



University Library

2006

FIPPA implementation at OCAD

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Suggested citation:

Patrick, Jill (2006) FIPPA implementation at OCAD. In: Report to the Board of Governors of the Ontario College of Art & Design, 16 Jun 2016, Toronto, Canada. (Unpublished)
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FIPPA IMPLEMENTATION AT OCAD

Report to the Board of Governors
of the Ontario College of Art & Design

Jill Patrick, Director of Library Services
June 12, 2006



FIPPA

The Freedom of Information and Protection of Privacy Act has two main purposes:

- Provides a right of public **access** to records
- **protection of privacy** respecting government-held personal information

*After **June 10, 2006** Ontario Universities required to establish programs that will ensure effective compliance with the access and privacy provisions of FIPPA*



ACCESS

- ✿ Right of access to government information
- ✿ Formal access process
- ✿ Exemptions to access limited and specific
- ✿ All decisions appealable to the Information and Privacy Commissioner (IPC)

PRIVACY

- ✿ Privacy protection respecting government-held personal information (PI)
- ✿ Statutory rules for collection, use, disclosure, retention and disposal of PI by institution in its activities.
- ✿ Right to access and correct own PI
- ✿ Right to complain to IPC when privacy rights have been violated

Responsibility

Chair of Ministry of Government Services (MGS) is responsible for FIPPA including:

- the legislation
- Policy respecting FIPPA
- Advising FOI professionals in other institutions

Independent Review

Information & Privacy Commissioner (IPC)

- Adjudicates access appeals
- Investigates/resolves privacy complaints
- Monitors FIPPA compliance

Reporting

Universities required to report annually to IPC on FIPPA compliance

- # FOI requests completed, including the processing time
- # times information withheld or denied, including exemptions cited
- \$ amount of fees collected
- # personal information correction requests

Delegation

- The President is designated as the “Head” for FIPPA purposes
- Formal written delegation is framework for FOI & Privacy program
- Administrative decisions are usually delegated to FOI/Privacy Coordinator

Implementing FIPPA at OCAD

Action Items completed

- **Access & Privacy Office** – within Library Services.
- **FOI Coordinator** – Lynn Austin, Archivist/Records Officer.

The FOI/Privacy Coordinator

Coordinator role includes:

- ➡ Process FOI requests within (30 day) time limit
- ➡ Deal with IPC on appeals, privacy investigations
- ➡ Provide privacy and access advice as required

Other duties:

- Promote privacy protection in institution
- Help identify records for routine disclosure
- Assist on initiatives involving personal information
- Help staff to avoid privacy pitfalls

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Action Items completed

- **Enabling Legislation** – preliminary review of OCAD Act indicates that OCAD has the authority to collect personal information
- **Delegation of Authority** – draft Instrument produced for President's consideration

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Action Items completed

- **MGS Training Session** (April 7, 2006)
Elisabeth Paradis, Associate Registrar; Alastair Macleod, Director IT Services; Jill Patrick, Director Library Services
- **COU Task Force on Access & Privacy Issues**
Lynn Austin & Jill Patrick are active members; listserv + monthly teleconference
- **FIPPA Coordinators**
Lynn Austin member; listserv + weekly teleconference

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Action Items completed

 **Core Working Group** established.

- Jill Patrick (Director, Library Services) – Chair
- Lynn Austin (Archivist/Records Officer & FOI Coordinator)
- Margaret Grisdale (Secretary, BoG)
- Josephine Polera (Director, Registrarial & Student Services)
- Alastair Macleod (Director, IT Services)
- Elisabeth Paradis (Associate Registrar)

CORE WORKING GROUP

Draft terms of reference

- ◆ identify and prioritize the necessary steps to comply with the Freedom of Information and Protection of Privacy Act (FIPPA) and other related privacy legislation.
- ◆ provide direction and guidance to the university community so that implementation of FIPPA can be accomplished as efficiently as possible.

Extended Working Group proposed.

