

ACCESS TO INFORMATION AND PROTECTION OF PRIVACY POLICY

Effective Date: May 12, 2006

Introduction

As a not-for-profit organization which operates with a high degree of autonomy and self-regulation, the Scarborough Campus Students' Union (SCSU) affirms the importance of the basic principles of freedom of information and the obligation to conduct its operations in ways that are open, accessible, democratic, and conforming to existing organizational by-laws and constitutions. The SCSU is committed to the protection of the privacy of its student members, volunteers, and employees with respect to personal information collected voluntarily or provided by the University of Toronto for the purpose of administering its operations. In accordance with these basic principles, the SCSU has enacted the following guidelines to support the notion of openness, accountability, and protection.

Article 1: Scope of this Policy

1.1 The Policy on Access to Information and Protection of Privacy applies to the following types of information and records:

- Information and records collected by or made within the SCSU, and within the custody and control of SCSU directors, officers, employees, and volunteers;
- and
- Information and records provided to the SCSU by the University of Toronto, and received into the custody and control of SCSU directors, officers, employees, and volunteers.

Article 2: Collection and Use of Personal Information

2.1 The SCSU shall collect and/or record only such personal information as is reasonably necessary to ensure the proper administration of its operations and services for its members, employees, and volunteers.

2.2 The SCSU shall not use personal information or records collected by or made within the organization for any reason other than to ensure the proper administration of its operations and services, to generate statistical analyses; provided that such analyses does not expressly disclose personal information to unauthorized parties, or where the use of the information or record is necessary and proper to prevent illegal activities against SCSU members, employees, volunteers, property, or assets.

2.3 The SCSU shall not be legally required to inform its members of what purpose personal information is being collected for if the information collected is required to administer a particular transaction, act, or conduct that is of a non-profitable fiscal nature.

2.4 The SCSU will employ proper business practices, including but not limited to

informing an individual of the existence of this policy pursuant to sections 2.1 and 2.2, in all instances in which an absence of a legal obligation exists.

2.5 The SCSU will endeavor to seek the consent of all parties in which personal information is collected for a particular transaction, act or, conduct that is of a profitable fiscal character.

2.6 The SCSU will employ one of the following methods to seek the consent of its members, employees, or volunteers when collecting information from a particular transaction, act or, conduct that is of a profitable fiscal character:

- An application form may be used to seek consent, collect information, and inform the individual of the use that will be made of the information. By completing and signing the form, the individual is giving consent to the collection and the specified uses;
 - A check off box may be used to allow individuals to request that their names and addresses not be given to other organizations. Individuals who do not check the box are assumed to consent to the transfer of this information to third parties;
 - Consent may be given orally when information is collected over the telephone;
- or
- Consent may be given at the time that the individuals use a product or service.

2.7 The SCSU shall not use personal information or records provided by the University of Toronto for any reason other than to ensure the proper administration of the service or event for which the use of the information is required.

2.8 The SCSU will delegate all responsibility for entering into agreements pertaining to the collection and use of personal information provided by the University of Toronto to the SCSU President & Chief Executive Officer (CEO) in consultation with the SCSU Business Manager, Privacy Officer (PO), and SCSU Employee, Officer, or Director responsible for administering or coordinating the particular service or event for which the personal information is required.

Article 3: Disclosure of Personal Information

3.1 The SCSU shall not disclose or allow access to personal information or records collected by or made within the organization to any member, employee, or volunteer at any time without the express approval of the PO subject to the conditions outlined in this policy.

3.2 The SCSU shall not disclose or allow access to personal information or records provided by the University of Toronto to any member, employee, or volunteer at any time without the express joint approval of the PO and the University of Toronto subject to the conditions outlined by the University's Policy on Access to Information and the Protection of Privacy.

3.3 The SCSU shall not disclose personal information or records collected by or made within the organization to any non-member without the express approval of the PO subject to the conditions of this policy, and the written or expressed consent of the individual whose personal information is in question.

3.4 The SCSU shall not disclose personal information or records provided by the University of Toronto to any non-member without the express approval of the PO and the University of Toronto subject to the conditions outlined by the University's Policy on Access to Information and the Protection of Privacy, and the written or expressed consent

of the individual whose personal information is in question.

3.5 Subject to the advice of the PO, the SCSU shall disclose personal information or records in the organization's custody or control to members or non-members when:

3.5.1 The person to whom the information relates has identified that information in particular and has consented to its disclosure;

3.5.2 Complying with a requirement to provide personal information or records that has been lawfully imposed upon the SCSU by a federal, provincial, or municipal government authority;

3.5.3 Disclosure is to an institution or a law enforcement agency in Canada, on presentation of a court order or otherwise under compulsion of law;

3.5.4 A separate individual has been authorized by the individual to whom the information relates to make an inquiry on that individual's behalf or where that individual is incapacitated has been authorized by the next of kin or legal representative of that individual;

3.5.5 The University of Toronto approves the disclosure of personal information or records that their officers have provided to the SCSU;

3.6 Subject to the advice of the PO, the SCSU reserves the right to choose not to release personal information or records collected by or made within the organization after considering any applicable exemptions and weighing the requester's right of access against any other individual's right to the protection of his or her privacy in instances where:

