

Privacy and Access Primer/Refresher

University of Regina

NOT TO BE RELIED UPON AS LEGAL ADVICE

January 2025



Plan



- What you need to know
- What you need to do
- Where can you find help
- Questions/discussion

Legislation

- ▶ Saskatchewan
 - *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP)
 - *The Privacy Act*
 - *The Health Information Protection Act* (HIPA)
- ▶ Federal & Private Sector
 - The Personal Information Protection and Electronic Documents Act (PIPEDA)
 - Canadian Anti-Spam Legislation (CASL)
- ▶ Other
 - European Union General Data Protection Regulation (GDPR)



LAFOIP General Principles

- ▶ Freedom of information relates to University records generally
- ▶ Protection of privacy is limited to personal information
- ▶ Confidentiality



LAFOIP Section 5: Subject to this Act and the regulations, every person has a right to and, on an application made in accordance with this Part, shall be permitted access to records that are in the possession or under the control of a local authority.

Access Principles



VS.

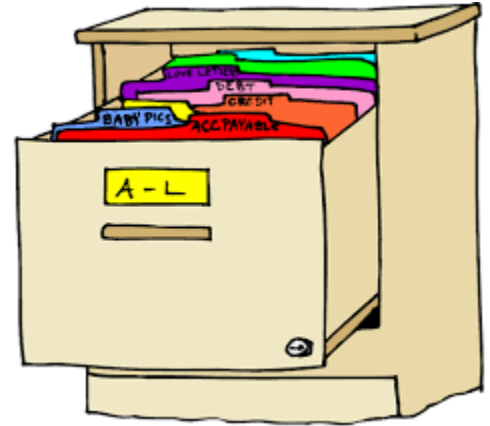


University records are public

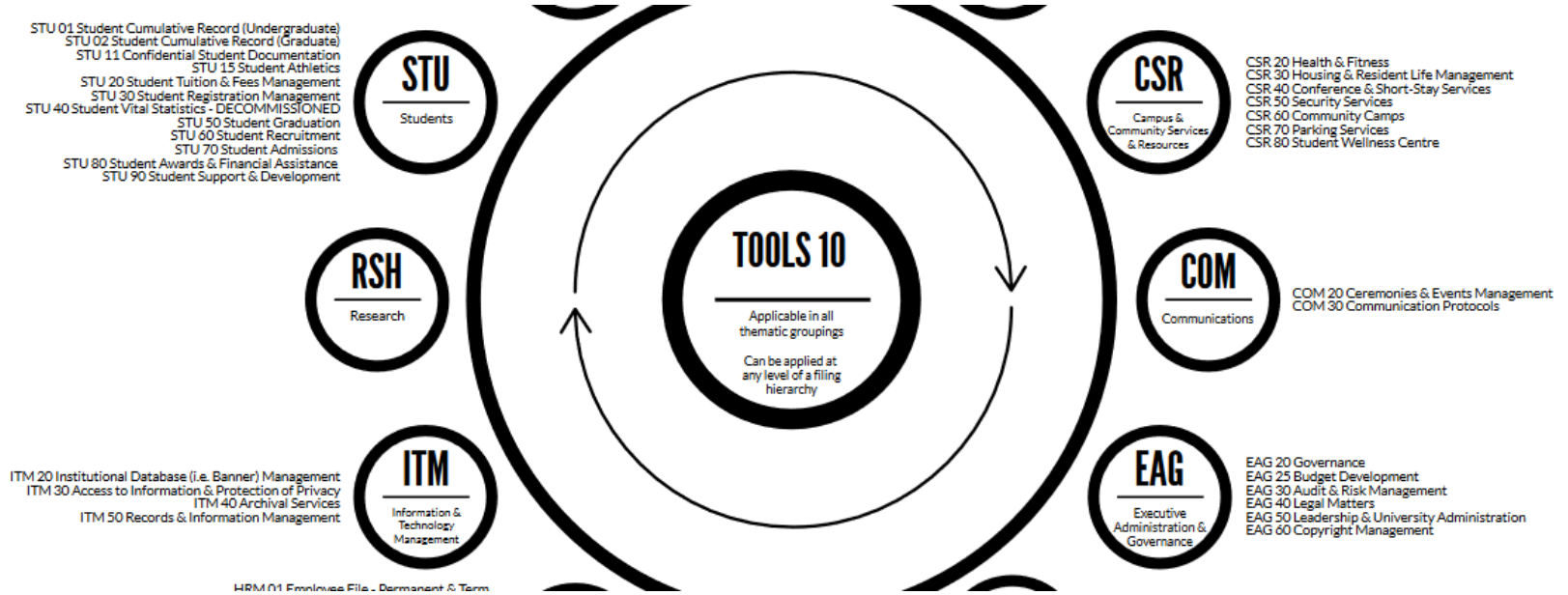
Some information must be protected

University Records

- ▶ a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include computer programs or other mechanisms that produce records
- ▶ only includes existing records: no requirement to assemble non-existent records out of existing data



