

## Frequently Asked Questions

### FOIP Basics and the Disclosure of Personal Information

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#### GENERAL

##### 1. What is personal information under the FOIP Act?

- The Act defines “personal information” under **section 1(n)**.
- The definition states that “personal information” means recorded information about an identifiable individual including such information as an individual’s name, home address, race, age, gender, and educational/employment history.
- Personal information also includes recorded images and/or voice recordings.

##### 2. What is not personal information or under the FOIP Act?

- Any information that does not identify an individual.
- Examples include, statistics, aggregate data, annual reports or published material.
- \*The FOIP Act does not apply to non-identifiable information.

#### COLLECTION

##### 3. What requirements are there prior to collecting personal information?

- The Act requires that public bodies must primarily collect personal information directly from the individuals are about.
- Notably, there are specific (limited) circumstances under the Act that allow for indirect collection (collecting personal information from other resources or government entities), which are not mentioned here for the purposes of this FAQ.
- **Section 34(2)** requires public bodies to provide individuals a “FOIP Notification Statement” prior to the direct collection of personal information, which must include:
  - a) The purpose (reason) for which the information is collected
  - b) The specific legal authority for the collection [**often 33(c)**] and
  - c) The title, business address, business telephone number, business e-mail of the employee of the public body who can answer questions about the collection.
- The template statement is available online: ([www.mtroyal.ca/foip](http://www.mtroyal.ca/foip)) under [Policies & Guidelines](#)

## DISCLOSURE

### 4. Can business units informally disclose personal information to the individual it is actually about?

- Yes (Generally) – The spirit of the FOIP Act is to allow individuals a right of access to their own personal information (subject to limited exceptions to access under the FOIP Act). **Section 2(c)**.

### 5. Should I verify identity prior to disclosing personal information to the individual?

- Yes – You should verify the identity of the individual prior to releasing the personal information to ensure that the person is who they purport to be.
- The verification process can be something you know (password, security question, PIN), something the person has (student photo id card, smart card, key), or something you are (fingerprint).
- Always keep in mind that contact by telephone or the internet lowers the level of assurance concerning the identity of the individual, which requires reliable processes to be in place to ensure identity – Be cautious.

### 6. When should I not routinely disclose personal information to individuals?

- Public bodies must also protect the privacy of individuals also required under the FOIP Act.
- The following are circumstances where personal information cannot be readily disclosed and are subject to the protection of privacy provisions under the FOIP Act...
  - An individual asking for someone else's personal information (not their own information).  
\*A lawyer, parent, spouse, partner
  - An individual asking for sensitive business information such as, competitive pricing.
  - An individual asking for records containing legal advice for the University.
  - An individual asking for records containing deliberations or other advice.
  - An individual is asking for general (internal operational) information.

### 7. What do I say if an individual asks for information subject to privacy (#6)?

- If an individual wants to obtain information (or records) about another individual - advise them that the University is a public body is under the FOIP Act; therefore, the University is legally required to not disclose that information as it must protect the privacy of individuals in accordance with the Act.
- Additionally, you may also advise them that (if they wish) they may submit a formal access-to-information request to the MRU FOIP Office (in writing).
- Instructions on the process and applicable contact information are publicly available on [www.mtroyal.ca/foip](http://www.mtroyal.ca/foip)
  - If you are uncertain, inform them you will call them back and contact the MRU FOIP Office (x7288)

## 8. Is a business unit allowed to charge fees for photocopying?

It depends – The Alberta FOIP Regulation provides a Schedule of Fees, where fees cannot be charged to individuals seeking access to their own personal information. However, the same Regulation also provides that a public body can charge 25 cents per 8.5 by 11 photocopied page **if the amount exceeds \$10.00 (or over 40 pages)** regarding access to one's own personal information, upon which the total fee for photocopying may be charged.

If photocopy fees are required (volume), then the access-to-information request should be formally submitted through the Mount Royal University FOIP Office (x7288) so that the Mount Royal's response to the applicant is well documented in the event there is a legal request for review by the applicant.

## 9. Can the business unit disclose personal information to a Third Party (other individuals) with signed written consent?

Yes (If there is a signed record of Consent) – **Section 40(1)(d)** allows the University to disclose personal information if the individual the information is about has identified the information and consented to the disclosure.

- Consent Form templates are available on <L:\foip\FOIP Forms\FOIP Notification and Consent Forms>
- Consent Online Resources available online ([www.mtroyal.ca/foip](http://www.mtroyal.ca/foip)) under [Policies & Guidelines](#)

## 10. Can business units disclose personal information to Law Enforcement without signed consent?

Yes – **Section 40(1)(q)** provides that public bodies may disclose personal information to a public body or a law enforcement agency in Canada to assist in an investigation.

Service Alberta recommends that public bodies also document the disclosure using the Law Enforcement Disclosure Form supplied in the Service Alberta – FOIP Guidelines and Practices, which records such information as the officer and badge number.

[http://www.servicealberta.ca/foip/documents/form120\\_law\\_enforcement\\_disclosure.pdf](http://www.servicealberta.ca/foip/documents/form120_law_enforcement_disclosure.pdf)

*Examples of law enforcement (Service Alberta):*

- o Calgary Police Service
- o RCMP
- o Workers Compensation Board (WCB)
- o Canada Border Services Agency (CBSA)

## 11. Can business units disclose personal information to the Government?

Yes (It depends) – **Section 40(1)(f) and 40(1)(i)** provide limited circumstances, which allow for the disclosure of personal information to the Government of Alberta or the Government of Canada.

- A public body may disclose personal information for the purpose of complying with an enactment of Alberta or Canada that authorizes the disclosure.
  - Example: The Sunshine (Salary) List
- A public body may disclose personal information to an employee of a public body if the disclosure is necessary for the delivery of a common or integrated service[.]  
It must be an integrated service such as, practicums.

The FOIP Act only allows the disclosure of personal information to Government under certain circumstances.

Always ask the Government for the legal authority to disclose the personal information.

If there are questions contact the MRU FOIP Office (x7288) as required.

## 12. Can business units disclose that an individual received an honour or award?

Yes (It depends) – **Section 17(2)(j)(iii)(v)** allows the University to disclose that an individual received an honour or award granted by or through a public body if it is not contrary to the public interest (safety).

However, this allowance is cancelled if the individual the information is about has requested that the information not be disclosed; therefore, the disclosure would be viewed as an invasion of privacy.

Due to the above, best practice is to ensure that individuals receiving awards are duly notified that they will be publicly recognized.