



Freedom of Information and Protection of Privacy

FOIP Awareness Training 101



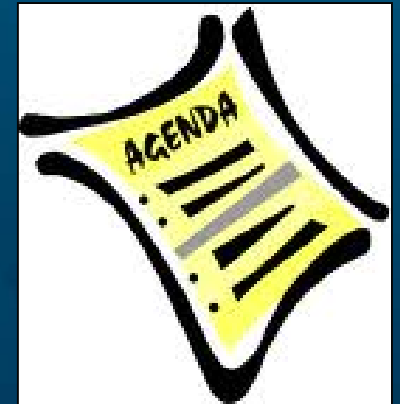
*Jeremy Duffin, BA, MAS, ECMs
Information Management & Privacy Advisor
Mount Royal University*



Freedom of Information and Protection of Privacy

FOIP Awareness – Agenda

1. *Discuss the FOIP roles/responsibilities of Mount Royal University employees*
2. *Become familiar with the FOIP Act and its basic requirements for MRU operations*
3. *Learn how to determine when to disclose Personal Information*





Freedom of Information and Protection of Privacy

Mount Royal University Employee – FOIP Duties

- ✓ **Be aware** of basic FOIP requirements (ie. Attend Awareness Training)
- ✓ **Be a FOIP advocate** within your department (be aware-notify University Privacy Office when not meeting FOIP obligations.
- ✓ Provide a **point of first contact** for those seeking information from the department and provide records if it is deemed as a **routine disclosure**.
- ✓ If a Freedom of Information request is not a routine disclosure **contact the University Privacy Office!**

