

## AD02

## FREEDOM OF INFORMATION

Classification:	Administration
Responsible Authority:	Vice President, Finance and Administration
Executive Sponsor:	President
Approval Authority:	Algonquin College Executive Team
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### PURPOSE

To provide a framework to facilitate individuals' general right of access to government records and to ensure the College complies with the Freedom of Information and Protection of Privacy Act ("FIPPA") and other statutes and regulations providing a right of public access to information in the hands of the College.

### SCOPE

This policy applies to all requests for records in the custody or under the control of the College, whether made pursuant to FIPPA or other applicable statutes or regulations.

FIPPA's Protection of Privacy principles and requirements are addressed in AD24, which is overseen by the Information Privacy Coordinator.

### DEFINITIONS

Word/Term	Definition
Business Identity Information	Business identity information includes the name, title, contact information or designation of an individual that identifies the individual in a business, professional, or official capacity. Business identity information is not personal information.
College Community Members	Learners, employees, contractors, volunteers, visitors, partners, vendors, and service providers.
Complete Request	To be considered a complete request, a formal request for a general record or a record containing an individual's personal information under FIPPA must: <ul style="list-style-type: none"> <li>• Be in writing;</li> <li>• Contain sufficient detail for the College to identify the record;</li> <li>• Indicate that it is made under FIPPA; and</li> <li>• Include a \$5.00 application fee.</li> </ul>

If the requester is requesting his or her own personal information, he or she must also provide valid identification to the College. Valid identification may include government-issued photo identification such as a driver's license or a passport. In instances where no official identification is available, the College will work with the requester to verify his or her identity.

FIPPA	Freedom of Information and Protection of Privacy Act (R.S.O. 1990, c. F.31) and related regulations, including R.R.O. 1990, Reg. 460.
FOI Coordinator	The College official responsible for the coordination of activities related to the principles of Freedom of Information established under FIPPA, Part II. The role has been delegated by the Chair of the Board of Governors to the Vice President, Finance and Administration who acts as the FOI Coordinator.
Individual	Any identified or identifiable person, including, but not limited to, learners, alumni, donors, faculty, staff, volunteers; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, or an online identifier.
Information and Privacy Commissioner of Ontario (IPC)	The IPC serves both the government and public through its mandate to resolve appeals when access to information is refused, investigate privacy complaints related to personal information, and ensure compliance with Ontario's access to information and privacy laws, including FIPPA.
Operational Records	Records that are evidence of the College's activities, transactions, and decisions, and are managed by the Program Area responsible for the activities. Operational records have continuing value to the College and are kept for the time necessary to meet legal, financial, business, archival or other requirements.
Personally Identifiable Information (PII)	Any data about an identifiable individual, including but not limited to the individual's name, home addresses and email addresses, telephone numbers, age, sex, marital or family status, identifying number, race, national or ethnic origin, colour, religious or political beliefs or associations, educational and medical history, disabilities, blood type, employment history, financial history, criminal history, anyone else's opinions about an individual, an individual's personal views or opinions, and name, address and phone number of parent, guardian, spouse or next of kin. Also called personal information.
PHIPA	Personal Health Information Protection Act, 2004, SO 2004, c. 3 and related regulations.
PHIPA Unit	A school, department or sub business unit that holds and processes personal health information for the provision of health care and is therefore subject to PHIPA.

Program Area	<p>Related activities or services within an institution for which the institution has authority and responsibility. The College Areas are:</p> <ul style="list-style-type: none"> <li>• President/Board of Governors</li> <li>• Communications</li> <li>• Academic</li> <li>• Finance and Administration</li> <li>• Human Resources</li> <li>• Student Services</li> <li>• Truth, Reconciliation &amp; Indigenization</li> <li>• Advancement</li> </ul>
Record	Any record of information however recorded, whether in printed form, on film, or by electronic means.
Records Coordinator	Algonquin College Leadership Team (ACLT) member that identifies and develops an index of personal information banks, coordinates the search and the release of records to the FOI Coordinator, at his/her request.
Responsive Record	A record that fits within the scope of the access request.