RECORDS AND INFORMATION MANAGEMENT



CATEGORIES OF EXEMPTION

- Records obtained in confidence from governments or other local authorities (mandatory)
- Records the release of which could adversely affect law enforcement, investigations or legal proceedings, or endanger the life or physical safety of a law enforcement officer or any other person

More CATEGORIES OF EXEMPTION

- Records of deliberations or negotiations involving University officers or employees
- Records subject to any privilege available at law including solicitor-client privilege
- Personal information of an individual who has not provided specific consent for the release of information (mandatory)

Even more CATEGORIES OF EXEMPTION

- Records containing trade secrets, financial, scientific or commercial information, the disclosure of which could prejudice the University's or a 3rd party's economic interests (mandatory)
- Details of the academic research being conducted by an employee of the university in the course of the employee's employment.
 - Disclose title of, and amount of funding being received, where possible

CLAIMING AN EXEMPTION

- All exemptions to be relied upon must be asserted in the first instance
- Consideration must be given to disclosing non-exempt portions of documents (OIPC resistant to blanket exemptions)
- Applicant must be advised of right to request a review

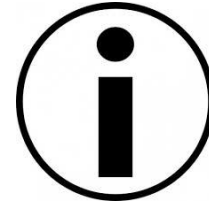
CONTRACTS

The Agency [third party] acknowledges that the University is subject to *The Local Authority Freedom of Information and Protection of Privacy Act* (the "Act"). The Agency acknowledges that the Agency has reviewed the Act and has determined the categories of records that are exempted from disclosure under the Act. The Agency has clearly marked as "Confidential" all information regarding the items and conditions, financial and/or technical aspects of this Contract and the Agency's obligations hereunder, which in the Agency's opinion are of a proprietary or confidential nature (and would constitute Confidential Information). The University shall use all reasonable efforts to hold all information that has been marked "Confidential" by the Agency in strict confidence but shall not be liable for any disclosure required by law, including pursuant to the Act.

What is 'Personal Information'?

This is defined by legislation.

Sec 23(1) of LAFOIP: “**personal information**” means
personal information about an identifiable individual that is recorded in any form



Sec 23(1) of LAFOIP lists all the categories information that is 'personal information'

- Race, religion, educational history, details of financial transactions, medical history, or identifying numbers such as student IDs, or SINs, addresses and phone numbers, other

Consent

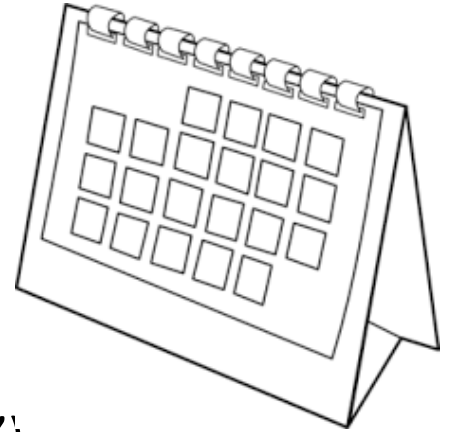
- ▶ No personal information can be collected, used or disclosed without knowledge or consent preferably in writing (subject to limited exceptions)
- ▶ Must relate to the purpose for which the information is required; must be informed; must be given voluntarily; and must not be obtained through misrepresentation, fraud or coercion



▶ Obtain consent:

- Consent on enrolment
- Orally or in writing (preferably in writing)
- Implied consent
- Exceptions to consent

Undergraduate Calendar



The University of Regina collects and creates information about students (“personal information”) under the authority of the *University of Regina Act*, and in accordance with the *Local Authority Freedom of Information and Protection of Privacy Act* (Saskatchewan), for purposes of admission, registration, and other decisions on students’ academic status, and the administration of the University and its programs and services.



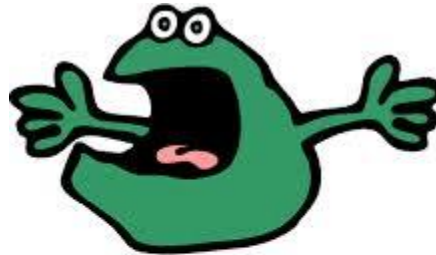
U of R Policies and Procedures

➤ Freedom of Information and Protection of Privacy Policy

- Routing of Requests under the Freedom of Information and Protection of Privacy Act
- LA FOIP Access to Information Request Form for a local authority
- Employee Guidelines Protection of Privacy (www.uregina.ca/policy/assets/docs/pdf/Employee-Guidelines-Protection-of-Privacy.pdf)
 - Student information
 - Snooping
 - Security
- Privacy breach protocol



Breaches of Privacy



WHAT DO I DO
NOW?

Breach Notification

- LAFOIP – University must take all reasonable steps to notify an individual of an unauthorized use or disclosure of personal information “if it is reasonable in the circumstances to believe that the incident creates a real risk of significant harm to the individual.”
- Privacy Head will make all determinations, your responsibility is to follow the reporting protocols.
- <https://www.uregina.ca/president/executive-team/ed-governance-univ-secretary/privacy/breach.html>

Contact Us

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See also: <https://www.uregina.ca/president/executive-team/ed-governance-univ-secretary/privacy/index.html>