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold privileged information	27(1), (2)	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator
Authority to withhold information that is or will be available to public	29	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator

Transaction	Section reference	Decision-Making Authority	Implementation Authority
Third Party Intervention			
Duty to give third party notice	30	FOIP Coordinator	FOIP Coordinator
Authority to decide whether to give access to third party information	31(1)	FOIP Coordinator	FOIP Coordinator
Duty to give notice of decision	31(2)–(4)	FOIP Coordinator	FOIP Coordinator
Public Interest			
Authority to disclose information in the public interest	32(1)	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator VP, External Relations & Advancement Director, Marketing & Communications
Collection, Correction, Protection of Personal Information			
Duty to establish manner for controlling and protecting personal information	2(b)	President, Vice-Presidents, All Deans and Directors, Executive Director HR, Chief Technology Officer, FOIP Coordinator	All Deans & Directors All Program & Campus Managers FOIP Coordinator
Duty to ensure authorized purpose of collection	33	President, Vice-Presidents, All Deans and Directors, Executive Director HR, Chief Technology Officer, FOIP Coordinator	All Deans & Directors All Program & Campus Managers FOIP Coordinator
Duty to ensure appropriate collection of personal information	34	President, Vice-Presidents, All Deans and Directors, Executive Director HR, Chief Technology Officer, FOIP Coordinator	All Deans & Directors All Program & Campus Managers FOIP Coordinator

Transaction	Section reference	Decision-Making Authority	Implementation Authority
Duty to ensure protection of personal information	38	All Staff	All Deans & Directors All Program & Campus Managers FOIP Coordinator
Use and Disclosure of Personal Information			
Authority to ensure appropriate use of personal information	39	All Staff	All Deans & Directors All Program & Campus Managers FOIP Coordinator
Authority to disclose to relative or adult interdependent partner of deceased individual	40(1)(cc)	FOIP Coordinator	FOIP Coordinator
Authority to disclose to avert imminent danger to health or safety	40(1)(ee)	President, Vice-Presidents, All Deans and Directors, Executive Director HR, FOIP Coordinator	Executive Director HR FOIP Coordinator Director, Marketing & Communications VP, External Relations & Advancement
Authority to approve conditions for disclosure for research and statistical purposes and for administration of research agreements	42(c)	President, Vice-Presidents, Director of Learning Innovation & Library Services, Executive Director HR, FOIP Coordinator	Vice-President, Academic Director, Learning Innovation & Library Services FOIP Coordinator

Transaction	Section reference	Decision-Making Authority	Implementation Authority
Authority to disclose to guardian of a minor	84(1)(e)	President, Vice-Presidents, All Deans and Directors, Executive Director HR, FOIP Coordinator	All Deans and Directors, All Program Coordinators, FOIP Coordinator, Authorized Office of the Registrar Staff
Reviews and Complaints			
Authority to produce a record required for the Commissioner's investigation or inquiry	56(3)	FOIP Coordinator	FOIP Coordinator
Authority to require Commissioner to examine original record on site	56(4)	FOIP Coordinator	FOIP Coordinator
Right to make representations to the Commissioner	69(3), (5), (6)	President, Vice-Presidents, Executive Director HR FOIP Coordinator	FOIP Coordinator
Duty to discharge burden of proof	71	FOIP Coordinator	FOIP Coordinator
Fees			
Authority to assess and collect fees	93	FOIP Coordinator	FOIP Coordinator
Authority to waive fees	93(4)	President, Vice-Presidents, Executive Director HR, FOIP Coordinator	FOIP Coordinator

NOTES:

The term “Deans and Directors’ refers only to the following officers:

Dean, School of Trades & Heavy Industrial
Dean, School of University Studies, Career Programs and Academic Upgrading
Director, School of Career & Education Access
Director, Student Services & Registrar
Director, Learning Innovation & Library Services
Director of Athletics, Sport & Student Wellness
Director, Financial Services
Director, Facilities & Asset Management
Director, Theatre & Arts Centre
Director, Annual Giving
Director, Marketing & Communications
Manager, Procurement
Executive Director, Human Resources
Chief Technology Officer