

**COLUMBIA COLLEGE  
REGISTRAR'S OFFICE  
STUDENT RECORDS, GRADES AND TESTS**

<b>NOTE:</b> <b>Must; Shall; Will:</b> <b>Should:</b> <b>May or Could; Can:</b>	<b>Clarification of Terms</b> These words or phrases indicate actions or activities that are <i>essential</i> or <i>mandatory</i> . This word implies that it is highly desirable to perform certain actions or activities, but not essential or mandatory. These words imply freedom or liberty to follow an alternative to the action or activity being presented in a document.
--	---

## INTRODUCTION

This document relates to policies and regulations governing the use of personal information that Columbia College may collect, use and distribute from time to time. It is designed to focus on its students. It is not designed to deal with employees, supporters, contractors, and other business customers. The document related to employee information is titled "Personal Information and Protection of Privacy, Policies & Regulations".

## FORMAL ACCESS REQUEST – PROCEDURES

- The FOIP Act is in addition to and does not replace existing procedures for access to information of records. A request for information which cannot be answered through existing procedures becomes a formal access request. A formal access request received anywhere on campus will be directed to the Corporate Privacy Officer.
- The Corporate Privacy Officer will receive the completed "Request for Access to Information" form (see attached) and the application fee (if applicable). (There is no application fee to access your own personal information.) The Privacy Officer will assist the applicant in clarifying the request and ensure that appropriate records are named.
- The Privacy Officer will determine who has custody of the records requested; will contact the appropriate FOIP Advisor or Advisors and will determine the volume and complexity of files to be retrieved.
- The Privacy Officer will estimate the fee for services and present the estimate to the applicant. The Privacy Officer will wait to proceed until 50% of the fee assessed is paid.
- If the applicant agrees to the assessment and pays 50%, the Privacy Officer will notify the FOIP Advisor(s). The Advisor(s) will ensure that the records are retrieved and will prepare working copies if required.
- The Advisor(s) and Privacy Officer will review the records to determine what should be released, what the institution must refuse to disclose and what we may choose to refuse to disclose. If the records deal with the personal information of third parties (either corporate or individual), the Privacy Officer will send out the required third party notification.
- The Advisor and Privacy Officer will prepare a package that will outline recommendations for access. It will include reasons for refusals if applicable and the provision of the *Act* on which refusals are based. It will also include any third party representations.
- The officer with the delegated authority of the "Head" will review this package and approve the recommendations or request changes at his or her discretion. At this point the Privacy Officer and legal counsel will be available to provide advice but the "Head" has the authority to make the decision on behalf of the College.
- The Privacy Officer will document decisions and present them to the applicant. The applicant will also be notified that she/he may ask for a review of the decision by the Commissioner or an adjudicator.

- The Privacy Officer will prepare the records for disclosure, collect the balance of the fees and either provide copies of the records or opportunity to examine the original records as required.

## GENERAL RECORDS

### ***Our Duty to Assist***

The section of the Freedom of Information and Protection of Privacy Act that Columbia College is responsible to administer allows any student a right of access to personal records in the custody or under the control of Columbia College subject to limited and specific exceptions. The *Act*, however, is in addition to and does not replace other means of obtaining student information. If the student information is already available or can be made routinely available, an individual should not be encouraged to file a formal access request. College personnel should:

- Continue to release student information, respond to requests for student information or provide copies of student records according to current practice ***unless there is something in the Act that prevents the disclosure.*** If you are not sure whether or not student information should be disclosed, contact the Corporate Privacy Officer in the Registrars Office.
- Ensure that routine requests are handled quickly, efficiently and in a professional manner. Note that unless an individual has requested the personal information of another person, the identity of the applicant and the motive for the request are not relevant. If student information can be disclosed, it must be disclosed regardless of who has asked the question or why they want the information.
- Avoid denying student information and citing the *Act* as your reason. Highlight the importance of protecting people's privacy and suggest options within the parameters of the privacy provisions of the *Act*.
- Whether the applicant seeks information through a formal or an informal process, the *Act* requires that all employees make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely.

If information cannot be disclosed or if the requested information is included with other information that cannot be disclosed, the applicant may need to file a formal access request. In this case, refer the applicant to the Corporate Privacy officer in the Registrar office.

## STUDENT RECORDS

### ***Posting Student Grades***

Section 38 of the Freedom of Information and Protection of Privacy Act implies that the head of Columbia College must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction. (S38)

In view of the provisions of the *Act*, the practice of publicly posting student grades in identifiable form, either by name or by student identification number (sorted in alphabetical), is considered an unreasonable invasion of privacy and not appropriate.

Acceptable alternative:

When posting or circulating grades, the student's name should be stripped from the list and the marks given in non-identifiable form sorted in numeric sequence by student number.