## POLICY

1. The College will comply with FIPPA, which gives members of the public a general legal right to access records in the custody or under the control of the College. Furthermore, FIPPA provides an individual who is given access to their personal information through the access request process, the right to request correction of the information. These rights are subject to certain exemptions and other limitations, which are set out in FIPPA and other applicable statutes and regulations.

### 2. Access to Information

2.1 Every person has the right to access a record or part of a record in the custody or under the control of the College unless the record or part of the record falls within one of the exemptions or exclusions provided for in FIPPA and the regulations. Some common examples of information, which may be exempt or excluded include the following:

- Where the disclosure could reasonably be expected to interfere with a law enforcement matter;
- Where the disclosure could reasonably be expected to reveal information received in confidence from another government body or its agencies;
- Where the information relates to specific tests, testing procedures or techniques that are used in the evaluation of students;
- Where the information includes personal information of any person other than the requester, the disclosure of which would be an unjustified invasion of privacy;
- Where disclosure of the information would reveal a trade secret or scientific, technical, commercial, financial, or labour relations information belonging to a third party (“third-party records”); and
- Where the information is subject to solicitor-client privilege.

2.2 The College must make every reasonable effort to initially respond to a request within 30 calendar days after receiving it.

2.3 The College may, in accordance with FIPPA, extend the thirty (30) day deadline to respond to a request. If the College is relying upon an extension, it shall notify the requester in writing of any such extension of time. Generally, the College will extend the time when the access request is for a large number of records, requires a search of a large number of records, or requires consultation with affected third parties.

2.4 Where appropriate under FIPPA, the College may either forward or transfer a request to another institution. The College will identify and forward or transfer the request to the other institution within fifteen (15) days after the request has been received.

2.5 This Policy and FIPPA do not preclude the College from giving access to information in response to an oral request, provided that:

- The requester confirms in writing that the request can be handled informally;
- The record or part of the record does not fall within one of the exemptions or exclusions as outlined in Section 2.1 of this Policy; and
- The request, decision and rationale for the decision should be documented in accordance with Section 3.4 of this Policy.

### **3. Correction of Personal Information**

3.1. Every individual who is given access to their personal information has the right to request correction of the information where he or she believes there is an error or omission therein.

3.2. The College must make every reasonable effort to initially respond to a correction request within 30 calendar days after receiving it.

3.3 The College may extend the thirty (30) day deadline to respond to a correction request in the circumstances described in section 2.3 above.

3.4. When assessing a correction request, the College must consider the following factors:

- The information must be personal information;
- The information must be inexact, incomplete or ambiguous; and
- The information is not opinion material provided by another individual, such as an evaluation or an assessment.

### **4. Freedom of Information Coordinator**

4.1 Under FIPPA, the Chair of the Board of Governors, as designated head of the College, has the power and duty to make decisions on requests to access and correct College records. The Board of Governors has delegated these powers and duties to an officer of the College, the Vice President, Finance and Administration, who will act as the FOI Coordinator. The role is delegated to the Manager, Risk Management. The FOI Coordinator may further delegate duties related to the administration of requests. Delegates will carry out such activities as necessary to administer

requests under the authority of the FOI Coordinator and to meet the responsibilities of the FOI Coordinator.

4.2 The FOI Coordinator shall be the contact person for all public inquiries regarding Freedom of Information requests under FIPPA. The Coordinator shall review all requests for access and correction, and rule on refusals, exemptions, transfers, severance and third-party notification. The FOI Coordinator will rely on his/her knowledge of FIPPA and seek legal counsel if necessary to ensure that the College is in compliance with the legislation.

4.3 The Records Coordinator will coordinate the search and the release of records to the FOI Coordinator, at his/her request.

