

Freedom of Information and Protection of Privacy Act (FIPPA)

Until June 10, 2006, Ontario universities were exempted from *FIPPA*. Universities are now included under this legislation and it is important that you know about it. *FIPPA* legislation regulates how records (electronic, tape, paper) are collected, archived, and destroyed, and it also regulates who has access to these records and how. Some records are excluded under this act.

QUEEN'S

Queen's has created a website to answer many of your questions.

<http://www.queensu.ca/accessandprivacy/>

The Queen's guidelines themselves can be viewed at:

<http://www.queensu.ca/accessandprivacy/forms/FIPPA%20Guidelines.pdf>

To contact Queen's Access and Privacy Coordinator with questions not answered in the websites above, please go to:

<http://www.queensu.ca/accessandprivacy/contact.php>

QUFA

While *FIPPA* does not apply to trade unions or associations that represent employees of an "institution", QUFA is being prudent in paralleling the University's policies and procedures should we be included partially or fully in the future. To that end, QUFA adopted a Privacy Protection Rationale and a Privacy Policy (both included below) that have now been vetted by legal counsel in accordance with recommendations 1 and 2 of the Rationale, and QUFA is in the process of developing a records management system and records request system in accordance with recommendations 2 and 3 of the Rationale.

Please contact [QUFA](#) if you have any questions or concerns.

PART I: Privacy Protection in Ontario (Rationale)

Currently, Ontario universities are not covered by the provincial Freedom of Information and Protection of Privacy Act (FIPPA). However, in May 2005, the provincial government tabled the 2005 Budget Bill 197, which includes an amendment to FIPPA that defines universities as institutions to which the Act applies. This amendment has passed and universities were required to comply as of June 10, 2006.

While it remains to be seen whether university-related organizations, such as QUFA and other certified bargaining agents, will be brought under the legislation, it would be prudent to adopt policies parallel to FIPPA.

RECOMMENDATION 1

That QUFA seek legal advice on whether it will be included under the amended FIPPA. This is necessary in order to fully understand legal responsibilities and liabilities should the amended act be made into law.

RECOMMENDATION 2

That QUFA draft, adopt, and make known Freedom of Information and Protection of Privacy policies and procedures, such as processes whereby members can make information requests, in order to meet the requirements of FIPPA. Note that should FIPPA be amended to include universities, and should QUFA fall under the scope of the Act, the Act will supersede QUFA policy.

RECOMMENDATION 3

That QUFA draft, adopt, and make known Records Management policies to regularize information storage, security, retention, and disposal.

PART II: QUFA'S PRIVACY POLICY

1. QUFA is committed to protecting the privacy of any individual whose personal information is held in its records.
2. "Personal information" is any information that can be used to distinguish, identify or contact a specific individual.
3. There are two general categories of personal information about members collected by QUFA:
 - i. Employment Information, as mandated by the Correspondence and Information articles of the Collective Agreements, and received from the University as a result of data requests for the purposes of bargaining; and,
 - ii. Information, as provided by members seeking advice, assistance, and/or representation by QUFA.
4. QUFA will collect, and use personal information for the following purposes:
 - a. administration of the membership application process;
 - b. representation of members in grievances, dispute resolution processes, promotion and tenure, discipline, payroll and benefits, and other matters;
 - c. collective bargaining and negotiations, both formal and informal, with the University;
 - d. communication with members; and,
 - e. managing QUFA's human resources.
5. Non-aggregated personal information will not be disclosed for any purpose other than that for which it was provided without first obtaining the consent of the individual concerned, except as required by law or in emergency for the health and safety of the individual where it is impractical to obtain consent.
6. Individuals have the right to access personal information about themselves held by QUFA. Exceptions may occur, such as where access would reveal personal information of another individual, but every effort will be made to make the personal information accessible by such means as severing or obtaining the consent of the other individual.
7. An individual may request corrections to personal information held by QUFA. QUFA will also make every effort to correct errors in any personal information released by it to others after such errors have been brought to its attention.
8. Where a dispute arises concerning the accuracy of personal information in the possession of QUFA between the individual who is the subject of the personal information and QUFA, and the dispute cannot be otherwise resolved, QUFA shall place a note on the file outlining the disagreement.