COLLEGE POLICY

Policy No. & Title:	**C-405 Privacy**
Policy Sponsor:	Vice President, Operations
Reference Cmtee:	Policy & Procedure Committee
Effective:	2023-07-01
Next Review:	2027-07-31

Purpose

The College recognizes the importance of privacy and the sensitivity of personal information. Moreover, beginning on January 1, 2004, all businesses in Canada engaged in commercial activities must comply with the Personal Information Protection and Electronic Documents Act (PIPEDA) or with provincial legislation that is substantially similar to PIPEDA, including the Personal Health Information Privacy and Access Act (in New Brunswick) and the Personal Health Information Act (in Nova Scotia). The above-mentioned legislations create obligations that extend to corporations such as our College and gives individuals the right to privacy of personal information.

Against this background, this policy outlines how the College collects, uses, discloses, and retains personal information in the course of its operations.

Scope

This policy applies to all College students, employees, delivery partners, affiliates, volunteers, contractors and parents or guardians (for students who have not attained their age of majority) who interact with the College in connection with the student's education.

Definitions

Personal Information: Any information that identifies an individual, or by which their identity could be deduced. It includes information that relates to: Personal characteristics (*e.g.,* gender, age, income, home address or phone number, ethnic background, family status); Health (*e.g.,* history, conditions, services received); or Activities or views (*e.g.,* religion, politics, opinions, or an opinion or evaluation of an individual). Personal information should be contrasted with 'Company Information' (*e.g.,* an individual's business address and telephone number), which is not covered by privacy legislation.

Educational History: Refers to course grades, grade point averages, academic status, graduation status, other institutions attended, admission status, course schedule and course registration status.

Secondary Purposes: Using information for the purpose of the College.

Third Party: The individual or organization whom the information concerns other than the owner.

POLICY

Principles

- The College will collect personal information about students, employees, graduates, or others as provided for under the Personal Information Protection and Electronic Documents Act (PIPEDA) and applicable provincial privacy legislation.
- The College abides by the PIPEDA'S 10 fair information principles[1] including:
  - ***Principle 1 - Accountability***: An organization is responsible for personal information under its control. It must appoint someone to be accountable for its compliance with these fair information principles.
  - ***Principle 2 - Identifying Purposes***: The purposes for which the personal information is being collected must be identified by the organization before or at the time of collection.
  - ***Principle 3 - Consent*****:** The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.
  - ***Principle 4 - Limiting Collection***: The collection of personal information must be limited to that which is needed for the purposes identified by the organization. Information must be collected by fair and lawful means.
  - ***Principle 5 - Limiting Use, Disclosure, and Retention***: Unless the individual consents otherwise or it is required by law, personal information can only be used or disclosed for the purposes for which it was collected. Personal information must only be kept as long as required to serve those purposes.
  - ***Principle 6 - Accuracy***: Personal information must be as accurate, complete, and up to date as possible in order to properly satisfy the purposes for which it is to be used.
  - ***Principle 7 - Safeguards***: Personal information must be protected by appropriate security relative to the sensitivity of the information.
  - ***Principle 8 - Openness***: An organization must make detailed information about its policies and practices relating to the management of personal information publicly and readily available.
  - ***Principle 9 - Individual Access***: Upon request, an individual must be informed of the existence, use, and disclosure of their personal information and be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

[1] Adapted from the Personal Information Protection and Electronic Documents Act (Revised: May 2019 and accessible at https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/pipeda_brief/

- ***Principle 10 - Challenging Compliance***: An individual shall be able to challenge an organization's compliance with the above principles. Their challenge should be addressed to the person accountable for the organization's compliance with PIPEDA, usually their Chief Privacy Officer.

Application

1) The College will use personal information:
   a) To provide proper educational programs for students. The College may collect information about a student's educational history, prior academic performance, prior transcripts, to advise a student as to their specific educational needs, options for addressing these needs, and then to deliver the educational program. Staff is given access to confidential student information only to the extent that the information is required for them to perform their duties at the College. No information is retained by staff. No photocopying of information contained in the student file is permitted by any staff without the student's consent.
   b) To obtain home contact information to contact a student in an emergency.
   c) To obtain prior work experience, clear police checks (CPIC) including vulnerable persons, medical background, drivers record in order to determine suitability for internships and/or employment opportunities.
   d) To provide a student with information bulletins, school newspapers, notice of special events (*e.g.,* a field trip or concert) or to make them aware of developments affecting the College and future educational programs, as well as developments affecting the post-secondary education system generally in the province. If a student does not wish to receive information of this kind, they must notify the College.
   e) To maintain contact with alumni to confirm eligibility for student/graduate memberships in professional organizations.
2) The College also collects, uses, and discloses information for secondary purposes including:
   a) To invoice for services and to process payments or to collect accounts.
   b) To review student files for the purpose of ensuring that we provide high quality services, including assessing the performance of our teachers and staff.
3) The College may take and display photographs during the course of the school year (in classroom activities, school functions, field trips, meetings, and other school activities, including the celebration of awards and achievements (*i.e.,* industry certifications). Such photos may or may not be used in the creation of posters or collages displayed at the College or on College websites. Such publications would consist of individual and group photos of some or all the students at the College and as a result, a student's picture may or may not be part of any publication. If a student does not wish their likeness to be used for these purposes they may, at any time, specifically request to be removed by contacting the Campus Director/Remote Education Director in writing (email is acceptable). No student photos will be used as part of a commercial advertisement without the consent of the student.

4) The College is governed by Provincial regulating bodies and some students are funded through regulated funding agencies. The College shall allow, as required by regulation and/or law, Government appointed regulators and/or authorized funding agency members to inspect our records and interview our staff as a part of its regulatory activities in the public interest.
5) The College will disclose personal information when:
    a) Required or authorized by law to do so, for example, if a court issues a subpoena.
    b) The individual has consented to the disclosure.
    c) The educational program requires the College to provide information to third parties (*e.g.,* professional associations or professional regulatory bodies operating outside of the College).
    d) It is necessary to establish or collect fees.
    e) Engaging a third party to provide administrative services to us (*e.g.,* book-keeping, computer back-up services or archival file storage) and the third party is bound by our privacy policy. Or,
    f) The information is already publicly known.

Related Policies
P-205 Confidentiality

Supporting Documents/Forms
The Personal Information and Electronic Documents Act (PIPEDA), 2000
New Brunswick Personal Health Information Privacy and Access Act, 2009
Nova Scotia Personal Health Information Act, 2010
Ontario Personal Health Information Protection Act, 2004
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