

<b>Policy Name:</b>	Confidentiality and Privacy Policy		
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<b>Chapter</b>	4, Confidentiality and Privacy Policy	<b>Responsible Office:</b>	Office of Academic Affairs and Research
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### Policy Statement

As a university sector institution in Nova Scotia, the University's ultimate goal is to keep secure private information, to satisfy requests for information efficiently and accurately through routine channels, and to use the formal access request procedure under FOIPOP as the avenue of last resort. All members of the University must abide by the requirements in this policy for managing and handling information.

### Reason for Policy

The purpose of this policy is to reflect the intention of NSCAD University to protect confidential information as well as personal information in the possession and control of NSCAD. This policy is designed to outline the expectations of employees regarding the handling and storage of confidential or otherwise sensitive information.

### Policy Applies to

- All units of the University
- All members of the University community
- All campuses

### Who Should Read this Policy

- All members of the University community

### Contacts

Approval Authority: Senior Management Team

Detail on policy meanings and application: FOIPOP Coordinator, 902-494-8125, [academicaffairs@nscad.ca](mailto:academicaffairs@nscad.ca), <http://nscad.ca/en/home/abouttheuniversity/administration/officeofacademicaffairsandresearch/default.aspx>

OR Director, Human Resources, 902-494-8131, [humanresources@nscad.ca](mailto:humanresources@nscad.ca)  
<http://nscad.ca/en/home/abouttheuniversity/hr/default.aspx>

## Definitions

- Authorized person:** A manager or supervisor; or the designated responsible party for the administration of this policy.
- Confidential information:** All information collected, used and disclosed to NSCAD University in the course of their operations that is specific to their business endeavours, academics, employment and students. Confidential Information includes, but is not limited to: information that is deemed to be private under Provincial FOIPOP Legislation; personal information covered by FOIPOP Legislation about or relating to any individual, including a student or other employee; proprietary business information about the operational practises and management of the University which is not publically available; and, information obtained at in camera sessions such as Search Committee meetings, meetings dealing with employee or student disciplinary matters, or meetings of the Board where sensitive information relating to financial matters or collective bargaining is discussed.
- Confidentiality:** Confidentiality is the legally protected right of an individual that ensures privacy and the non-disclosure of personal information provided to the University in any format, such as spoken, written, or any other recorded source. Employees must maintain strict confidentiality of personal information and use it only in the course of the University's activities, and the purpose for which it was collected.
- Custody and control:** Custody and control of a particular record is a function of how a record is created, maintained and used, and accordingly, determined on a case-by-case basis. Physical possession of a record by NSCAD University is the best evidence of custody. This includes any business records of a third party that may be stored on the premises of the University. (i.e. a government or consultant document held by the University).
- Control is when NSCAD University has the authority to manage the records throughout its life-cycle.
- Indicators that a record is in the custody and control of the University: the record was created by an employee of the University; the intended purpose for which the record was created; the content of the record relates to the University's mandate and functions; the extent to which the record is integrated with other records held by the University; the record was obtained by an external consultant for the university; and whether the University has the authority to regulate the record's use and disposition.
- Personal information:** All information which identifies an individual, whether employee, student, or student representative, donor, alumna; and includes but is not limited to name, address, telephone number, personal email address, age, sex, marital status, education and academic information (grades), employment information, financial information and health care information.

**Protected information:** All confidential or personal information in the custody and control of NSCAD University.

**Unauthorized disclosure:** The disclosure of personal information without the express written consent of the individual person; disclosure of confidential information of NSCAD University without the express authorization of an authorized person.

## **The Policy**

### 1. Governing law and regulation

- 1.1. The Nova Scotia government legislated the Freedom of Information and Protection of Privacy Act, R.S.N.S. 1993, c. XX. (the 'Act'), for the purpose of protecting an individual's personal information from unauthorized collection, use or disclosure by public bodies; and to make public bodies open and accountable for the collection, use and disclosure of personal information. As of November 23, 2000, universities are recognized as public bodies subject to this Act.
- 1.2. The Act applies to all records in the custody and control of the University and prohibits the release of personal information to anyone other than the individual to whom it pertains. Personal information includes name, address, phone number, email address, student number, SIN number, financial records, application, transcripts, employment, medical or other information, and cannot be released to a party without the individual's written consent unless otherwise permitted or required by law.
- 1.3. In accordance with the Act, all employees and student representatives of NSCAD University must not disclose information collected in the course of University business activities to a third party without the express written consent of the individual.

