

University of King's College Privacy Statement

The purpose of this University of King's College Privacy Statement is to provide members of the University community with a summary of how the University collects, uses and discloses personal information. Reasonable efforts have been made to accurately and concisely describe the obligations of the University pursuant to the *Freedom of Information and Protection of Privacy Act*. In the event of any discrepancy between this Privacy Statement and the statute, the statute and regulations shall prevail.

1. A legal obligation to protect personal privacy

The University of King's College (the "University" or "King's"), like other universities and colleges in Nova Scotia, is a "public body" subject to the provisions of province's [Freedom of Information and Protection of Privacy Act](#) and its [regulations](#).

The legislation, often referred to as FOIPOP (pronounced foy-pop), regulates the collection, use and disclosure of "personal information" by public bodies, such as the University. King's has a duty to protect the privacy of individuals by safeguarding their personal information, and individuals have the right to request access to their personal information and to correct any inaccuracies. It is an offence to maliciously collect or disclose personal information in contravention of the act.

King's is also subject to the [Personal Information International Disclosure Protection Act](#), which came into force in November 2006. The legislation imposes restrictions on the storage of personal information outside Canada, and seeks to prevent personal information from being disclosed to, or accessed by, anyone in a foreign jurisdiction. The head of a public body may allow storage or access outside Canada of personal information, subject to any restrictions or conditions the head considers advisable, if the head considers the storage or access is to meet the necessary requirements of the public body's operations.

2. What is personal information?

The *Freedom of Information and Protection of Privacy Act* defines "personal information" as information about an identifiable individual, including the person's

- name, address or telephone number
- race, national or ethnic origin, colour, or religious or political beliefs or associations
- age, sex, sexual orientation, marital status or family status
- identifying number, symbol or other particular assigned to the individual
- health care history, including a physical or mental disability

- educational, financial, criminal or employment history
- anyone else's opinions about the individual
- the individual's personal views or opinions, except if they are about someone else

3. Use of personal information

The University can only collect personal information if the information relates directly to, and is required for, a program or activity of the University. The *Freedom of Information and Protection of Privacy Act* states that personal information can be used only for the purpose it was obtained or compiled, or for a use compatible with that purpose. A compatible use is defined as one that has "a reasonable and direct connection" to the purpose for which the information was collected. Compatible use is also defined as a use required for the University to perform its statutory duties or to operate a program authorized by law. Individuals can consent to having their personal information used for another purpose.

King's will only collect and use personal information about individuals for specific purposes that are directly related to the University's operations and programs. Written consent will be obtained before such information is used for any other purpose. Consent may be requested through a checkbox on a form. Requests for consent will specify who will have access to the information and how it will be used.

4. Protecting personal information

Reasonable steps must be taken to protect personal information from unauthorized access, collection, use, disclosure or disposal. Personal information can be disclosed to University employees only if they require it to carry out their duties or to protect their own health or safety. Such information can be disclosed outside the University with the person's consent, for the purpose for which it was obtained or compiled, or a use compatible with that purpose, or if disclosing the information would not be considered an unreasonable invasion of privacy. The *Freedom of Information and Protection of Privacy Act* defines an unreasonable invasion of privacy as including the disclosure of a person's name, together with his or her address or telephone number, for the purpose of creating a mailing list or to solicit people by telephone or e-mail.

King's will take measures to protect personal information from disclosure. These include restricting access to files and databases containing personal information. Records containing personal information will be stored in locked cabinets or rooms when they are not in use. Personal information will not be disclosed outside the University without

the written consent of the person involved. Outside requests for access to such information will be referred to the president or the University's FOIPOP officer.

5. Ensuring accuracy

King's has a duty to ensure personal information used to make a decision that directly affects a person is accurate and complete. Persons who believe there is an error or omission in their personal information on file with the University have the right to request a correction. The University must revise its records to correct errors or omissions or annotate its records to show a correction was requested but not made.

King's will investigate and respond promptly to requests to correct personal information in its records.