4.4 The FOI Coordinator shall document information on all requests received, the rationale for decisions on access and correction, and the disposition of the requests. A tracking and recording system will be used to ensure that all requests are processed within the established time limits and to generate the statistics for the annual report to the Information and Privacy Commissioner of Ontario ("IPC").

4.5 In addition, the FOI Coordinator shall file the annual statistical report to the IPC about personal health information access and correction requests received by the College. PHIPA Units shall be responsible for implementing the procedure outlined below to allow for centralized tracking, monitoring, and annual statistical reporting of such requests.

4.6 The FOI Coordinator shall require the assistance of the President and the Vice Presidents to monitor compliance with the FIPPA access to information provisions and the notification requirements in FIPPA and in this Policy.

## **5. Personal Information Banks**

5.1 Collections of records containing personal information that is organized or intended to be retrieved by the individual's name or by a unique identifier assigned to the individual, such as learner databases or mailing lists, constitute personal information banks as per FIPPA.

5.2 The College must maintain an index of Personal Information Banks setting forth, in respect of each personal information bank, the following:

- Its name and school, department, business unit or service that maintains it;
- The legislative authority for its establishment;
- The types of personal information maintained in it;
- How the personal information is used on a regular basis;
- To whom the personal information is disclosed both internally and externally on a regular basis;
- The categories of individuals about whom personal information is maintained; and
- The policies and practices applicable to the retention and disposal of the personal information.

5.3 The index of personal information banks must be updated annually.

5.4 The purpose of the index is to assist members of the public and the College Community in exercising their rights of access under the *Freedom of Information & Protection of Privacy Act (FIPPA)* by listing and describing the records in the custody or control of the College.

## PROCEDURE

	Action	Responsibility
<b>1.</b>	<b>Request</b>	
1.1	<p>Submit a written request, to access or correct information under FIPPA to:</p> <p>Freedom of Information (FOI) Coordinator 1385 Woodroffe Avenue, Room C548, Ottawa, Ontario, K2G 1V8. <a href="mailto:FOIcoordinator@algonquincollege.com">FOIcoordinator@algonquincollege.com</a> Telephone: 613-727-4723 Ext. 2110</p>	Requester
1.2	<p>To be processed, the request must be a “complete request”. To ensure that a request has been adequately filled out and contains all the necessary elements, requesters can consider using the access/correction request form attached to this Policy as Appendix 1.</p>	Requester
1.3	<p>Log the request from the date the College has received it along with other dates during the request fulfilment process, and confirm receipt with the requester.</p>	FOI Coordinator
1.4	<p>If the request is not clear and additional information is needed within the thirty (30) day deadline, ask the requester for additional information to find the record or, for correction requests, to provide evidence that the information on file is incorrect or incomplete. The time limit will be suspended until the FOI Coordinator receives written notice of the additional information needed to continue with the search or to discontinue the search. For the procedure to manage correction requests, see section 6 of this procedure.</p>	FOI Coordinator
<b>2.</b>	<b>Search for Record</b>	
2.1	<p>With sufficient information to locate the record, forward the request to the Records Coordinator for the Program Area concerned, along with time remaining to comply with the request. If a record is likely to be digital in nature, such as an email record, forward the request to the Chief Digital Officer, Information Technology Services.</p>	FOI Coordinator
2.2	<p>Before commencing a search for responsive records, the College will consider whether a time extension or fee estimate is required.</p>	FOI Coordinator

