



## Freedom of Information and Protection of Privacy (FOIPOP)

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### Objectives

This collection of procedures explains the BCIT Privacy Protection and Freedom of Information processes.

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### Who Does This Procedure Apply To?

All BCIT Employees

### Other Information

None

### Procedure

#### 1. Privacy Protection – Personal Information Collection and Use

##### 1.1 Objectives

BCIT is required by legislation to collect, retain, use and securely maintain only the personal information needed for operations and administration. These procedures are driven by BCIT's need to comply with the B.C. Freedom of Information and Protection of Privacy Act ("FOIPOP"). The privacy protection procedures will ensure that BCIT offices and staff:

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- Provide notification of personal information collection and use
- Prevent the unauthorized collection, use, or disclosure of personal information
- Obtain, where required, consent for personal information collection and use
- Use personal information for purposes consistent with the notification and consent.

These procedures apply to personal information held by BCIT in any format: paper, electronic, and film. The procedures apply to personal information both under the control of, and under the custody of BCIT, including personal information of BCIT students and staff that is used by BCIT vendors.

The BC Personal Information Protection (“PIPA”) Act is the governing privacy legislation for the BCIT Foundation and Alumni Association.

### 1.2 Notification to Collect and Use Personal Information

This procedure explains the situations where a notification for personal information use is needed and the situations when a signed consent from an individual is required. These procedures apply to information collection, whether the collection method is electronic, paper-based, derived from telephone conversations, or any other method of collection.

A notification of personal information collection, purpose, and use is required in all instances. The notifications under FOIPOP are required to cite BCIT’s legal mandate which is the legislation under which BCIT operates (the College and Institute Act, RSBC 1996, ch. 52). For business processes in which BCIT seeks to gather personal information in order to provide a non-mandated service offering, then BCIT is required to provide the notification of information collection and use, and in addition, to obtain the signed consent of the individual.

Contact the Records Management Office for assistance in developing a notification that contains the following elements.

- What type of personal individual information is being collected. For example, contact information, educational, and medical history
- Why the personal information is being collected, in other words, the purpose of the information use
- Who will access the information within the Institute and, if applicable, outside of the Institute. (Note that when personal information is shared outside of the Institute, further procedures must be followed. See Policy 6700. The notification must advise individuals of the contact information for the Privacy Officer
- Consent is required to collect and use personal information for a non-mandated service or business process (e.g., disability resources intake form, student housing intake form, etc.).

### 1.3 Business Contact Information

Under both FOIPOP and PIPA, an individual’s business contact information is not considered to be personal information. BCIT can publish in electronic and printed publications the name, phone number, building and room number for staff and faculty who work at BCIT. As a courtesy, a staff or faculty member may notify BCIT to have his or her name suppressed from publication for a personal reason.

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### **1.4 Correction of Personal Information**

Individuals can correct errors or omissions in their personal information. Departments that maintain personal information must have an established procedure in place to allow individuals to correct and update the personal information, such as address, name change, contact information.

Under FOIPOP and PIPA, if no correction is made, because BCIT believes that the information is correct, BCIT must annotate the information to show that the correction was requested but not made.

Under FOIPOP, on correcting or annotating the information, BCIT must notify any other public body or third party to whom that information was disclosed in the year prior to the correction or annotation.

## **2. Personal Information Use and Disclosure**

### **2.1 Objectives**

FOIPOP and PIPA legislation specify that information about identifiable individuals must be protected from unauthorized access with reasonable security arrangements. Personal information may be released to third parties only with the consent of the individual, with certain exceptions. Security of personal information must be applied to records in all formats: paper, electronic, and film. The security must be applied while records are in transit (such as back up tapes, transported by vehicle, mail, courier, voice mail, fax, or electronic transmittal) and throughout the entire records' life cycle, from creation to active use, semi-active use, and final disposition and destruction.

### **2.2 Definition of Consistent Purpose**

Use of personal information is deemed consistent with the purpose that it was collected for if the information "(a) has a reasonable and direct connection to that purpose, and (b) is necessary for performing the statutory duties of, or for operating as a legally authorized program of the public body" FOIPOP Act, Section 34 (1).

