



Freedom of Information and Protection of Privacy

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Category:	Information Management
Approving Body:	Leadership Team
Executive Division:	Student Services
Department Responsible:	Records Management and Privacy
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Policy Statement

As a public sector organization, BCIT is subject to the British Columbia *Freedom of Information and Protection of Privacy Act* (the “Act,” or “FOIPOP”). In compliance with the Act, BCIT is committed to:

- A. Securely maintaining records at BCIT to protect the privacy rights of persons about whom BCIT collects records
- B. Preventing the unauthorized collection, use, or disclosure of personal information
- C. Continuing to provide routine information to the public, with the exception of personal information, which may be released only to the individuals about whom the information relates, or to other parties with an individual's written consent
- D. Providing the public with the right of access to records in the custody of, or under the control of, BCIT
- E. Providing individuals with the right of access to, and a right to request correction of, personal information about themselves
- F. Withholding from disclosure certain records as specified in the Act.

Purpose of This Policy

The purpose of this policy is to:

- Ensure compliance with the BC *Freedom of Information and Protection of Privacy Act*
- Define the roles of employees and contractors in complying with the Act
- Reduce the Institute’s liability and risk of litigation due to inappropriate handling of information
- Protect the Institute’s reputation.

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Application of This Policy

This policy applies to all BCIT employees and contractors.

Related Documents and Legislation

BCIT Policies:

- Policy 3501, Acceptable Use of Information Technology
- Policy 3502, Information Security
- Policy 6701, Records Management
- Policy 6702, BCIT Archives and Special Collections.

Legislation:

- *BC Freedom of Information and Protection of Privacy Act*
- *BC Personal Information Protection Act*
- *BC Privacy Act*.

Definitions

BCIT Internal Use

BCIT Internal Use is information that is available to authorized users and is not routinely disclosed. By default, data is BCIT Internal Use until it is assessed and otherwise classified.

Confidential Information

Confidential information is information that contains sensitive Institute information and is available to authorized users only.

Formal FOIPOP Request

A formal Freedom of Information and Protection of Privacy (FOIPOP) request is a request for access to BCIT information that involves records that are not routinely available to the public, or a request for personal information about someone other than the requestor. A formal FOIPOP request falls within the provisions of the *BC Freedom of Information and Protection of Privacy Act*.

Informal Information Request

An informal information request is a request for routine or public BCIT information, such as a student requesting a copy of his or her official transcript, an employee requesting to view his or her employee record, a member of the public requesting copies of the minutes of a Program Advisory Committee meeting, or a student requesting a copy of the grade appeal process.

Information Sharing Agreement

An Information Sharing Agreement is an agreement that sets conditions for the exchange of personal information between a public body and a person, a group of persons, or an organization, or sets conditions for the disclosure of personal information by a public body to a person, a group of persons, or an organization.

Personal Information

Personal information is information that contains sensitive personal information and is available to authorized users only. A formal FOIPOP request is required for non-routine disclosure.

Privacy Impact Assessment

A Privacy Impact Assessment is an assessment that is conducted to determine if an existing or new enactment, information system, project, or program meets the privacy protection requirements of the Act.

Public Information

Public information is information that is available to the general public and is routinely disclosed.

Records

Records are documented information produced in the conduct of business in any media format, including print, digital, audio-visual, and film, for the delivery of BCIT programs and services, to carry out operations, to make decisions, and to account for activities. A record must have value to be retained and serve as evidence of transactions, operations, or events. Any record created or obtained in the course of an employee's or contractor's duties at BCIT belongs to BCIT.

Records Management/FOIPOP Contact

Records Management/FOIPOP Contacts act as the primary contact for records management in their departments and assist the Records Management and Privacy Manager in FOIPOP requests.

Requestor

A requestor is the person seeking BCIT records.

Other Information**1. Personal Information Handling****1.1 Collection and Use**

BCIT establishes the minimum personal information needed for program delivery and collects and uses only this amount. BCIT notifies individuals of the purposes and uses for collecting their personal information and the authority by which it is collected. When the use extends beyond the minimum needed, BCIT obtains written consent.

Personal information may be exchanged between BCIT departments on a need-to-know basis as part of the regular duties of employees and contractors, provided it is used only for the purposes for which it was collected.

1.2 Disclosure and Correction

BCIT recognizes the rights of individuals to correct the personal information about them and facilitates those rights by:

- Providing individuals access to their personal information
- Responding to requests to correct factual information about individuals, and
- Preventing the disclosure of personal information to unauthorized parties or persons.

Personal information disclosure is in accordance with the BC *Freedom of Information and Protection of Privacy Act*.

1.3 Storage Outside Canada

All personal information collected and used by BCIT is stored and backed up in Canada, unless storage outside of Canada has been reviewed by the Records Management and Privacy Manager and approved by the Vice President, Student Services. Individuals whose personal information will be held outside of Canada are notified.

2. Information Requests

2.1 Informal

Individuals, including BCIT employees, contractors, and the public, routinely make informal information requests. When appropriate, BCIT makes records available to the requestor or general public through documented procedures and routine avenues, such as providing information over the telephone, website, or at service counters.

2.2 Formal

Formal FOIPOP requests are only required when the requested record is not available through routine channels or when the information contained in the record does not constitute public information.

3. Compliance

Failure to comply with this policy may result in disciplinary action which may include the suspension or dismissal of the employee or contractor.

Duties and Responsibilities

President

The President, as the designated head of BCIT, makes the final decision on any formal FOIPOP request.

Records Management and Privacy Manager

The Records Management and Privacy Manager is responsible for:

- Assuring privacy protection in new or revised BCIT processes
- Responding to privacy complaints and formal FOIPOP requests
- Determining the appropriateness of charging a fee for formal FOIPOP requests
- Ensuring that personal information repositories (paper and electronic) are reviewed periodically using a Privacy Impact Assessment tool
- Assisting Administrators in developing Information Sharing Agreements and maintaining the records of these agreements
- Training and advising employees and contractors regarding FOIPOP.

Duties and Responsibilities

Records Management/FOIPOP Contact

The Records Management/FOIPOP Contact assists the Records Management and Privacy Manager in formal FOIPOP requests.

BCIT Employees and Contractors

BCIT employees and contractors are responsible for:

- Understanding and complying with the BC *Freedom of Information and Protection of Privacy Act* in the delivery of services and programs
- Providing adequate security to prevent unauthorized access, collection, use, disclosure, or improper disposal of BCIT Internal Use, Personal, and Confidential information
- Obtaining permission from the Records Management and Privacy Manager to collect personal information
- Assisting the Records Management and Privacy Manager if required in the event of a formal FOIPOP request
- Submitting formal FOI requests to the Records Management and Privacy Manager immediately upon receipt.

For more information, refer to Procedure 6701-PR1, Freedom of Information and Protection of Privacy.

Administrators

In situations where BCIT provides personal information to another organization or group (such as the Student Association or a vendor who provides a contracted service), the Administrator is responsible for establishing and authorizing an Information Sharing Agreement between BCIT and a representative of that organization or group.

Procedures and Guidelines Associated With This Policy

Procedure 6700-PR1, Freedom of Information and Protection of Privacy
Procedure 6701-PR1, Records Management.

Forms Associated With This Policy

Refer to Procedure 6700-PR1, Freedom of Information and Protection of Privacy.

Special Situations

None.

Amendment History

1. Created 2002 Nov 12
2. Revision 1 2004 Aug 11
3. Revision 2 2008 Sep 30

Scheduled Review Date

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