- 2.2.1 If the request appears likely to require investment of four (4) hours or more of search and/or preparation time, the College will develop an estimate of the amount of time required to search for responsive records and will then prepare and provide a letter to the Requester notifying them of the fee estimate and seeking a deposit in accordance with FIPPA. FOI Coordinator  
Records Coordinator
- 2.2.2 If at any time during the processing of the request it becomes apparent to the College that it will not be possible to complete the processing of the request within the original thirty (30) day timeline for responding under FIPPA, the College will, where permitted under FIPPA, issue a notice of extension of time in writing to the Requester, indicating the reason for the extension and the amount of additional time which is required. FOI Coordinator
- 2.3 When a College area receives a request, it will conduct a reasonable search, which entails the following steps: Records Coordinator
- a. Clearly understand the search parameters;
  - b. Initiate the record search and ensure all relevant documents are retained, including transitory records that are responsive;
  - c. Identify staff to conduct searches and instruct staff that while collecting records in response to an access to information request, they must also search for and produce any relevant records from instant messaging and personal email accounts, if such communication means have been used to carry out College business within the scope of the access request;
  - d. Provide clear search instructions to employees participating in the search;
  - e. Identify all databanks and places to be searched and develop a search plan;
  - f. Document search steps.
- 2.4 Upon completing the reasonable search, the Records Coordinator should: Records Coordinator
- a. Determine whether the information requested can be retrieved in whole or in part;
  - b. Estimate the time and cost needed to search for, retrieve and prepare the information for release;
  - c. Forward the information requested along with a recommendation for or against disclosure to the FOI Coordinator, who, in turn, will seek discussion with the President or appropriate Vice President/Executive Director for his/her approval.

### **3. Review of Records and Third-Party Notification**

3.1 The College will review the records in order to determine what information therein may be exempt and/or excluded, and exercise discretion with respect to the application of exemptions as required. Where the College is considering releasing records that potentially contain confidential information pertaining to a third party, the College will provide the third party with an opportunity to provide representations with respect to the disclosure of the information in question.

FOI Coordinator

3.2 Where third party notification is required, the College will send a letter to the affected third party containing the following:

- a. A statement that the College intends to release a record or part of a record that may affect the interests of the person or organization;
- b. The contents of the record or the part that relates to the affected person;
- c. That the affected person must make representations in writing as to why the record in whole or in part should not be released; and
- d. That the affected person has twenty calendar (20) days after the notice is given to reply.

FOI Coordinator

3.3 Upon receipt of the affected third party's response, the College will consider the comments sent by the affected third party and decide whether to release the information contained in the record, which may be third party information within the time prescribed by FIPPA.

FOI Coordinator

3.4 If the College decides that a record containing the affected third-party information will be disclosed to the requester, the College will inform the affected third party of this decision and of their right to appeal such decision to the Information and Privacy Commissioner of Ontario ("IPC") within 30 days from the date the College has notified the decision. The College must hold the records until the appeal period of 30 days has elapsed. Once the appeal period has passed, the FOI Coordinator must confirm with the IPC that no appeal has been received before releasing the records to the requester.

FOI Coordinator

#### **4. Release of Information**

4.1 If a fee estimate was not provided to the Requester before commencing a search for responsive records, and it appears after completing the search that greater than 4 hours of combined search and preparation time will be required to

FOI Coordinator



process the request, the College will provide the Requester with a fee estimate before proceeding further, which will be prepared in accordance with FIPPA and the Regulations thereunder. The records will not be released until payment has been received in full by the College. The FOI Coordinator may, however, exercise its discretion to waive fees.

4.2 If access to the records is to be provided, the information will be released to the requester within the applicable deadline set out under FIPPA, subject to any time extensions, which may be imposed as set out above. FOI Coordinator

4.3 If access to the records is denied the College will send a letter to the requester indicating the reasons for refusal and his/her right of appeal to the IPC for review of the decision within 30 days after the College has communicated the decision. The College must retain the responsive records, including transitory records or operational records whose retention period has expired, until the appeal period of 30 days has elapsed and the College has received confirmation by the IPC that no appeal has been filed. FOI Coordinator

## 5. Appeal and File Closed

5.1 If the requester disagrees with the College's decision, the requester may file an appeal with the IPC pursuant to FIPPA. The appeal shall be made in writing to the IPC within thirty (30) days from the date of the College's letter informing the requester of the College's decision. The College shall participate in any mediation conducted by the IPC and respond to the issues on appeal. Requester