### **2.3 Maintaining Confidentiality of Personal Information**

Employees need to be aware that legislation calls for using personal information only for the purpose for which it was collected. In other words, an employee may access a student's or an employee's personal information when that information is a requirement to perform an approved business process, program, or service of BCIT.

Employees need to maintain the confidentiality of personal information encountered on the job and discuss or disclose the information only in accordance with the FOIPOP Act, that is, on a "need to know" basis and for purposes consistent with the collection and notification of personal information use.

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### 2.4 Security of Personal Information

For paper and film format records, security and confidentiality for documents and records that contain personal information means the following measures:

- The file cabinets are locked when the office is unattended by staff
- File folders with personal identifiers are not left on counters where passers-by can observe file or contents
- Offices with confidential files are locked when the office is unattended by staff
- Envelopes and boxes enclosing personal information are indicated as confidential and opened by recipients only (even when in transit such as boxes being sent for storage or shredding)
- Records for confidential shredding are placed in boxes so marked and they are shredded through the destruction procedures, Section 4 of the Records Management procedure manual
- Other practices as needed to assure that only BCIT staff with a need to know personal information have access to that information and use the information with a consistent purpose.

For electronic format, security and confidentiality of personal information and data means the following measures:

- E-mail only information that requires immediate transmission
- Avoiding the inadvertent forwarding of personal information in the use of electronic mail messages (in particular, ensuring that the personal information at the beginning of an e-mail chain is not sent in error)
- Assuring the password security of local area network drives, shared e-mail boxes, and electronic information systems that contain personal information
- Designing information systems that contain personal information in compliance with privacy legislation
- Other practices as needed to assure that only BCIT staff with a need to know personal information have access to that information and use the information with a consistent purpose.

The measures to ensure privacy protection when faxing personal information include:

- Fax only information that must be transmitted immediately
- Confirm that only authorized staff has access to the fax machine of the sender and of the recipient
- Check the recipient's fax number for accuracy and maintain the accuracy when entering the fax number
- Use a cover sheet for faxes containing personal information and mark the information as personal and confidential
- Fax only information that you would consider comfortable discussing over the phone.

### 2.5 Individual Access to Their Own Personal Information

A BCIT school or department that retains personal information must have established and documented procedures for individuals to access their own personal information.

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Examples are:

1. The Registrar's Office has documented procedures, fees, and forms that students use to obtain a copy of, or view the academic record.
2. The Human Resources department has procedures for employees to view their employee records.

When procedures do not exist in the school or department for an individual to access their personal information, then the information access request should be treated as a formal FOIPOP request in order to administer the access to information and privacy review process. BCIT's FOIPOP policy calls for all BCIT staff to send formal information requests within one business day to the Manager, Records Management. Section 17 of this manual explains the procedures for formal Access to Information Requests.

### **2.6 Disclosing Personal Information**

BCIT staff must not release personal information about an individual to another, third, party without the individual's express notification, consent and with a consistent purpose. Any other release would be considered a formal Access to Information request, and the BCIT contact must send formal information requests to the Manager, Records Management within one business day. BCIT's standard consent form, Consent to Release Information to Third Parties is shown in the appendix.

In formal access to information requests, the FOIPOP Act requires that personal information related to third parties is removed from the documents before the information is provided to a requestor. This work will be done by the Manager, Records Management, in consultation with the department or school during the formal information request business process.

In situations where BCIT discloses personal information it has to a third party; an Information Sharing Agreement is required. Contact the Manager, Records Management, and Privacy for assistance in drafting an Information Sharing Agreement.

### **2.7 Marketing BCIT Programs and Services**

When BCIT sends unsolicited mailings (electronic or paper-based) to contacts, BCIT must provide an easy to understand opt-out process for individuals to be able to have their contact name deleted from electronic or paper-based BCIT mailings and program information. The school or department must also have a business procedure to remove the contact name from receiving future mailings.

## **3. Privacy Protection Guidelines for BCIT Instructors**

### **3.1 Collecting Personal Information**

Instructors must collect only the personal information required to provide education and training courses and programs that BCIT has the legal authority to acquire. Very seldom will it be necessary to collect age, photos, marital status, and Social Insurance number.