## ***Distribution of Graded Examinations, Narrative Assessments and Assignments***

Section 38 of the *Freedom of Information and Protection of Privacy Act* implies that the head of Columbia College must protect personal student information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.

In view of the provisions of the Act, the practice of placing graded examinations and assignments in a public place for pick up is considered an unreasonable invasion of privacy and not acceptable.

All examinations and assignments at Columbia College, including students' final exams, are to be returned directly to the student. Students should not be allowed to handle exams or assignments other than their own.

Acceptable college procedures include the following:

- Return exams and assignments during class time (lectures or labs/tutorials).
- Establish a central file of graded exams and assignments within the college program or department. Administrative staff may then file the documents and retrieve them for students during office hours.
- Place college exams and assignments in sealed envelopes and allow students to retrieve them from a department/program member's office or another secure location.
- Exceptions are permitted only if the faculty member acquires prior written and signed consent from effected students, to openly distribute their graded examinations and assignments. (If faculty decides to go this route, they should consider configuring the exam or assignment so that comments and grades are either on or attached to the last page.)

## ***Disclosure of Student Information to the Subject***

The *Freedom of Information and Protection of Privacy Act* provides Columbia College's students with a right of access to personal information about themselves held by Columbia College.

This right, however, is limited by specific exceptions. The following guidelines will help college staff who have custody of student files to make appropriate decisions about the disclosure of personal information to the subject.

College personnel may routinely disclose student information in the following categories:

- That portion of the student file that is deemed to be accessible to the subject.
- Information supplied by the subject.
- Information copied to the subject.
- Transcripts.
- Graded assignments, exams, assessments.

**NOTE** that a college student should only be allowed to review the file under supervision. The right of access does not give a student the right to remove or destroy information contained in the file. The file constitutes the program's/department's record of decisions, transactions, etc. relating to the student and therefore should not be altered unless both parties agree.

The *Act* provides the college with the discretionary right to withhold information in the following circumstances:

- When, in the opinion of a qualified professional, disclosure of the information could reasonably be expected to result in harm to the applicant's health or safety.
- When, in the opinion of a qualified professional, disclosure of the information could reasonably be expected to result in harm to a third party's safety or mental or physical health.

- When the information consists of a confidential evaluation compiled of the purpose of determining the subject's suitability, eligibility or qualifications for enrolment or employment or for the awarding of contracts or other benefits.
- When the information is contained in plans relating to the administration of the institution that have not yet been implemented. (e.g. human resource plans or downsizing options).
- When a disclosure could reasonably be expected to harm a law enforcement matter or harm the effectiveness of investigative techniques and procedures.

The following categories of information should, therefore, **not** be routinely disclosed:

- Letters of reference supplied in confidence.
- Evaluative comments provided by anyone in a formal evaluation process.
- Documents relating to a grievance or appeal process.
- Documents relating to legal or administrative investigations.
- Letters of complaint, unless the author has consented to the disclosure.

If you need assistance determining whether a file or specific documents should be disclosed, contact the Corporate Privacy Officer in the Registrar's office.

If an applicant requests information that cannot be routinely disclosed or is included with information that cannot be routinely disclosed, she/he may need to file a formal request for access. Refer the applicant to the Corporate Privacy Officer.

### ***Disclosure of Student Information to Third Parties***

It is incumbent on all Columbia College staff to ensure that personal information of students is not inappropriately disclosed. Personal information is defined in the Freedom of Information and Protection of Privacy Act as recorded information about an identifiable individual. It includes such information as: an individual's name; home or business address; home or business telephone number; race, national or ethnic origin; age; sex; marital or family status; identifying number; health and health care history; educational, financial, employment or criminal history; anyone else's opinions about the individual; and the individual's personal views or opinions (except if they are about someone else).

Section 40(1) of the *Act* lists the **only** circumstances under which the College may disclose personal information. It provides authority to respond to:

- A request for access under the *Act* (formal access request).
- A general request for personal information about a student (routine disclosure).
- A request or an intent to publish personal information about students (active dissemination).

The following guidelines will help staff to make appropriate disclosure decisions.

You may disclose a student's personal information to a third party if the disclosure is not an unreasonable invasion of the student's personal privacy [S40(1)(b)]. It does not constitute an unreasonable invasion of privacy to release the following information:

- Dates of registration at Columbia College.
- Faculty(ies) of registration at Columbia College.
- Certificate(s)/diploma(s) awarded from Columbia College.
- Convocation dates.
- Attendance at or participation in a public event or activity related to the institution (e.g. graduation, sporting or cultural event).
- Personal information already in the public domain.

When individuals apply to be admitted to Columbia College, they acknowledge that, although this information is personal information and subject to consideration under the *Freedom of Information and Protection of Privacy Act*, it has been determined to be a matter of public record on this campus and will be disclosed to third parties.