6. Disclosing personal information

The University has the right to disclose personal information in certain circumstances described in FOIPOP, including:

- as authorized by the *Freedom of Information and Protection of Privacy Act* or other law, or for the purpose of complying with a law
- to comply with a subpoena, warrant, summons or order issued or made by a court, person or body with jurisdiction to compel the production of information
- to a public body or a law-enforcement agency in Canada to assist in an investigation
- if the head of the University determines there are compelling circumstances that affect someone's health or safety so that the next of kin or a friend of an injured, ill or deceased individual may be contacted
- to collect a debt or fine an individual owes to the University, or to make a payment the University owes to an individual
- the information is about the person's position, functions, remuneration or travel expenses as an employee of the University
- disclosure would reveal details of a discretionary financial benefit, such as a scholarship or bursary, that the University granted to the person

King's may disclose personal information to persons outside the University if disclosure is required by law, to comply with a subpoena or other court order, or to assist a police investigation. In emergencies, personal information may be released to protect a person's health or safety or to notify the family and friends of someone who is injured, sick or has died. Disclosure is also appropriate to collect monies owing to the University

and to make payments. Titles, salaries and travel expenses of employees and details of financial support to students may be made public.

7. Disclosure for research purposes

The *Freedom of Information and Protection of Privacy Act* allows King's to disclose personal information for statistical and other research purposes. If the information requested is linked to an identifiable individual, the University must be satisfied there is no other reasonable way to carry out the research. The University also must ensure the disclosure will cause no harm to an individual and it is in the public interest to disclose the information in this form. As well, an agreement must be signed with the user to ensure the information remains secure and confidential and to prohibit it from being reused without further authorization. The *Personal Information International Disclosure Protection Act* requires identical precautions be taken when disclosing personal information outside Canada for research purposes.

King's may disclose personal information for statistical and research purposes. Personal information linked to identifiable individuals will be disclosed for such purposes only if the information is required to conduct the study, its release will not harm an individual, and disclosure is in the public interest. Before personal information linked to identifiable individuals is disclosed for research purposes, a contract is required stipulating that the information will remain confidential and will not be re-used without authorization.

8. Retention of records

A specific provision of the *Freedom of Information and Protection of Privacy Act* dictates how universities handle certain personal information used to make a decision that directly affects a student or faculty member. Records containing personal information that is "evaluative or opinion material," provided "explicitly or implicitly in confidence", and compiled solely for the purpose of:

- determining a faculty member's suitability for appointment, promotion or tenure
- evaluating an individual's research projects and materials
- admission to an academic program
- whether the student will receive "an honour or award"

must be retained for at least one year after the records are used, to give the student or faculty member a reasonable opportunity to apply for access to them. The University may have the right under the Act to withhold all or part of this information if a formal request for access is filed.

“Record” is given a broad definition under the legislation, and 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”. Records of committees that assess applications for admission, promotion, research grants and other entitlements normally consist of the application itself, letters of support, assessments, and any notes or minutes of the committee’s discussions. E-mails in which committee members discuss an applicant or the merits of an application are also considered records of the committee. By law, these records must be retained for at least one year. Information in the personal notes of committee members, however, may never become part of the discussion of an application and are not considered records of the committee or of the University.

Records containing personal information about a faculty member or prospective faculty member, supplied in confidence and used to determine suitability for appointment, promotion or tenure, or to evaluate a research project, will be retained for at least one year. Records containing personal information about students supplied in confidence and used to determine admission to programs or eligibility for a scholarship or award also will be retained for at least one year. If a request for access to such information is made, the University president will decide whether the information should be disclosed in accordance with the *Freedom of Information and Protection of Privacy Act*.

b. Retaining other records

The *Freedom of Information and Protection of Privacy Act* contains no requirement for the retention of other records containing personal information. Many of these records, however, and others that are not subject to privacy concerns should be retained to guide future decisions and to preserve the history of King’s. The University should develop guidelines setting out which records should be retained and a destruction schedule for those that have no operational or archival value. This will require the creation of a records management system to determine what records exist and whether they should be retained or destroyed. The University librarian should be consulted to determine whether the archives have the resources needed to properly store and catalogue the material retained. Creating formal schedules for the destruction of unneeded records will ensure King’s can refute any suggestion that records were arbitrarily destroyed to evade the University’s responsibility to be open and accountable under the legislation.

