



# COLLEGE OF THE NORTH ATLANTIC

## OPERATIONAL PROCEDURE

### TOPIC: ACCESS TO INFORMATION REQUEST

<b>Procedure No.</b>	PA-601-PR	<b>Division</b>	Public Affairs
<b>Supersedes</b>	n/a	<b>Board Policy Ref.</b>	GP-GR-807 & GP-RR-904
<b>Related Policy</b>	PA-601	<b>Effective Date:</b>	February 18, 2022

#### 1.0 Legislative Context

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

#### 2.0 Definitions

Access and Privacy Office	The college unit responsible for administering the <u><i>Management of Information Act</i></u> , and the <u><i>Access to Information and Protection of Privacy Act, 2015</i></u> for CNA.
Access to Information Request	An applicant's request for access to CNA records under the <i>ATIPP Act, 2015</i> .
Applicant	A person who makes a request under section 11 of the <i>ATIPP Act, 2015</i> for access to a record, including a record containing personal information about the person, or for correction of personal information.
Business Day	A day that is not a Saturday, Sunday or a holiday.

College Unit	Academic or administrative areas at CNA, including but not limited to: faculties; departments; divisions; schools; campuses; or offices.
Control	The power or authority to manage, restrict, regulate or administer the use or disclosure of a college record.
Custody	Custody of a record means having physical possession of a college record.
Dataset	<p>Information comprising 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"> <li>(i) 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 the carrying out of another function of the public body,</li> <li>(ii) is factual information             <ul style="list-style-type: none"> <li>(A) which is not the product of analysis or interpretation other than calculation, and</li> <li>(B) to which section 13 of the <i>Statistics Agency Act</i> does not apply, and</li> </ul> </li> <li>(iii) 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;</li> </ul>
Employee	A person retained under a contract to perform services for the public body.
Head	In accordance with the <i>College Act, 1996</i> , the Head as set out in section 2(j) of the <i>ATIPP Act, 2015</i> , is the College President and Chief Executive Officer.

Holiday	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.
Personal Information	Information about an identifiable individual.
Record	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.
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 the CNA Community

All members of the CNA 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 CNA.
- d. Cooperating with the CNA's Access and Privacy Office (APO) 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 employees 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 CNA record, under CNA'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. Electronic back-up media are for the purposes of disaster recovery. CNA 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 APO 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; PA-602 & PA-602-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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