

PROTECTION OF PRIVACY PROCEDURE

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

Functional Category:	Operations
Parent Policy:	Freedom of Information and Protection of Privacy (FOIP) Act Policy
Approval Date:	December 14, 2018
Effective Date:	December 14, 2018
Procedure Owner:	Vice President, People
Procedure Administrator:	Manager, Compliance

Overview:

NorQuest College (college) has an obligation to collect, use, and disclose personal information for purposes that facilitate achieving its mandate and complying with law. The college also has an obligation to protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or destruction.¹

The procedure outlines the actions and expectations of members of the college community regarding protection of privacy as defined by the *Alberta Freedom of Information and Protection of Privacy Act*.

Authority to establish this procedure is derived from the [NorQuest College Board of Governor's Policy No. 5](#), which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation.

Procedures:

Each division in the college is to manage operations in a manner that fulfills the following:

Collection of Personal Information

Collection of personal information will only occur where²:

- the collection is expressly authorized by an enactment of Alberta or Canada,
- the information is collected for the purposes of law enforcement, or
- that information relates directly to and is necessary for an operating program or activity of the college

Documents used to collect personal information directly from an individual the information is about will all contain a FOIP notification statement that includes the following information³:

- the purpose for which the information is collected,
- the specific legal authority for the collection, and
- the title, business address, and business telephone of the college employee who can answer the individual's questions about the collection.

All FOIP notification statements are to be approved by Compliance prior to use. For all new collections of personal information, Compliance can assist in drafting a succinct and legally defensible notification statement.

¹ FOIP Act S38

² FOIP Act S33

³ FOIP Act S34(2)

When collecting personal information, every reasonable effort is to be made to ensure that personal information collected is directly from the individual, and is accurate and complete⁴.

An individual who believes that there is an error or omission in their personal information may request the college to correct the information⁵.

- Evidence of the error and the correction are required by the college before taking action to correct any personal information.
- A correction to an opinion is to be made by way of an annotation or by linking the correction to that part of the record that is relevant.

The divisional head responsible for the record that collected the personal information will take action to correct any error and respond in writing within 30 days of the request for correction to the individual indicating that either⁶:

- the correction has been made, or
- an annotation or linkage has been made.

Use of Personal Information

Personal information will only be used:

- for the purpose for which it was collected, or for a use consistent with that purpose, or
- where the individual the information is about has identified the information and consented in writing to the specified use.

The college will only use personal information to the extent necessary, to enable the college to carry out its purpose in a reasonable manner⁷.

Personal information of an individual that is used to make a decision that directly affects that individual will be retained for at least one year after using it⁸.

Disclosure of Personal Information

Personal information will only be disclosed⁹:

- for responding to an access request for personal information regarding the person making the request as per the [Access to Information Procedure](#),
- for the purpose of complying with an enactment of Alberta or Canada that authorizes or requires the disclosure,
- for the purpose for which the information was collected or a use consistent with that purpose,
- to an officer or employee of the college where the information is necessary for the performance of the duties of that person,
- where the individual the information is about has identified the information and consented in writing to the disclosure,
- for the purpose of complying with a court order having jurisdiction in Alberta, or
- for a purpose, not listed above for which that information may be disclosed under section 40, 42 or 43 of the FOIP Act.

⁴ FOIP Act S35(a)

⁵ FOIP Act S36(1)

⁶ FOIP Act S36(7)

⁷ FOIP Act S39(4)

⁸ FOIP S35(b)

⁹ FOIP Act S40(1-3)

Employees who are collecting personal information or who have been provided access to personal information that has been collected will ensure that the personal information is kept confidential and may only disclose that personal information to other employees of the college who require the information in order to perform the duties of the position to which they were hired. The personal information that can be shared is limited only to that component of the personal information that is necessary for performing the job duties.

Consent

Informed and meaningful consent by an individual to use or disclose personal information that was collected for a purpose other than for which it was collected must specify: to whom the personal information may be disclosed, how the personal information may be used, and be signed by the person who is giving consent.

