COLLEGE POLICY

Policy No. & Title:	**P-205 Confidentiality**
Policy Sponsor:	Vice President, People & Culture and Career Services
Reference Cmtee:	Policy & Procedure Committee
Effective:	2023-07-01
Next Review:	2026-10-31

Purpose

The College believes in open communication with all employees. This, however, involves the risk of confidential information that could be of value to a competitor becoming available on a more widespread basis. To this end, all employees are required to sign a " Non-Solicitation and Confidentiality Agreement " and every employment contract contains a Confidential Information clause as a condition of employment.

Against this background, this policy outlines the way employees and associates of the College are expected to, and should treat, confidential information.

Scope

This policy applies to all College students, employees, delivery partners, affiliates, volunteers, and contractors.

Definitions

Confidential Information: Business information belonging to the College, its employees, or affiliates which may give an individual a commercial advantage over others, such information may include, but not limited to:

- The products used by each client or customer and the prices charged.
- The methods used or to be used by each client or customer in applying or utilizing the products.
- Proprietary technologies, trade secrets and licensing arrangements.
- Marketing plans and research and development schedules.
- Non-public financial information and other confidential information or data relating to the business designated as confidential.
- Sensitive corporate information that, if released to the public, may detrimentally affect the business of the College.

Employee: Refers to an individual employed for wages or salary.

Associate: Refers to a volunteer, affiliate, or partner of the College.

POLICY

Principles

The College abides by 10 privacy principles which has been founded on the values set by the Canadian Standards Association's Model Code for the Protection of Personal Information and Canada's Personal Information Protection and Electronic Documents Act (PIPEDA)[1] and applicable provincial privacy legislation (consistent with C-405 Privacy Policy).

- ***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.
- ***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.

[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/

Application

1) Employees and/or associates of the College should avoid communicating any information related to the business operation, internal workings of the College, or information about employees, clients, or suppliers to any non-College employee. Failure to comply with this can jeopardize the competitive position of the College and therefore the future of the College and could be cause for dismissal.
2) Employees and/or associates must not at any time during employment or volunteering with the College or after termination of employment or volunteering for any reason, disclose to any person, firm, partnership, or corporation, other than persons in the employ of the College any confidential information.
3) Employees and/or associates of the College are not permitted to reveal any information to outside sources or to students, whether the information is written or verbal.
4) Should someone contact a campus to find out information related to one of its students, employees are not at liberty to reveal any details.
5) Employees and/or associates may not talk to friends or family of a student unless the student has signed a release of information form allowing employees to do so. If an employee or an associate need to contact a student at home (attendance *etc*.) the employee must not speak to anyone other than the student with the details of the call.
6) If an employee or an associate of the College becomes aware of confidential information which has or may be disclosed, the employee must immediately advise their manager or a member of senior management.
7) Confidential Information does not include information which:
    a) Is or becomes a matter of public knowledge through no fault of the employee.
    b) Is rightfully received by the employee after termination of employment from the third party without a duty of confidentiality.
    c) Is independently developed by the employee with the written consent of the College.
    d) Is disclosed by operation of law.

Related Policies

C-405 Privacy

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
P-205p Confidentiality Procedure