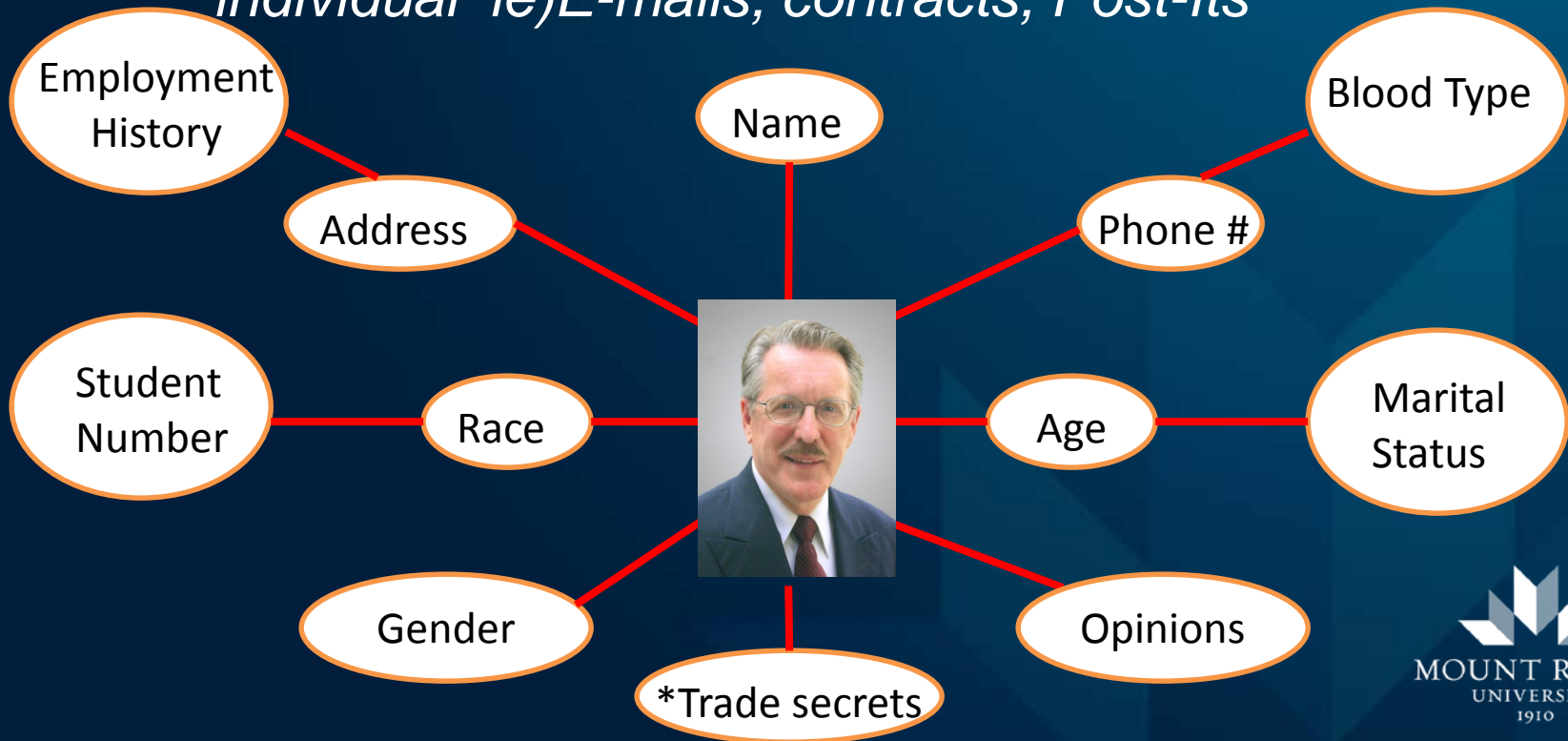




Freedom of Information and Protection of Privacy

Personal Information means:

“recorded” information about an identifiable individual ie) E-mails, contracts, Post-Its





Freedom of Information and Protection of Privacy

Alberta FOIP Act - Two Main Parts

Part 1 - Freedom of Information: Provisions under which people can apply for and receive access to public body records.

Since 2010 (MRU) has had 69 **access-to-info** requests (36 General, 33 Personal).

Part 2 - Protection of Privacy: Provisions governing the University regarding the:

- ✓ *Collection of Personal Information*
- ✓ *Use of Personal Information*
- ✓ *Disclosure of Personal Information*
- ✓ *Protection of Personal Information*



Freedom of Information and Protection of Privacy

Alberta FOIP Act – Generally speaking...

Part 1 - Provides right of access to records under the custody and/or control of the University for all individuals. [**applies when a formal records request is made or required by the applicant*]

Part 2 - Establishes rules regarding the collection, use, disclosure, and protection of Personal Information held/controlled by the University to Protect the Privacy of Individuals.

[**applies to the routine operations of the University*]



Freedom of Information and Protection of Privacy

Collection Rules **s.33 and 34**

(1) No personal information may be collected by or for a public body unless the information...

- Relates directly to (direct bearing) and is necessary for an operating program or activity of the public body (ie.) “demonstrable need” for the info **s.33(c)**

Other legal authorities for collection under 33>>

- The collection of info is authorized by an enactment of Alberta/Canada **s.33(a)**
- Is collected for the purposes of law enforcement **s.33(b)**



Freedom of Information and Protection of Privacy

Collection Rules **s.33 and 34**

(2) A public body must...

- Collect personal information **directly** from the individual the information is about (Fair Information Practice). **s.34(1)**
Indirect collection (no notice req'd) is allowed in limited circumstances listed in the Act. (e.g.) Determining suitability for honour/award/benefit, managing employees
- When a public body collects personal information **directly** from the individual the info is about, they **must provide** a **FOIP Notification Statement** prior to the collection.

s.34(2)



Freedom of Information and Protection of Privacy

Collection Rules s.33 and 34

(2) A **FOIP Notification Statement** s.34(2) must state:

- The **purpose** (reason) for the collection of information
- The specific **legal authority** for the collection (**often 33(c)**)
- **Contact Info** of an employee who can answer the individual's questions about the collection.



Freedom of Information and Protection of Privacy

Collection Rules FOIP Notification Statement s.34(2)

FOIP Notification Statement (Example)

The personal information that you provide to Mount Royal University is collected under the authority of the Post Secondary Learning Act and the Freedom of Information and Protection of Privacy (FOIP) Act – section 33(c).

The information will be used for the purpose of [blank]

Collected personal information is protected from unauthorized access, collection, use and disclosure in accordance with the FOIP Act and can be reviewed upon request subject to the provisions under the Act.

