


PROCEDURE: 400.23.01

SECTION: Human Resources	
TOPIC: Access to Information and Protection of Privacy	
EFFECTIVE DATE:	REPLACES: New
LATEST APPROVAL DATE: March 28, 2017	
NEXT REVISION: March 2020	OWNER: FOIP Coordinator
APPROVING AUTHORITY:  Original signed by President + CEO	

PURPOSE:

The Alberta College of Art + Design (ACAD) is committed to ensuring the lawful and consistent collection, use, disclosure, and protection of information under its custody and control.

This procedure applies to all authorized users of ACAD's information, including employees, contractors, consultants, suppliers and service providers.

DEFINITIONS:

The Act: The Freedom of Information and Protection of Privacy Act and associated regulations.

Collection documents: any ACAD form, electronic or physical, that requests personal information from a person.

Control: Refers to the power or authority of ACAD to manage, restrict, regulate or administer the use or disclosure of the record.

Custody: Refers to the physical possession of a record, electronic or physical, by ACAD.

Employee: Within the context of this policy and procedure, includes a person who performs a service for ACAD as faculty, staff, appointee, volunteer, student, under a contract or agency relationship with ACAD.

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Personal Information: Recorded information about an identifiable individual, including:

- a. The individual's name, home or business address, or home or business telephone number;
- b. The individual's race, national or ethnic origin, colour or religious or political beliefs or associations;
- c. The individual's age, sex, marital status, or family status;
- d. Identifying number, symbol or other particular assigned to the individual;
- e. The individual's fingerprints, or other biometric information;
- f. Information on the individual's health and health care history, including information about a physical or mental disability;
- g. Information about the individual's educational, financial, employment, or criminal history;
- h. Anyone else's opinion about the individual;
- i. The individual's personal views or opinions, except if they are about someone else.

Record: A record of information in any form, including notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers, papers, and any other information that is written, photographed, recorded, or stored in any manner. This definition includes a record that can be created from existing data in a computer. This definition does not include software or any mechanism that produces records. All records in the custody and control of ACAD are considered to be Official Records as defined in the Records Management Procedure.

RESPONSIBILITIES:

1. The President + CEO of ACAD is appointed as the designated head of ACAD and is responsible for ACAD's obligations under the Act.
2. The President + CEO can and has delegated the administrative duties required under the Act to a person who holds the role of FOIP Coordinator.

PRINCIPLES:

1. Information that is obtained, created, or accessed to perform the operations of ACAD is in the custody or under the control of ACAD. The collection, use, and disclosure of information are subject to the Act.
2. All ACAD community members who have access to ACAD information share responsibility for the appropriate use and accurate interpretation and representation of information.
3. ACAD will ensure adherence to the principles of accuracy, access, and availability of information, consistent with the Act.
4. ACAD shall ensure that information is safeguarded from deliberate, unintentional, or unauthorized alteration, destruction and/or inappropriate disclosure, consistent with the Act.

PROCEDURE:**A. COLLECTION OF PERSONAL INFORMATION**

1. ACAD community members must only collect personal information as provided for under Part 2 of the Act as follows:
 - a. When the personal information relates directly to and is necessary for an operating program or activity of ACAD;
 - b. When the collection of that personal information is expressly authorized by an enactment of Alberta or Canada;
 - c. When the personal information is collected for the purpose of law enforcement.
2. Notwithstanding limited allowances for **indirect** collection under the Act (section 34(1)), ACAD community members must only collect personal information **directly** from the individual the personal information is about.
3. Notification statements must be included on all collection documents which inform the individual of the following:
 - a. The purpose for which the personal information is collected;
 - b. The specific legal authority for the collection (under section 33 of the Act);
 - c. The title, business address, and business telephone number of the employee of ACAD who can answer the individual's questions about the collection.

B. USE OF PERSONAL INFORMATION

1. Any ACAD employee must only use personal information if it has the legal authority to use the information under the Act. Personal information can only be used by an ACAD employee if one of the following applies:
 - a. For the purpose for which the personal information was collected or for a use consistent with that purpose as outlined by the Notification Statement;
 - b. If the individual the information is about has identified the information and consented in the prescribed manner to the use;
 - c. For a purpose authorized under section 40, 42, or 43 of the Act.
2. ACAD employees can determine appropriate use of personal information on the basis of whether the personal information is being used in a manner consistent with the purpose for which it was collected or compiled. If a community member has questions, they should contact the designated FOIP Coordinator.

C. DISCLOSURE OF PERSONAL INFORMATION

1. ACAD must only disclose limited personal information if ACAD has the legal authority to disclose it under section 40, 42, or 43 of the Act.
2. ACAD may only disclose personal information to the extent necessary to enable ACAD to carry out the purposes described in section 40 of the Act in a reasonable manner.

3. Personal information should be treated as confidential and must not be disclosed to anyone but ACAD employees who have demonstrated need for the personal information to carry out their duties. These allowances are found under sections 40, 42, and 43 of the Act.

D. PROTECTION + RETENTION OF PERSONAL INFORMATION

1. ACAD employees must protect personal information by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, modification, or destruction. These include but are not limited to the following:
 - a. Physical security: securing records in locked rooms or cabinets, limiting access to areas that hold personal information;
 - b. Administrative security: privacy training, confidentiality agreements, identity authentication procedures;
 - c. Technical security: using password protection, saving data on server supported drives (e.g. H: Drive), locking computer when left unattended, limiting third party vendor access as recommended by referenced Information Technology procedures;
 - d. Portable device security: enabling password access, , keeping mobile device physically secure (e.g. locking cable for laptop).
2. Official records will be disposed of securely and regularly per ACAD's Records Management Procedure and Retention Schedule, consistent with the Act.

E. ACCESS TO INFORMATION

1. Upon receiving a FOIP request, ACAD employees shall immediately forward the request to the ACAD FOIP Coordinator.
2. ACAD will grant access to any individual who requests access to any record containing general information or the applicant's personal information in ACAD's control.
3. A request may be excluded if it falls under section 4 of the Act.
4. Individuals may at any time make a written request to ACAD or the FOIP Coordinator in order to access their personal information held by ACAD.
5. Employees must not dispose of any records relating to a FOIP request, even if the records are scheduled for destruction under the Records Management Retention Schedule.
6. Employees will be notified of an ongoing request by the FOIP Coordinator.

F. ACCURACY + CORRECTIONS OF PERSONAL INFORMATION

1. Personal information collected, used and disclosed by ACAD shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.
2. Individuals have the right to access personal information about themselves and to request corrections to that information. Individuals may use informal means to request access or corrections to their personal information.

REFERENCE:

- ACAD Privacy Policy #21
- ACAD Information Security Policy #24

- ACAD Records Management Procedure 7001.10
- ACAD Records Management Retention Schedule 700.10
- Undergraduate Course Management Procedure 300.13
- Information Technology: Risk Management Procedure 200.23
- Information Technology: Information Classification Procedure 200.24
- Information Technology: Change Management Procedure
- Information Technology: User Access Procedure 200.26
- Freedom of Information and Protection of Privacy Act