



COLLEGE OF THE NORTH ATLANTIC

OPERATIONAL PROCEDURE

TOPIC: ACCESS TO INFORMATION & PROTECTION OF PRIVACY

Procedure No.	CS-321-PR	Division	Corporate Services
Supersedes	n/a	Board Policy Ref.	GP-GR-807 & GP-RR-904
Related Policy	CS-321	Effective Date:	November 4, 2016 (R2)

1.0 Legislative Context

Access to Information and Protection of Privacy Act (ATIPP) Act, 2015 is a statute of Newfoundland and Labrador which applies to all provincial public bodies. College of the North Atlantic is a public body under the *ATIPP Act, 2015*.

2.0 Definitions

Access to Information Request

An access to information request is an applicant's request for access to college records under the *ATIPP Act, 2015*.

Applicant

A person who makes a request under section 11 of the *ATIPP Act, 2015* for access to a record, including a record containing personal information about the person, or for correction of personal information.

Business Day

A business day means a day that is not a Saturday, Sunday or a holiday.

College Unit

A college unit means academic or administrative areas at the college, including but not limited to: faculties; departments; divisions; schools; campuses; or offices.

Control

Control of a record means having the power or authority to manage, restrict, regulate or administer the use or disclosure of a record.

Custody

Custody of a record means having physical possession of it.

Dataset	<p>Information comprising of a collection of information held in electronic form where all or most of the information in the collection:</p> <ul style="list-style-type: none">• Has been obtained or recorded for the purpose of providing a public body with information in connection with the provision of a service by the public body or carrying out another function of the public body;• Is factual information which is not the product of analysis or interpretation (other than calculation) and to which <u>s. 13 of the <i>Statistics Agency Act</i></u> does not apply; and• Remains presented in a way that, except for the purpose of forming part of the collection, has not been organized, adapted or otherwise materially altered since it was obtained or recorded.
Employee	<p>In relation to a public body, employee includes a person retained under a contract to perform services for the public body.</p>
Head	<p>The Head for the purposes of the <i>ATIPP Act, 2015</i>, is the college President and Chief Executive Officer.</p>
Holiday	<p>Sunday, New Year's Day, Good Friday, Easter Monday, Victoria Day, the birthday or the day appointed for the celebration of the birth of the reigning Sovereign, Labour Day, Remembrance Day, Armistice Day, Christmas Day, and a day appointed by an Act of the Parliament of Canada or by proclamation of the Governor General or of the Lieutenant-Governor for day of a general prayer or mourning or day of public rejoicing or thanksgiving or a public holiday, and whenever a holiday falls on a Sunday the expression "holiday" includes the following day.</p>
Office of Access to Information and Protection of Privacy	<p>The Office of Access to Information and Protection of Privacy (ATIPP) is the college unit responsible for administering the <i>ATIPP Act, 2015</i>, for the college.</p>
Personal Information	<p>Recorded information about an identifiable individual.</p>
Record	<p>A record is information in any form, and includes a dataset, information that is machine readable, written, photographed, recorded or stored in any manner, but does not include a computer program or a mechanism that produced records on any storage medium.</p>

Third Party Any person, group of persons or organization other than the person making a request or a public body.

3.0 Roles and Responsibilities

3.1 All Members of College Community

All members of the college community will be responsible for:

- a. Providing assistance to individuals making an Access to Information request.
- b. Receiving Access to Information requests and ensuring the anonymity of applicants as per section 12(1) of the *ATIPP Act, 2015*.
- c. Making reasonable efforts to locate records and respond openly and in a timely manner to requests for information which is in the custody or control of the College.
- d. Cooperating with the Office of ATIPP to address Access to Information requests.

3.2 The Access and Privacy Coordinator

The Access and Privacy Coordinator will be responsible for:

- a. Ensuring responses to Access to Information requests are made within the statutory timeframe, as openly as possible, in compliance with the *ATIPP Act, 2015* by:
 - Receiving and processing requests made under this *Act*;
 - Coordinating responses to requests for approval by the head of the public body;
 - Communicating, on behalf of the public body, with applicants and third parties to requests throughout the process including the final response;
 - Educating staff of the public body about the applicable provisions of this *Act*;
 - Tracking requests made under this *Act* and the outcome of the request;
 - Preparing statistical reports on requests for the head of the public body.

4.0 Informal Access to Information Request

Except where doing so may harm a third party, information in the custody or control of the college should be made readily available upon receiving a request for information.

5.0 Formal Access to Information Request

- A. An applicant has a right of access to any college record, under the college's custody or control, including a record containing personal information about the applicant. The right of access to a record does not extend to information excepted from disclosure under the *ATIPP Act, 2015*. However, if that information can reasonably be severed from the record, the applicant has a right of access to the remainder of that record.
- B. The *ATIPP Act, 2015*, allows the college to exclude from access records of teaching materials, research information, and questions on an examination or test. A complete list of exclusions is available in section 5 of the *ATIPP Act, 2015*.
- C. Searches for email records will be conducted by senior Information Technology staff. The college will only be able to provide email records, including attachments, in response to an Access to Information request for any email created after April 2007 on College of the North Atlantic server.
- D. With the exception of email, searches for records contained within the college's information technology environment will be conducted by those offices or employees identified as having responsive records to a particular Access to Information request.
- E. Electronic back-up media are for the purposes of disaster recovery. The college will not conduct a search of this media for the purpose of locating records responsive to an Access to Information request.

6.0 Access to Information Case File Records

- A. The Office of ATIPP will only maintain an electronic Access to Information request case file for each Access to Information request processed, in accordance with an approved records retention and disposal schedule for these records.
- B. The retention period for the Access to Information request case file will commence only after the last recorded activity on the file for that request, and in accordance with an approved records retention and disposal schedule for these records.

7.0 Related Policies and Procedures

- Board of Governors' Policies; GP-GR-807 & GP-RR-904
- Privacy Breach; CS-320 & CS-320-PR
- Student Records; SS-206 & SS-206-PR
- Student Discipline; SS-202 & SS-202-PR
- Employee Discipline; HR-414 & HR-414-PR
- Electronic Information System Use; IS-501 & IS-501-PR
- Electronic Mail (Email) and Internet Usage; IS-502 & IS-502-PR
- Personal & Confidential College Data Encryption; IS-503 & IS-503-PR
- Mobile Computing Devices Procurement & Use; IS-504 & IS-504-PR
- Network User Accounts; IS-505 & IS-505-PR

Approval History	
Approved by President	July 29, 2013
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