Questions regarding the collection of personal information can be directed to:

[Title – Dept – Business Address/Phone/Email/website]





Freedom of Information and Protection of Privacy

Use Rules *s.39 and s.41*

A public body may use personal information only...

- **Consistent Use/Disclosure**: For the purpose for which the information was collected or compiled or for a use consistent [reasonable/direct connection/(necessary)] with that purpose [aligns with FOIP Statement]
- **Consent**: If the individual (the info is about) has identified the info and consented (ie. in writing) to the use [aligns with Consent form *Disclosures to third parties]
- **Disclosure Allowance**: For a purpose for which that information may be disclosed to that public body under section 40 [aligns with Disclosure allowances]





Freedom of Information and Protection of Privacy

Disclosure Rules s.40 and s.41

A public body may disclose personal information only...

- **Consistent Use/Disclosure**: For the purpose for which the information was collected or compiled or for a use consistent [reasonable/direct connection/(necessary)] with that purpose [aligns with FOIP Statement]
- **Consent**: If the individual (the info is about) has identified the info and consented (ie. in writing) to the disclosure [aligns with Consent form *Disclosures to third parties]
- **Disclosure Allowance**: For a purpose for which that information may be disclosed to that public body under section 40 [aligns with disclosure allowances]



Freedom of Information and Protection of Privacy

Sec.	Use	Sec.	Disclosure
39(1)(a)	Consistent Use (FOIP Statement) (Service Provider) (Contract) Internal Operations	40(1)(c)	Consistent Disclosure (FOIP Statement) (Service Provider) (Contract)
39(1)(b)	Consent to Use (Signed Consent Form) Providing References External Disclosures	40(1)(d)	Consent to Disclosure (Signed Consent Form)
39(1)(c)	Use based on legal authority (allowances) for disclosure under 40(1) Internal Operations & Other Public Bodies	40(1)'s	Disclosure based on legal authority (allowances) for disclosure under 40(1)



Freedom of Information and Protection of Privacy

Basic Rules on Protecting Privacy - Part 2...

- 3) **Disclosure**: MRU may disclose limited personal information (extent necessary) under certain circumstances under **40**
- ✓ **40(1)b** – if the disclosure would not be an unreasonable invasion of a 3rd party's privacy under section 17 > 17(2) includes salary “range”, enrolment in a school or post-sec program, and receipt of an award or Degree.
 - ✓ ***40(1)d** – if the individual has identified the information and consented to the disclosure.
 - ✓ **40(1)h** – to an employee of the public body if the information is **necessary** for the performance of their duties. (**demonstrable need**)
 - ✓ **40(1)k** – for the purpose of collecting a fine or debt owing by an individual to a public body.
 - ✓ **40(1)l** – for the purpose of determining or verifying an individual's suitability or eligibility for a program or a benefit.
 - ✓ **40(1)q** – if the public body is a law enforcement agency.
 - ✓ **40(1)x** – for managing or administering personnel of a public body
 - ✓ **40(1)bb.1** – if the personal information is of a type routinely disclosed in a business or professional context





Freedom of Information and Protection of Privacy

Disclosure (Use) Rules s.39 and s.40

A public body may use/disclose personal information...

- Only to the extent necessary to enable the public body to carry out the purposes described in subsection (1) “use” or “disclose” in a reasonable manner.
- ✓ Need to know
- ✓ Demonstrable need (performance of duties)
- ✓ Operating Program – Public Body Activity or Program



Freedom of Information and Protection of Privacy

Basic Rules on Protecting Privacy - Part 2...

- 4) **Protection**: Records with Personal Information have to be stored in a secure manner to prevent unauthorized access, collection, use, disclosure, or destruction – **Section 38**
“Privacy Breach” (Penalty of max \$10,000 Sec 91)

Protecting Privacy - Are Safeguards in place?

Physical: Locked rooms, cabinets, or offices, use shredders.

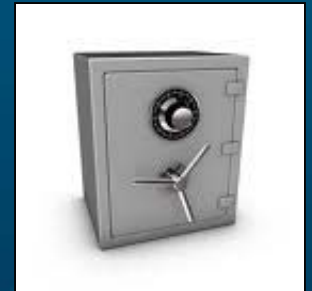
Using **MRU Retention Schedule & Classification System**

to ensure impartial and documented destruction of Personal Information.