5.2 The College shall close the access request upon its completion or final disposition by the IPC on appeal, or if the requester:  
 a. Has not provided the College with sufficient clarification regarding the scope of the access request within thirty (30) calendar days following the College's request for such clarification;  
 b. Has not paid in full the fees associated with the access request within thirty (30) calendar days of being informed of the fee estimate or assessment;  
 c. Has not filed an appeal of a decision with the IPC within the prescribed appeal period or has exhausted all rights of appeal to the IPC; or  
 d. Otherwise has not responded to correspondence from the College within thirty (30) calendar days from the date of the correspondence. FOI Coordinator

## 6. Correction Request

- 6.1 With sufficient information to assess the record that is deemed incorrect or incomplete by the requester, forward the request to the Records Coordinator for the Program Area concerned, along with time remaining to comply with the request. FOI Coordinator
- 6.2 Upon reviewing the correction request, the Records Coordinator should: Records Coordinator
- a. Determine whether the information submitted for correction contains errors or omissions; and
  - b. Forward the records in question along with a recommendation for or against correction to the FOI Coordinator, who, in turn, will seek discussion with the President or appropriate Vice President/Executive Director for his/her approval.
- 6.3 The College must determine whether the information submitted for correction can be verified and if so approve the correction. FOI Coordinator
- 6.4 If the correction is made, the requester should be notified with a copy of the corrected record within the applicable deadline set out under FIPPA. FOI Coordinator
- 6.5 If the correction is denied, the College must send a letter to the requester indicating the reasons for refusal and his/her right of appeal to the IPC for review of the decision within 30 days after the College has communicated the decision. The College must also advise the individual that he/she can require that: FOI Coordinator
- a. A statement of disagreement be attached to the information reflecting any correction that was requested but not made; and
  - b. Any person or body to whom the personal information has been disclosed within the year before the time a correction is requested or a statement of disagreement is required, be notified of the correction or statement of disagreement.
- 6.6. The procedure set out in section 5 above applies also to appeals and file closure related to correction requests.

## 7. Index of Personal Information Banks

- 7.1 Each College area identifies personal information banks under its custody or control. Personal information banks are collections of records that: Records Coordinator
- a. Contain personal information; and

- b. are organized or retrievable by the name of an individual or by another identifier such as a number or symbol;

7.2 Each College area develops and maintains an index of personal information banks according to the requirements set out in Section 5 of this policy. Records Coordinator

7.3 Each College area updates annually its index of personal information banks. Records Coordinator

7.4 Upon request, the College provides to the responsible Minister the index of personal information banks under its custody or control. FOI Coordinator

## **8. Reporting of Personal Health Information Access and Correction Requests**

8.1 Upon receipt of a written request by an individual regarding access to their personal health information, notify the FOI Coordinator of such request and the date on which the request was received. PHIPA Unit

8.2 During the request fulfilment process, notify the FOI Coordinator when a notice of extension of the 30-day deadline is issued to locate and review the record. PHIPA Unit

8.3 Upon completion of the request, notify the FOI Coordinator of the following: PHIPA Unit

- a. The date on which the decision was communicated to the requester and whether the response time was under or over 30 days;
- b. Where a notice of extension was issued, whether the request was completed within the time limit stipulated in the notice of extension;
- c. If the request was completed past the 30-day deadline, the reason the deadline was not met;
- d. Whether access was granted on an urgent basis within the period specified by the requester;
- e. Whether the request resulted in full access to personal health information;
- f. Whether the request was rejected in whole or in part because:
  - Provisions of PHIPA were used to deny access;
  - Some of the records did not exist or could not be found;
  - The records requested were outside of PHIPA;