3.6.1 The disclosure would constitute an unjustified invasion of another individual's personal privacy;

3.6.2 The disclosure is used for the purpose of aiding and abetting another organization's attempt to determine suitability, eligibility, or qualification for employment, promotion, or transfer;

3.6.3 The disclosure is used to commit slander or libel against an SCSU member, employee, or volunteer;

3.6.4 The disclosure is used to determine eligibility for the awarding of a scholarship, bursary, or other form of financial assistance;

3.6.5 The disclosure would aid and abet legal action against an employee or volunteer who in the view of the SCSU carried out his/her duties properly;

3.6.6 The disclosure could reasonably be expected to prejudice or hinder the mental and physical health of an individual;

3.6.7 The restrictions on disclosure set out in this policy do not apply to disclosure of the fact that an individual is not or was not a member or employee of the SCSU.

Article 4: Retention and Disposal of Personal Information

4.1 All SCSU officers, directors, employees, and volunteers shall strictly follow all necessary precautions as outlined by this policy to protect the security of personal information and records.

4.2 The SCSU shall retain all personal information and records collected by or made within the organization for as much time as is reasonably necessary to ensure the proper administration of its operations and services;

4.3 The SCSU Vice President Human Resources shall retain all personal information

and records compiled during the period of employment for all SCSU Executives, all fulltime or part-time employees reporting to an SCSU Executive, or volunteers.

4.4 The SCSU Business Manager shall retain all personal information and records compiled during the period of employment for all full-time and part-time employees reporting to this individual.

4.5 The SCSU shall retain all personal information and records provided by the University of Toronto for the administration of its operations and services for as long as is permitted by agreements devised by both parties to govern such activities.

4.6 The SCSU shall make reasonable arrangements for the disposition of all personal information and records in consultation with the PO and, if applicable, the University of Toronto.

Article 5: Access and Correction of Personal Information

5.1 All members of the SCSU shall be granted limited access to personal information and records collected by or made within the SCSU if and when the member is able to provide valid university identification to render the record reasonably retrievable.

5.2 Access to personal information and records collected by or made within the SCSU may be granted to members for the limited purpose of updating information and/or confirming past transactions.

5.3 The SCSU shall not grant access to personal information or records provided by the University of Toronto without the knowledge and approval of the University of Toronto.

5.4 Access to personal information and records of members may not be granted to other members or individuals without the express approval of the PO subject to the conditions of this policy.

5.5 All present officers, employees, and volunteers of the SCSU shall have access to their own personal information and records maintained by the SCSU. Personal information or records cannot be viewed outside of the SCSU office or without the approval of the PO.

5.6 No past or present officer, employee, or volunteer of the organization can authorize the SCSU to make public the contents of their personnel file.

5.7 All former employees and volunteers of the SCSU shall have access upon request to their own personal information and records maintained by the SCSU immediately upon termination, resignation, or a contract ending. The SCSU shall provide the former employee or volunteer with copies of all documents contained in the employment file upon request. Personal information and/or records cannot be viewed outside of the SCSU office or without the approval of the CPO.

5.8 Examination of an employment file or record may only be made after the employee or former employee gives written notice of their desire to view such information. An employee or former employee shall have the right to respond in writing to any document contained therein. Such reply shall be placed in the employment file, and be classified as supporting documentation in discussions revolving around past reprimand or termination of the employee.

Article 6: Responsibilities of the Privacy Officer (PO)

6.1 The SCSU Board of Directors shall permanently appoint one (1) employee of the organization as Privacy Officer (PO). This individual shall be responsible for implementing and enforcing the SCSU Policy on Access to Information and Protection of Privacy on continuous basis over the course of all subsequent executive and directorial terms.

6.2 The PO shall encourage the adoption of consistent and proper record-keeping and disclosure practices consistent with this policy.

6.3 The PO shall receive requests for access to information or for the correction of personal data either directly from members of the SCSU community or upon referral, from other members of the community who have themselves been requested to supply information or correct personal data in circumstances which raise questions concerning the proper application of this policy.

6.4 An individual who is aggrieved by a decision of the PO with respect to a request to access personal information or record or the correction of personal data may submit a formal petition to the Chairperson of the SCSU Executive Committee, who will call for debate at next Executive Committee meeting.

6.5 If a consensus is reached that this matter merits further consideration, the SCSU Executive Committee will refer the matter to the SCSU Board of Directors, who will render final all decisions pertaining to a conflict regarding access to information or protection of privacy.

6.6 For all grievances or complaints arising from the access of personal information and protection of privacy collected by or made within the SCSU or provided by the University of Toronto, the PO shall be accountable to only to the SCSU Board of Directors.

6.7 The PO shall make a decision concerning a request received and communicate the decision in writing to the individual making the request. In communicating a decision to deny a request, the PO shall indicate in writing the reasons for denying the request and the nature of the process available to the requestor for seeking review of that decision.

6.8 The PO shall cooperate with the SCSU Executive Committee and/or the SCSU Board of Directors in the investigation of complaints received regarding access to information and the protection of privacy.

6.9 In the event of gross misconduct or vacancy of duties, the PO may be replaced through impeachment by a majority of the voting SCSU Board of Directors.