The college requires consent in writing. However, in certain exceptional circumstances, consent may be received orally or electronically.

When consent to use or disclose personal information is sought by the college, NorQuest College will accept informed consent in an electronic form as long as it meets the following prerequisites:

- a record of consent will be retained as per the NorQuest College Retention and Disposition Schedule;
- it will be made accessible for future reference and use;
- and it will contain a reliable electronic signature that authentically identifies the user.

Both the electronic signature and consent in electronic form must comply with NorQuest College's Digital Security, and Information Technology Policies and Standards.

When consent to use or disclose personal information is sought by the college, NorQuest College will accept informed consent in an oral form as long as it meets the following prerequisites:

- a record of the consent will be created;
- it will be retained as per the NorQuest College Retention and Disposition Schedule;
- it will be made accessible for future reference and use;
- and it will reliably authenticate the identity of the user.

Records Management

All records are to be managed in accordance with the NorQuest College Records Retention and Disposition Schedule, Records Management Policy, and Records Management Procedures.

Personal Information Security

Physical Records

Personal information collected and/or used by divisions must be stored in locations that provide reasonable safeguards against unauthorized access.

Electronic Records

Personal information access and use is subject to procedures established by the college that limit access to records to only those individuals that require access in order to perform their jobs.

Privacy Impact Assessments:

A Privacy Impact Assessment (PIA) is a process of analysis that helps to identify and address potential privacy risks that may occur in the operation of a new or redesigned project.

PIAs will be considered when any of the following activities occur:

1. Developing, or procuring any new technologies or systems that handle or collect personal information.
2. Developing system revisions.
3. Initiating a new electronic collection of information in identifiable form for 10 or more persons
4. Issuing a new or updated rulemaking that affects personal information.
5. Categorizing System Security Controls as high or major.

Privacy Breaches:

A privacy breach occurs when there is an unauthorized access to or collection, use, or disclosure or disposal of personal information. This is in contravention of part 3 of the FOIP Act. Four steps will be taken to respond to a privacy breach: containment, evaluation, notification, and prevention.

It is college procedure to report any and all breaches to assess risk and mitigate impact to the affected individuals and the institution. Therefore, call Compliance immediately if you suspect that a privacy breach has occurred.

Definitions:

Custody: means where the college has physical possession.

Control: means where the college has the authority to manage the record.

Personal Information: means recorded information about an identifiable individual, including:

- the individual's name, home or business address or home or business telephone number*,
- the individual's race, national or ethnic origin, colour or religious or political beliefs or associations,
- the individual's age, sex, marital status or family status,
- an identifying number, symbol or other particular assigned to the individual,
- the individual's fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,
- information about the individual's health and health care history, including information about a physical or mental disability,
- information about the individual's educational, financial, employment or criminal history, including criminal records where a pardon has been given,
- anyone else's opinions about the individual, and
- the individual's personal views or opinions, except if they are about someone else.

*Note: Business contact information is a type of personal information that is routinely disclosed in a business or professional context. The disclosure of business contact information, in and of itself, is not usually an unreasonable invasion of privacy as per section 40(1)(bb.1) of the FOIP Act.

Related NorQuest College Information:
Related External Information:
Next Review Date:
Revision History:

Record: Recorded information created, received, and maintained by an organization or individual in pursuance of its legal obligations or in the transaction of business. Means a record of information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produced records.

- [Access to Information Procedure](#)
- [Digital Security Policy](#)
- [Freedom of Information and Protection of Privacy \(FOIP\) Act Policy](#)
- [NorQuest College Retention and Disposition Schedule](#)
- [Physical Records Disposition Procedure](#)
- [Physical Records Transfer and Retrieval Procedure](#)
- [Records Management Policy](#)

- [Freedom of Information and Protection of Privacy Act](#)
- [Post-Secondary Learning Act](#)

January 2022

February 2013: new
 August 2013: update for document links and branding
 November 2014: update for change in procedure owner and administrator and document links
 June 2017: update to wording and Owner/Administrator.
 November 2018: update to Consent section.
 August 2019: Compliance Office template & reorganization update