All forms and electronic methods that collect personal information must have a notification of why BCIT collects the personal information and how BCIT uses the information. Instructors and program areas should contact the Manager, Records Management for advice on creating and

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modifying forms.

All BCIT records that faculty create relating to students must be written in an objective and professional manner, as a student has a right to review their own personal information. Students also have a right to review their personal information for accuracy and to request a correction.

### **3.2 Retention and Security**

Student information including completed assignments and exams, must be retained for a minimum of one year when the information has been used to make a decision. This would include all records used to assign a grade to a student. Instructors must ensure that the personal information is kept in a confidential, secure manner. BCIT's Directory of Records, accessible through BCIT's intranet, provides the retention schedules for each records category. Instructors may use BCIT's semi-active records warehouse system as outlined in Section 3 of the Records Management procedures to store the student exams and grade records.

### **3.3 Use and Disclosure**

Instructors must use the student's personal information only for the purpose it was collected. Instructors may not disclose the personal information to anyone else, unless the student has consented to the information's release in writing.

Instructors and program areas should contact the Manager, Records Management for assistance and advice on disclosing personal information.

Instructors must also be aware of BCIT's procedures for informal and informal access to information, outlined in Section 7 of these procedures.

### **3.4 Students Work**

If an Instructor needs to review a student's work with a colleague (for example, to obtain a second opinion), the name and any other personal identifiers must be removed. Highly personal information and opinions, for instance, in diaries, journals and practicum assignments, require protection from unauthorized access.

Instructors must return student's work only to the student and must not leave assignments or post grades in a public area (hallway or electronic space).

Instructors who wish to use a student's work as a model or for any other purpose must obtain the student's written consent to use the work for the other purposes.

## **4. Photography and Testimonial Consent**

### **4.1 Objectives**

BCIT uses recorded testimonial information quoting individuals' remarks and photographs of groups and individuals in marketing and publications, advertising curriculum delivery, and on the Public Website. The BC Privacy Act and the BC Freedom of Information and Protection of Privacy Act govern the collection, use, notification, and consents required to use personal information in BCIT's publications of all formats. This section will provide the method of collecting consents, when they are needed, to use photographs of individuals and groups of people and direct

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quotations from individuals.

BCIT's Marketing and Community Relations department and also individual schools / departments take photographs and collect testimonial text from students and employees for both internal and external uses in electronic and print publications. Photographs may be formally set up in advance or taken in a candid manner during programs and activities. Testimonial text may be formally collected, or informally noted.

### **4.2 Procedures**

There are four types of situations relating to the collection of personal photos and testimonial information. BCIT staff needs to decide which category the photography and / or testimonial falls into, and apply the appropriate procedure for the situation. BCIT has a standard model release form, shown in the procedure, under Forms.

#### A. Formally-Collected Photos, video recordings, audio recordings, and Text Information of Identifiable Individuals.

When a person is identifiable in a photograph, or visual recording, a notification and signed consent of the individual is required. A BCIT department or school that collects testimonial information and / or takes photographs of identifiable individuals is required to provide notification and to obtain written consent on a model release. The model release form must be indexed or linked to the photograph or text material and retained for the length of time that the photograph / text material is retained and could be used.

#### B. Formally-Collected Photos and Text Information of Groups of People

This category covers the situation in which a BCIT department or school collects testimonial information and / or takes photographs of people in which the final photo or text material does not allow the identification of an individual. When practicable, BCIT staff will verbally notify the group of people (in a classroom setting, for example) that a photograph is being taken and offer individuals the option to leave the space where the photograph is taken. The photographer needs to make a note for the files, or have a departmental procedure that specifies that the spoken notification occurs routinely.

#### C. Informal Photographs and Text Information – Groups of People in a Public Space.

There is no expectation that photographs and text obtained from a gathering of people, such as a sports or program event, require notification or consent for BCIT to use the information in electronic and printed sources.

#### D. BCIT Notification for Event Photography

BCIT routinely produces photography for events such as convocation, awards ceremonies, and Alumni gatherings. Where possible, BCIT will publish, a notification that events will be photographed and notify how the photography will be used.