9. Personal information in the King’s archives

The University may release records containing personal information to its archives or to the Public Archives of Nova Scotia. The University archives, in turn, have discretion to

disclose personal information to the public for “archival or historical purposes”. Such disclosures must not be an unreasonable invasion of personal privacy, as defined in s. 20 of the *Act*. Disclosure of personal information for historical research purposes must meet the requirements of s. 29 of the *Act* (as set out in Part 7 of this policy).

These restrictions on access do not apply to information about a person who has been deceased for 20 years or more, or to information that was within the archive’s custody or control and available for historical research before the *Act* came into force on July 1, 1994. The *Personal Information International Disclosure Protection Act* authorizes an archive to disclose personal information outside Canada, for archival or historical purposes, if it meets the above criteria.

King’s will archive records containing personal information and will make them available to the public for historical research. Access to records available to researchers prior to July 1, 1994 and to records relating to people who have been deceased for 20 years or more will not be subject to privacy controls. Requests for access to all other records containing personal information will be assessed to ensure disclosure of is not an unreasonable invasion of personal privacy and that appropriate conditions are placed on how the information is used if it is linked to an identifiable individual.

10. Personal information shared with the King’s Student Union

King’s shares personal information about students with the King’s Students Union. Before making such information available, the University must be satisfied with KSU’s practices, to ensure personal information is used for the purpose it was collected and students’ consent is obtained before it is used for any other purpose.

King’s will make students’ personal information available to the King’s Student Union as long as it is satisfied the information is stored and used in a manner compatible with the *Act* and University’s privacy practices.

11. Storage of personal information outside Canada

Under the *Personal Information International Disclosure Protection Act*, King’s must avoid storing personal information outside Canada. If storage of personal information in another country is deemed necessary for the University’s operations, King’s must advise the minister of justice of this decision and why it was made.

Any decision by the University regarding the use of any services that would involve storage of personal information outside of Canada or access to personal information

from outside of Canada will be made in accordance with the above legislation and will only be made with due diligence.

12. Accessing and transporting personal information outside Canada

When they travel, King's employees may take personal information out of the country temporarily on laptop computers and electronic devices such as Blackberries and cell phones. They are also permitted to remotely access personal information while traveling abroad. Transporting and remote accessing of personal information in this fashion, however, is only permitted when necessary for the performance of the employee's duties. Employees must take reasonable precautions to protect the information. For instance, laptops should be secured against theft when traveling and employees should avoid submitting marks or accessing students' personal information online while outside the country.

King's employees traveling abroad will transport and remotely access personal information only as their duties require, and in accordance with guidelines set by the University.

13. Disclosure of personal information outside Canada

Personal information may be disclosed outside Canada when the person involved has consented to disclosure or when disclosure is required under Canadian law or a treaty. Personal information also may be disclosed outside Canada to collect monies owing to the University, to verify drivers' licences or motor vehicle registration or licensing, to notify relatives or friends of someone who is injured, ill or deceased, or if someone's health or safety is at risk.

King's will disclose personal information outside Canada only with the consent of the person involved, where disclosure is required or permitted by law, to collect monies owing to the University, to verify drivers' licences or motor vehicle registration or licensing, to notify relatives or friends of someone who is injured, ill or deceased, or if someone's health or safety is at risk.

14. Foreign demands to disclose personal information

King's must notify the minister of justice immediately if a foreign court, law enforcement agency or other authority demands disclosure of personal information under its control.

15. Freedom of Information and Protection of Privacy officer

King's will designate a Freedom of Information and Protection of Privacy officer, who will respond to privacy-related complaints and requests for information filed under the *Freedom of Information and Protection of Privacy Act*. The FOIPOP officer also will assist King's employees in interpreting the University's privacy policy and in understanding their duties under Nova Scotia's privacy laws.

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