**NOTE** that information relating to any individual's status on campus may be restricted in specific cases for security reasons. If you are not sure whether the information can be disclosed, check the "Hold Record" field in the Columbia Registration System. When the Registrar approves a request to withhold information normally in the public domain, the "Hold Record" field will be checked. In this case, do not release any information until contacting the Registrar's Office. Alternatively, refer the applicant to the Registrar's Office or contact the student yourself to confirm status before releasing information.

You must refuse to disclose a student's personal information to a third party if the disclosure would be an unreasonable invasion of the student's privacy. It would be an unreasonable invasion of privacy to release the following kinds of information to a third party unless the disclosure is authorized under section 40 of the *Act*:

- Home address or telephone number.
- Information relating to an individual's race, national or ethnic origin; age; birth date; marital or family status; health or health care history.
- Educational history (with the exception of information specified above).
- ID number.
- Evaluative information.
- Timetable.

You may disclose a student's personal information to a third party if the student has identified the information and consented in writing by filling out the "Student Records Disclosure Request" form (see attached) to the disclosure [S40(1)(d)]. Consent must be obtained prior to disclosure in the following kinds of cases:

- Potential employer requests an evaluation of a former or current student.
- Student requests that a reference letter be written in support of an application for admission to a graduate school.

You may also disclose a student's personal information to a specific third party if the disclosure is authorized under the *Act*. Section 40(1) which includes the following authorities:

- For the purpose for which the information was collected or compiled or for a use consistent with that purpose.
- For the purpose of complying with a collective agreement.
- For any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure (e.g. reports to Statistics Canada).
- To an employee of Columbia College if the information is necessary for the performance of his or her duties.
- For the purpose of collecting a fine or debt owed by an individual to Columbia College.
- For the purpose of determining or verifying an individual's suitability or eligibility for a program or benefit.
- To Columbia College Audit or any other prescribed body for audit purposes.
- So that the spouse, relative or friend of an injured, ill or deceased individual may be contacted.

Consult section 40 of the *Act* for a complete list of authorities.

**NOTE** that in all cases, the college should disclose personal information only to the extent necessary to enable the employee to carry out the purpose described.

It should be clear that college staff may choose to disclose information in one circumstance but not in another. For example:

- It would be inappropriate to disclose the home address or telephone number of a student to a friend, relative or the media. However, a faculty member, who is teaching the student, or a counselor, who is working with the student, may be able to demonstrate that the information is necessary for the performance of his or her duties. A disclosure in this case would be entirely acceptable.

Section 40 **enables** disclosure; it does not **require** disclosure. Staff should not assume that the person requesting the personal information of a third party is authorized to receive the information. Although staff have a duty to assist any person who requests information, when the personal information of a third party is involved, the onus is on the applicant to provide evidence of authorization. At the same time, the onus is on the staff member of the College to ensure that information is not inappropriately disclosed.

Staff should:

- Ensure that personal information is provided only to an individual who is entitled to the information. If you receive a request by phone and cannot confirm the identity of the caller, ask for some information that will allow you to identify the caller or verify the phone number and return the call yourself or respond by e-mail.
- Ask a relative to provide identification and evidence that he or she has authority to act on a student's behalf.
- Request that the bank or other business/service to provide evidence of consent to release specific financial information.
- Request that a student provide written consent before you write a letter of reference or respond to a request for an oral evaluation.

If you need assistance determining whether information should be disclosed, contact the Corporate Privacy Officer.

If the information cannot be disclosed or if the information is included with information that cannot be disclosed, the applicant may need to file a formal request for access to the information. Refer the applicant to the Corporate Privacy Officer.

### ***Correction of Personal Information***

Under the terms of the Freedom of Information and Protection of Privacy Act, Columbia College is responsible for ensuring that personal information collected and maintained by the institution is accurate and complete. The *Act* also provides students with the right to examine information held about them by the College and to request corrections of that information.

A student does not need to file a formal request for correction of personal information for a routine change. Names, addresses, grades and other similar pieces of personal information are corrected or updated on a regular basis and this should continue to be done informally.

A student who believes there is an error or omission in the personal information held about him or her by the College may file a request for correction by completing the "Request to Correct Personal Information" form (see attached) as per section 36 of the *Act*. A student may choose to file a formal request for a correction if, for example, the College has confused the records of two people with the same name. Information may be entangled, inaccurate linkages may have been made, and it may be a complex problem to sort out.

The College must review all formal requests for correction if:

- The information is in the custody or under the control of the institution.
- The information is a matter of fact. (The College must not correct an opinion, including a professional or expert position.)

This provision of the *Act* cannot be used by a student to compel destruction of records that document an activity, transaction, decision or relationship relating to the student.

A formal request for correction of personal information must be in writing and must be directed to the college's Corporate Privacy Officer.

If a correction is made under section 36 of the *Act*, the College must notify any other educational institutions or any third party to whom the incorrect information had been disclosed during the year prior to the date the correction was requested that a correction has been made.