

University of King's College Privacy Statement

The purpose of this University of King's College Privacy Statement is to provide members of the University community with a summary of how the University collects, uses and discloses personal information, in accordance with the law. Reasonable efforts have been made to accurately and concisely describe the obligations of the University pursuant to the *Freedom of Information and Protection of Privacy Act*. This privacy statement is intended to be informational and educational; in the event of any discrepancy between this Privacy Statement and the statute, the statute and regulations shall prevail.

1. A legal obligation to protect personal privacy

The University of King's College (the "University" or "King's"), like other universities and colleges in Nova Scotia, is a "public body" subject to the provisions of province's [Freedom of Information and Protection of Privacy Act](#) ("FOIPOP") and its [regulations](#).

FOIPOP (pronounced foy-pop), regulates the collection, use and disclosure of "personal information" by public bodies, such as the University. King's has a duty to protect the privacy of individuals by safeguarding their personal information, and individuals have the right to request access to their personal information and to correct any inaccuracies.

King's is also subject to the [Personal Information International Disclosure Protection Act](#) ("PIIDPA"), which came into force in November 2006. PIIDPA requires that public bodies, like King's, ensure that personal information in its custody or control is only stored in Canada, and only accessed from within Canada, except in certain limited circumstances: One is where the individual has provided consent; another is where the head of a public body allows such storage or access, subject to any restrictions or conditions the head considers advisable, if the head considers the storage or access is to meet the necessary requirements of the public body's operations. PIIDPA also imposes restrictions on disclosure of personal information outside of Canada, as outlined below.

2. What is personal information?

FOIPOP defines "personal information" as information about an identifiable individual, including the person's

- name, address or telephone number
- race, national or ethnic origin, colour, or religious or political beliefs or associations
- age, sex, sexual orientation, marital status or family status
- identifying number, symbol or other particular assigned to the individual
- health care history, including a physical or mental disability
- educational, financial, criminal or employment history

- anyone else's opinions about the individual
- the individual's personal views or opinions, except if they are about someone else

3. Use of personal information

The University can only collect personal information if the information relates directly to, and is required for, a program or activity of the University. FOIPOP states that personal information can be used only for the purpose it was obtained or compiled, or for a use compatible with that purpose. A compatible use is defined as one that has "a reasonable and direct connection" to the purpose for which the information was collected. Compatible use is also defined as a use required for the University to perform its statutory duties or to operate a program authorized by law. Individuals can consent to having their personal information used for another purpose.

In accordance with FOIPOP, King's will only collect and use personal information about individuals for specific purposes that are directly related to the University's operations and programs. Written consent will be obtained before such information is used for any other purpose. Consent may be requested through a checkbox on a form and will generally specify who will have access to the information and how it will be used.

4. Protecting personal information

King's will take reasonable steps to protect personal information from unauthorized access, collection, use, disclosure or disposal. These steps include restricting access to files and databases containing personal information. Personal information will be disclosed to University employees only if they require it to carry out their duties or to protect their own health or safety. Such information can be disclosed outside the University with the person's consent, for the purpose for which it was obtained or compiled, or a use compatible with that purpose, or if disclosing the information would not be considered an unreasonable invasion of privacy. FOIPOP defines an unreasonable invasion of privacy as including the disclosure of a person's name, together with his or her address or telephone number, for the purpose of creating a mailing list or to solicit people by telephone or e-mail.

King's will take reasonable measures to protect personal information from unauthorized disclosure. Physical records containing personal information will be stored in locked cabinets or rooms when they are not in use. Outside requests for access to such information will be referred to the president or the University's Information Access and Privacy (IAP) Administrator.

5. Ensuring accuracy

King's has a duty to ensure personal information used to make a decision that directly affects a person is accurate and complete. Persons who believe there is an error or omission in their personal information on file with the University have the right to request a correction. The University must revise its records to correct errors or omissions or annotate its records to show a correction was requested but not made.

King's will investigate and respond promptly to requests to correct personal information in its records.

6. Disclosing personal information

The University has the right to disclose personal information without the consent of the individual in certain circumstances described in FOIPOP, including:

- as authorized by FOIPOP or other law, or for the purpose of complying with a law
- to comply with a subpoena, warrant, summons or order issued or made by a court, person or body with jurisdiction to compel the production of information
- to a public body or a law-enforcement agency in Canada to assist in an investigation
- if the head of the University determines there are compelling circumstances that affect someone's health or safety so that the next of kin or a friend of an injured, ill or deceased individual may be contacted
- to collect a debt or fine an individual owes to the University, or to make a payment the University owes to an individual
- the information is about the person's position, functions, remuneration or travel expenses as an employee of the University

7. Disclosure for research purposes

FOIPOP allows King's to disclose personal information for statistical and other research purposes. If the information requested is linked to an identifiable individual, the University must be satisfied there is no other reasonable way to carry out the research. The University also must ensure the disclosure will cause no harm to an individual and it is in the public interest to disclose the information in this form. As well, an agreement must be signed with the user to ensure the information remains secure and confidential and to prohibit it from being reused without further authorization. PIIDPA requires identical precautions be taken when disclosing personal information outside Canada for research purposes.