- g. Where the request was denied in whole or in part based on PHIPA, identify the provisions that were applied amongst the following:
- Section 51(1)(a) – Quality of Care Information;
  - Section 51(1)(b) – Quality Assurance Program (Regulated Health Professions Act, 1991);
  - Section 51(1)(c) – Raw Data from Psychological Tests;
  - Section 51(d) – Prescribed Research or Laboratory Information;
  - Section 52(1)(a) – Legal Privilege;
  - Section 52(1)(b) – Other Acts or Court Order;
  - Section 52(1)(c) – Proceedings that have not been concluded;
  - Section 52(1)(d) – Inspection, Investigation or Similar Procedure;
  - Section 52(1)(e) – Risk of Harm to or Identification of an Individual;
  - Section 52(1)(f) – FIPPA subsections 49 (a),(c) or (e) apply; or
  - Section 54(6) – Frivolous or Vexatious; and
- h. Whether the request was withdrawn or abandoned by the requester, specifying if the request was withdrawn or abandoned after a fee estimate was sent out.

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|------|---|------------|
| 8.4  | Where applicable, for each request, notify the FOI Coordinator of:  | PHIPA Unit |
|      | <ul style="list-style-type: none"> <li>a. Fees that were charged for access to personal health information and the dollar amount of fees collected; or</li> <li>b. Fees that were waived in whole or in part for access to personal health information and the dollar amount of fees waived.</li> </ul> |            |
| 8.5  | Upon receipt of a request by an individual regarding the correction of their personal health information, notify the FOI Coordinator of such request and the date on which the request was received.  | PHIPA Unit |
| 8.6. | Upon completion of the request, notify the FOI Coordinator of whether:  | PHIPA Unit |
|      | <ul style="list-style-type: none"> <li>a. The correction request was granted in whole or in part;</li> <li>b. The correction request was rejected; or</li> <li>c. The correction request was withdrawn or abandoned by the requester before completion.</li> </ul>                                      |            |

- |     |  |                 |
|-----|--|-----------------|
| 8.7 | Where the correction request was granted in whole or in part, notify the FOI Coordinator of whether the requester asked a notice of correction be sent to those to whom the record was disclosed.  | PHIPA Unit      |
| 8.8 | Where the correction request was rejected in whole or in part, notify the FOI Coordinator of whether:<br>a. The requester asked to attach a statement of disagreement to their record; and<br>b. The statement of disagreement was sent to those to whom the record was disclosed. | PHIPA Unit      |
| 8.9 | Log and aggregate the information provided by PHIPA Units about access and correction requests and submit the annual statistical report in the format and within the timeline required by the IPC.   | FOI Coordinator |

## **SUPPORTING DOCUMENTATION**

Appendix 1 Request Form

## **RELATED POLICIES**

AA35 Confidentiality of Student Records

AD24 Information Privacy

IT01 Information Security

## **RELATED MATERIALS**

Office of the Information and Privacy Commissioner of Ontario <https://www.ipc.on.ca/access-individuals/>

# Request Form

under the *Freedom of Information and Protection of Privacy Act*/  
*Municipal Freedom of Information and Protection of Privacy Act*

Please Note: A \$5.00 application fee is required for all requests.

<b>Request for:</b> <input type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	<b>Name of Institution request made to:</b>
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If request is for **access to**, or **correction of**, own personal information records:

Last name appearing on records:  same as below, or: \_\_\_\_\_

<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss	Last Name: _____
First Name: _____	Middle Name: _____
Address: (Street/Apt. No./P.O. Box/R.R. No.) _____	City/Town: _____
Province: _____	Postal Code: _____
Telephone Number (Day): (   ) _____	Telephone Number (Evening): (   ) _____

Detailed description of requested records, personal information or personal information to be corrected. (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the person information, if known.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Note:** If you are requesting a correction of personal information, please indicate the desired correction, and if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

<b>Preferred method of access to records:</b> <input type="checkbox"/> Examine Original <input type="checkbox"/> Receive Copy	Signature: _____	Date: _____
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For Institution Use Only		
Date Received:	Request Number:	Comments

Personal Information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Co-ordinator at the institution where the request is made.