Membership:

- Core Working Group plus
- Hillary Barron (Assistant, VP Academic)
- Isabella de Vrij (Assistant, VP Administration)
- Jan Sage (Director, Admissions & Recruitment)
- Dean or Assistant Dean, Faculty of Design
- Dean or Assistant Dean, Faculty of Art
- Dean or Assistant Dean, Faculty of Liberal Studies
- Peter Fraser, Director of Finance
- Peter Lashko, Director of Plant Services
- Nicky Davis, Director of Human Resources
- Laura Matthews (Director, Communications)
- Cindy Ball (Director, Development)

EXTENDED WORKING GROUP

Draft terms of reference

- ◆ facilitate the collection of information on Personal Information Banks and general records inventories for inclusion in the University's official Directory of Records
- ◆ review and make recommendations about any changes needed to University policies and procedures, including the addition of collection notices to forms and records retention schedules to ensure compliance with new obligations under the Act.

EXTENDED WORKING GROUP

Task & Duration of Term

- the University has never completed a full records inventory or finalized retention schedules.
- A best estimate for the duration of this working group is approximately a year.
- This group would likely be superseded by an advisory/monitoring group that would meet less frequently.

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Action Items completed

 **Program Area Contacts** – requested for each department.

Under direction of FIPPA Coordinator PACs:

- Conduct record searches
- Provide recommendations on release of records
- Assist in preparing fee estimates
- Help draft issues materials for contentious requests

 **PIB Survey Instrument** – developed to assist Program Area contacts with identification of Personal Information Banks

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Action Items completed

Education & Training – commenced with presentation (May 15th) and circulation of information package (May 29th).

Communication – responding to queries and providing support to Managers and Admin Staff.

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Action Items completed

FIPPA Implementation User's Guide

Ian Forsyth, Archivist, SFU, under COU retainer

TF members received final copy May 12, 2006.

Legal advice

Priscilla Platt, Heenan Blaikie, under COU retainer

TF members have received 5 FIPPA Communiqués and 2 Users' Guide Reviews to-date. Advice on issues of common concern to all universities. Questions generated by TF members.

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Action Items completed

“Annotated Commentary”

Priscilla Platt, Heenan Blaikie, under COU retainer

Decision to purchase pending; available at COU office for consultation.

FOI Request Process

Statements prepared for distribution to admin staff and posting to OCAD website.

FOI Request

General description of process

- ▶ 30 day legislated time frame
- ▶ Coordinator receives request (and fee)
- ▶ Program Contact identifies responsive records, provides recommendations on disclosure
- ▶ FOI office drafts decision for approval
- ▶ FOI and Program Contact review/approve decision
- ▶ Delegated decision maker signs decision
- ▶ Decision is sent to requester
- ▶ Requester may appeal decision

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Work to be done

Obtain Legal Advice

FIPPA is a complex piece of legislation, although its practical purposes are straightforward. We do not know yet what issues could arise on which we would need advice. Following are some examples:

- Confirmation that OCAD Act provides “Enabling Legislation” for collection of PI
- Custody/Control of Records for arms-length bodies (OPSEU, OCADFA, OCADSU, OCAD Alumni Association, OCAD Foundation).
- Custody/Control of Records for research and commercial arms-length bodies (Bookstore, Beal Research Centre).

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Work to be done

- Review / Amend Policies & Procedures
- Append Collection Notices to Forms that solicit Personal Information
- Complete Survey of Personal Information Banks
- Produce Directory of Records
- Establish FIPPA Reading Room
- Identify Records for Routine Disclosure
- Identify Records for Active Dissemination
- Prepare Annual Report for IPC (Feb/07)

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Work to be done – **LONG TERM**

- ➡ Negotiate Records Retention Schedules
- ➡ Establish an Institutional Records Management Program
- ➡ Undertake an Institutional Privacy Impact Assessment
 - Recommended “whenever an enterprise-wide information technology system or service is proposed to support the management of university operations.”*

CONCERNS

- ▶ Ensuring Privacy Compliance
- ▶ Avoiding Privacy Breaches
- ▶ Responding to FOI Requests
- ▶ Staff Resources

FURTHER INFORMATION

www.accessandprivacy.gov.on.ca

www.ipc.on.ca

CONTACTS

- Jill Patrick, Director of Library Services
416-977-6000 ext 348
- Lynn Austin, Archivist/Records Officer
FOI/P Coordinator (PT – 3 days/week)
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