King's may disclose personal information for statistical and research purposes. Personal information linked to identifiable individuals will be disclosed for such purposes only if the information is required to conduct the study, its release will not harm an individual, and disclosure is in the public interest. Before personal information linked to identifiable individuals is disclosed for research purposes, a contract is required stipulating that the information will remain confidential and will not be re-used without authorization.

8. Retention of records

FOIPOP dictates how universities handle certain personal information used to make a decision that directly affects a student or faculty member. Records containing personal information that is "evaluative or opinion material," provided "explicitly or implicitly in confidence", and compiled solely for the purpose of:

- determining a faculty member's suitability for appointment, promotion or tenure
- evaluating an individual's research projects and materials
- admission to an academic program
- whether the student will receive "an honour or award"

must be retained for at least one year after the records are used, to give the student or faculty member a reasonable opportunity to apply for access to them. The University may have the right under FOIPOP to withhold all or part of this information if a formal request for access is filed.

"Record" is given a broad definition under the legislation, and includes "books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means". Records of committees that assess applications for admission, promotion, research grants and other entitlements normally consist of the application itself, letters of support, assessments, and any notes or minutes of the committee's discussions. E-mails in which committee members discuss an applicant or the merits of an application are also considered records of the committee. These records must be retained for at least one year. Information in the personal notes of committee members, however, may never become part of the discussion of an application and are not considered records of the committee or of the University.

Note that King's has developed guidelines for records retention, even where FOIPOP may not be applicable. For example, some records may be retained to guide future decisions and to preserve the history of King's. All records will be retained based on the records retention schedule set out in the records retention policy.

9. Personal information in the King's archives

The University may release records containing personal information to its archives or to the Public Archives of Nova Scotia. The University Archives, in turn, has discretion to disclose personal information to the public for "archival or historical purposes". Such disclosures must not be an unreasonable invasion of personal privacy and must meet the requirements set out in Part 7 of this policy.

These restrictions on access do not apply to information about a person who has been deceased for 20 years or more, or to information that was within the archive's custody or control and available for historical research before FOIPOP came into force on July 1, 1994. PIIDPA authorizes an archive to disclose personal information outside Canada, for archival or historical purposes, if it meets the above criteria.

King's will archive records containing personal information and will make them available to the public for historical research. Access to records available to researchers prior to July 1, 1994 and to records relating to people who have been deceased for 20 years or more will not be subject to privacy controls. Requests for access to all other records containing personal information will be assessed to ensure disclosure of is not an unreasonable invasion of personal privacy and that appropriate conditions are placed on how the information is used if it is linked to an identifiable individual.

10. Personal information shared with the King's Students' Union

King's shares limited personal information about students with the King's Students' Union ("KSU") for KSU's legitimate purposes. Before making such information available, the University must be satisfied with KSU's practices, to ensure personal information is used for the purpose it was collected and students' consent is obtained before it is used for any other purpose.

King's will make students' personal information available to the KSU as long as it is satisfied the information is stored and used in a manner compatible with FOIPOP and the University's privacy practices and policies.

11. Dalhousie University

King's has a relationship with Dalhousie University, sharing certain infrastructure and jointly delivering certain programs. Dalhousie is also a public body under FOIPOP. Some services, including IT services, are provided by Dalhousie to King's as a service provider. In some cases, Dalhousie programming is available to King's students and some King's programming is available to Dalhousie Students. Personal information is transferred or

disclosed between Dalhousie and King's only as reasonably required to deliver these necessary services and programs.

12. Accessing and transporting personal information outside Canada

When travelling, King's employees may take personal information out of the country temporarily on laptop computers and electronic devices such as cell phones and tablets. They are also permitted to remotely access personal information while traveling abroad. Transporting and remote accessing of personal information, however, is only permitted when necessary for the performance of an employee's duties. Employees must take all reasonable precautions to protect the information. For instance, laptops should be encrypted and secured against theft when traveling and employees should avoid submitting marks or accessing students' personal information online while outside the country. **USB's should never be used to store or transport personal information.**

King's employees traveling abroad will transport and remotely access personal information only as their duties require, and in accordance with guidelines set by the University.

13. Disclosure of personal information outside Canada

In accordance with PIPDA, King's will disclose personal information outside Canada with the consent of the person involved, where disclosure is required or permitted by law, to collect monies owing to the University, to verify drivers' licences or motor vehicle registration or licensing, to notify relatives or friends of someone who is injured, ill or deceased, or if someone's health or safety is at risk.

14. Foreign demands to disclose personal information

King's must notify the minister of justice immediately if a foreign court, law enforcement agency or other authority demands disclosure of personal information under its control.

15. Information Access and Privacy (IAP) Administrator

King's has a designated Information Access and Privacy (IAP) Administrator, who is tasked with responding to privacy-related complaints and requests for information filed under FOIPOP. The IAP Administrator also assists King's employees in interpreting the University's privacy policy and in understanding their duties under Nova Scotia's privacy laws.

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