### 2. Principles

- 2.1. All employees and/or student representatives of NSCAD University shall maintain confidentiality of information that is within the custody and control of NSCAD. This includes responsibility for the protection of confidential information to which they have access, and a duty to safeguard this information against theft, disclosure, misuse and indiscriminate handling. This obligation continues beyond the termination of employment or enrolment with NSCAD.
- 2.2. A failure to read and/or understand this policy and related regulation and governing law will not be accepted as an explanation for a confidentiality breach.
- 2.3. NSCAD makes every reasonable effort to keep the information collected, retained and disclosed confidential and to prevent any improper or non-legitimate use of the information.
- 2.4. As a matter of policy, NSCAD University will not tolerate the disclosure of confidential information to unauthorized third parties by any NSCAD University employee or student representative.
- 2.5. NSCAD University will take all reasonable and necessary precautions to ensure that employees and student representatives meet the expectations of the policy.

### 3. Responsibilities

- 3.1. This policy, its contents and expectations will be reviewed with all new employees and/or student representatives by their supervisor at the start of their term. This policy will be available and accessible, in its entirety, to all employees and/or student representatives on the NSCAD website in association with all other NSCAD policies.
- 3.2. Managers and supervisors play a crucial role in the implementation, monitoring and enforcement of compliance with this policy. Managers and supervisors will:
  - 3.2.1. Distribute and communicate this policy to all new and existing employees and/or student representatives;
  - 3.2.2. Monitor and evaluate current practices and procedures in their responsible work areas to ensure they meet the necessary security measures to ensure confidentiality;
  - 3.2.3. Make every reasonable effort to address concerns regarding confidentiality practices with employee and/or student representatives, and provide ongoing education or progressive discipline as appropriate.

### 4. Correction of information

- 4.1. Individuals have the right to request access to and correction of personal information about themselves. Personal information includes name, address, telephone number, personal email address, age, sex, marital status, education and academic information (grades), employment information, financial information, health-care information.
- 4.2. Individuals may ask to examine the requested information, or ask to receive a copy of the record of their own personal information.
- 4.3. How to obtain or correct an information record:
  - 4.3.1. The individual's own personal information can be obtained or corrected by calling, writing the appropriate office at NSCAD University. Student information can be obtained from the Office of Student and Academic Services.
  - 4.3.2. Faculty may obtain or correct personal information from the Office of Academic Affairs and Research.

### 5. FOIPOP application request

- 5.1. Some information of public interest is routinely posted to the NSCAD University website. If the information you want is not available as a matter of routine, you may make a formal request application for access to information under the FOIPOP Act (Freedom of Information and Protection of Privacy) which requires that:
  - 5.1.1. The application must be in writing;
  - 5.1.2. Specify the subject matter of the record requested with sufficient particulars to be identified;
  - 5.1.3. Be accompanied with a for a \$5 application fee, the cheque to be addressed to NSCAD University;
  - 5.1.4. No application fee if you are requesting your own personal information.

### 6. Compliance

- 6.1. Failure to comply with this agreement may result in disciplinary action, up to and including termination from employment. NSCAD also retains the right to pursue any action, including criminal prosecution and civil

remedies, when misuse of its confidential information or resources is suspected either during the course of employment or after the termination of employment.

- 6.2. This policy is intended to be complementary to other policies and collective agreements governing the conduct of faculty and staff. In situations where this policy may be in conflict with Collective Agreements, the Collective Agreements shall prevail.

### **Forms and Tools**

#### **Office of the Information and Privacy Commissioner of Nova Scotia**

<http://foipop.ns.ca>

#### **Freedom of Information and Protection of Privacy Act**

<http://nslegislature.ca/legc/statutes/freedom%20of%20information%20and%20protection%20of%20privacy.pdf>

#### **Access to Information Requests**

Available from the Office of Academic Affairs and Research

**Confidentiality and Privacy Policy** [http://nscad.ca/site-nscad/media/nscad/ARR\\_Confidentiality\\_PrivacyPolicy.pdf](http://nscad.ca/site-nscad/media/nscad/ARR_Confidentiality_PrivacyPolicy.pdf)

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All policies are subject to amendment. Please refer to the NSCAD University Policy website ([nscad.ca](http://nscad.ca)) for the official, most recent version.