Administrative: Security Policies, personnel screening, privacy training, staff with limited access to Files, **identification check or authentication** process

Technical: User Passwords, Lock computers when idled, or do not use portable devices

- Flash Drives use “**password protect**” or “Bit Locker” (KeePass2 by ITS)
- Lock Office Computers **[CNTRL,ALT, DELETE]**
- Ensure ***laptops** are **physically secure** (not left in vehicles, etc)
- Secure iPhones (**strong password lock**, keep notices/system toggles off lock screen)
- Use **Bcc (Blind carbon copy)** to protect privacy when sending emails

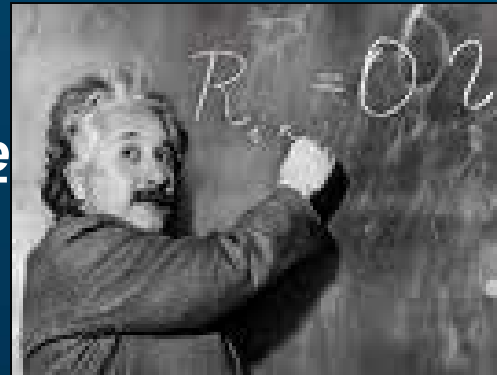




Freedom of Information and Protection of Privacy

Access to Information - Part 1...

Recognizing a Routine Disclosure



A Routine Disclosure is....

A request for Information by any person, where access to the record can be easily granted without the need to refer to any exceptions to protect privacy (sections 16-29) under the FOIP Act.

A Routine Disclosure means that no formal FOIP process (severing) is required in order to document exceptions to a person's right-of-access





Freedom of Information and Protection of Privacy

Routine Disclosures – Considerations – Part 1

- 1) *Do the records being requested actually **belong to the individual**? [always **check for id** before disclosing]*
- 2) *Do the records have a **standardized form**, one where the record could be easily - regularly severed with a routine exception?*
- 3) *Are the records being requested **general** in nature? Do they contain no Personal Information whatsoever?*
- 4) *Is the record a document that is already **public**?
Example: An MRU Annual Report? A newspaper article?*

**Section 29 – records already available to the public does not have to be disclosed at public body's discretion*

TIP – Be aware of what records your department has that could be routinely disclosed. Be even more aware of what records contain Personal Information!



Freedom of Information and Protection of Privacy

*When is a request not considered a routine disclosure? –
Considerations 1 of 2 – Part 1*

**The following circumstances would require severing*

#16 - Disclosure harmful to business interested of 3rd Party

#17 - Disclosure harmful to personal privacy

#18 - Disclosure harmful to individual/public safety

#19 - Confidential Evaluations

#20 - Disclosure Harmful to law enforcement

#21 - Disclosure harmful to intergovernmental relations

#22 - Cabinet and Treasury Board Confidences

#23 - Local public body confidences

#24 - Advice from officials



Freedom of Information and Protection of Privacy

*When is a request not a routine disclosure? –
Considerations 2 of 2 – Part 1*

**The following circumstances would require severing*

*#25 - Disclosure harmful to economic interests of a
public body*

#26 - Testing Procedures, tests, and audits

#27 - Privileged information (Solicitor-Client)

*#28 - Disclosure harmful to the conservation of
heritage sites*

*#29 - Information that is or soon will be available to the
public*



Freedom of Information and Protection of Privacy

*Basic Rules on FOIP in the **MRU** workplace...*

- 1) *Create records - keeping **access** in mind
>> anyone may request access at any time!*
- 2) *Keep comments **factual***
- 3) *Maintain a clean workspace, discard of*

Transitory Records (Drafts/Copies): *A record that is required for a limited period of time for completion of a “routine” action. Example: some draft documents, rough meeting minutes that are transferred to another format, post-it notes, etc*

- 4) *Protect the Privacy of Individuals*
- 5) *Routinely destroy official records through the **MRU Retention Schedule & Classification** process.*

(For Details - Contact University Privacy Office ext.7288)





Freedom of Information and Protection of Privacy

Questions?