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### **5. Personal Information in the Custody of Third Parties**

#### **5.1 Objectives**

The FOIPOP Act requires that BCIT maintain all provisions of privacy protection for records that are under the custody of its service contractors and industry contacts. The objectives of this procedure are to ensure that the contractors and industry contacts are made fully aware of BCIT's obligations of privacy protection and that the necessary documentation is established for the information sharing.

#### **5.2 Personal Information under the Custody of Contractors and Contacts**

BCIT must advise its vendors and potential vendors of the privacy provisions of FOIPOP. In situations in which BCIT contracts out a service, and that service contractor or BCIT contact receives the personal information of BCIT students or staff, BCIT must prepare a privacy protection schedule, an information sharing agreement, or build the privacy protection text into the agreement between BCIT and the contractor or industry contact.

BCIT departments and schools who share personal information with contractors and contacts must advise the Manager, Records Management in order to develop the contract or agreement to meet the privacy protection requirements of FOIPOP.

### **6. Access to BCIT Records and Privacy Complaints**

#### **6.1 Privacy Complaints**

BCIT may receive complaints about its privacy practices at any point of contact employee, through the public Website, e-mail, telephone, or correspondence. The person or department who receives the privacy complaint must forward the complaint within one business day to the Manager, Records Management for action.

The Manager, Records Management will investigate the business practice that generated the complaint, notify the director / manager of the department responsible, and work with the department to respond to the privacy complaint and rectify practices that are not compliant with privacy legislation.

#### **6.2 Informal Access to Information Requests**

The public may access directly records that are designated as Public Use Records ("PUR") in BCIT's Directory of Records. Records designated as Personal Information Banks "(PIB)" in the Directory may only be accessed according to the privacy procedures, section 1-7 of this manual. Information access requests to PURs and an individual accessing his or personal information according to established procedures is considered informal and can be accomplished within the department or school.

#### **6.3 Formal Access to Information Requests**

Requests for BCIT's information and records other than PURs and PIBs are considered by BCIT to be formal information access requests. Any school or department or employee who receives a formal information access request must forward the request to BCIT's Manager, Records

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Management within one business day.

Formal FOI requests must be in writing (not e-mail), signed and dated by the requestor in a letter or on BCIT's formal request form.

The Manager will establish the due date for the request, enlist assistance of the appropriate Records Management / FOI contact(s) to retrieve related records, notify the appropriate senior executive of the request, and establish an FOI request file. The Manager, Records Management will work in consultation with the school or department employees in the document by document and line-by-line review of the case file in order to determine the documents that may be released or withheld according to provisions of the FOIPOP Act. The Manager, Records Management, FOI creates a cover letter and sends the requestor a copy of the records that can be released.

Refer to the workflow chart below.

### Workflow for Formal Access to Information Requests

#### 1. BCIT Point of Contact

- Determine if request is formal or informal. If informal, respond to requestor.
  - If formal, send the request to BCIT's Manager, Records Management.
- (One business day)

#### 2. Manager, Records Management

- Establish due date.
- Set up request file.
- Advise appropriate senior executive about request.
- Notify Records Management / FOI contact to submit copies of original records to Records Management Office.
- For medical or counseling related information access requests, forward the request to the Director, Medical and Counselling Services.

(Four business days)

#### 3. Manager, Records Management and RM/FOI Contacts

- Make one full copy of the documents received.
- Review copies of case file(s) on a document-by-document basis.
- Make decisions on releasability based on sections of FOIPOP Act.
- Sever as required, and cite the section of the Act upon which the severing is based.
- Obtain third party information permission to release, if needed.
- If more than 30 days is needed to comply, or if a fee will be charged, advise the requestor.
- Make one full copy of severed version of the case file(s).

(20 business days)

#### 4. Manager, Records Management

- Prepare a cover letter as required by legislation.
- Deliver the records within time frame required.

(30 business days)

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### **Forms Associated With This Procedures**

Formal FOI Request, LIB - 37  
Model Notification and Consent, FOI - 1  
Information Sharing Agreement  
Privacy Protection Schedule  
Consent to Release Personal Information to Third Party, LIB - 65  
Privacy Impact Assessment

### **Amendment History**

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