



Name:	Privacy Policy
Policy Number:	12-003
Approving Authority:	President
Approved:	June 17, 2021
Responsible Office:	Office of the President
Responsibility:	University Secretary and Senior Director Legal Services (Privacy Officer)
Revision Date(s):	Not applicable
Supersedes:	Not applicable
Next Required Review:	Three years after the effective date, and every three years thereafter.

1 Preamble

1.1 Freedom of Information

The University is required to adhere to the requirements of the Nova Scotia Freedom of Information and Protection of Privacy Act (the Act) and adopts this Policy to govern the fulfilment of that obligation.

1.2 Protection of Privacy

In order to fulfil its mandate, the University needs to collect, create and maintain Personal Information about students, faculty, staff, alumni, retirees and other individuals. The University will take reasonable and prudent measures to protect and maintain the privacy of any Personal Information in its possession or under its control.

2 Purpose

2.1 The purpose of this Policy is to ensure that the University complies with its obligations under the Act to provide appropriate public access to information and to protect the privacy of Personal Information that is in the possession or under the control of the University.

3 Jurisdiction/Scope

3.1 This Policy applies to all Members of the University Community with access to information maintained by or in the custody of the University. This Policy applies to information recorded in any format.

4 Definitions

4.1 “**Act**” means the Nova Scotia Freedom of Information and Protection of Privacy Act, as amended from time to time.

4.2 “**Authorized Employee**” means an employee, member of faculty or any other staff member of the University whose position and/or duties require regular or periodic access

to Personal Information in the possession or under the control of the University.

- 4.3 “Members of the University Community” or “Member”** means all employees, faculty or other staff as well as agents, contractors, persons or organizations acting for or on behalf of the University.
- 4.4 “Personal Information”** means recorded information about an identifiable individual, as defined by the Act.
- 4.5 “Records”** mean recorded information in any media or format that is created or received and retained in the operations of an organization or person as evidence of functions, policies, decisions and other activities of that organization or person. Records include, but are not limited to, documents (e.g., letters, memoranda, email, contracts, invoices, reports, minutes, publications); images (e.g., photographs, maps, drawings); audio and video recordings; and compiled, recorded or stored data (e.g., audit trails). A Record may be Digital or Physical. A Digital Record is a Record that can be viewed on an electronic screen or seen or heard using a digital or electronic tool, such as a television, monitor, desktop, laptop, tablet or mobile phone. Digital Records exist either because a digital version has been made of a paper record or because they were created in digital or electronic format. A Physical Record is a Record on paper.
- 4.6 “Regulations”** means regulations made by the Governor in Council pursuant to the Act.
- 4.7 “Request”** means an application pursuant to the Act for access to Records in the possession or under the control of the University.
- 4.8 “Third Party”** in relation to a request for access to a Record, or for correction of Personal Information, means any person, group of persons or organization other than the person who made the request, or a public body.
- 4.9 “University”** means Saint Mary’s University.

5 Policy

5.1 Freedom of Information

The University will act in an accountable and open manner when receiving and responding to Requests for information. Requests will be reviewed objectively in terms of the University's obligations to the public and under the Nova Scotia Freedom of Information and Protection of Privacy Act (the Act) and will not be based on the individual or organization making the request. In striving to meet this commitment, the University will consider the rights and interests of any Third Party who may be directly impacted by a Request.

- 5.1.1 Individuals have the right of access to Records in the possession or under the control of the University, subject to exemptions set out in the Act.
- 5.1.2 Provision of access to a Record may be subject to payment of fees set out in the Regulations.
- 5.1.3 The University will continue to provide routine access through existing procedures to information that is in the public domain and/or subject to public disclosure under the Act. For example, the University will provide access to information in appropriate circumstances that do not require a formal access to information request.

5.2 Protection of Privacy

- 5.2.1 The University shall not collect Personal Information unless:
- a. the collection of that information is expressly authorized by the individual subject of the Personal Information or expressly authorized by law;
 - b. the information is collected for the purpose of law enforcement; or
 - c. the information relates directly to and is necessary for an operating program or activity of the University.
- 5.2.2 Members of the University Community responsible for collecting Personal Information will be able to provide the reason(s) that the collection of such information is necessary.
- 5.2.3 Personal Information about an individual will be collected directly from that individual unless circumstances require that it be obtained from another source.

5.3 Protection of Personal Information

- 5.3.1 The University and its Members will take reasonable and prudent measures to protect Personal Information from unauthorized collection, access, use, disclosure or destruction.
- 5.3.2 Authorized Employees will access Personal Information only for the purposes outlined in section 5.4 and 5.5 of this Policy.
- 5.3.3 Personal information will be stored in a manner that limits access to Authorized Employees only. This will include:
- a. Storing Personal Information in locations which are not generally accessible to all employees and/or the general public;
 - b. Securing the rooms and/or filing cabinets containing Personal Information during those times that an Authorized Employee or staff member is not present; and
 - c. Restricting access to Personal Information that is stored in an electronic format to Authorized Employees by requiring entry access authentication for the user.

5.4 Use of Personal Information

- 5.4.1 The University may use Personal Information only:
- a. For the purpose(s) for which that information was obtained or compiled, or for a use compatible with that purpose;
 - b. If the individual the information is about has identified the information and has consented, in the prescribed manner, to the use; or
 - c. for a purpose permitted, authorized or required by the Act.

5.5 Disclosure of Personal Information

- 5.5.1 The University will disclose Personal Information to Third Parties or allow it to be made public only:
- a. For the purpose(s) for which it was obtained or compiled, or for a use compatible with that purpose;
 - b. For a purpose permitted, authorized, or required by the Act;
 - c. For a purpose which is expressly authorized or required by an enactment of the Government of Canada or the Province of Nova Scotia; or
 - d. For any other purpose provided that the explicit consent for the disclosure has been provided by the individual to whom the Personal Information relates, or by someone duly authorized to provide such consent on behalf of that individual.

5.6 Access and Correction of Personal Information

- 5.6.1 The University will make reasonable efforts to ensure that all Personal Information in its possession or under its control is as complete and accurate as is required for the purpose(s) for which it was collected.
- 5.6.2 Subject to any exemptions or restrictions set out in the Act, or in any other enactment of the Government of Canada or the Province of Nova Scotia, individuals shall have the right to access Personal Information about themselves, which is in the possession or under the control of the University. A formal Freedom of Information request may not be required where individuals are seeking access to Personal Information about themselves.
- 5.6.3 In the event that any of the Personal Information in the possession or under the control of the University is incorrect, incomplete or otherwise inaccurate, the individual to whom that Personal Information relates has the right to request that it be amended or corrected. When such corrections have been requested, the University will review and confirm the corrections and provided that it is satisfied that a correction is warranted, the University will make the correction as soon as reasonably possible. On correcting or annotating personal information, the University shall notify any other public body or any third party to whom that information has been disclosed during the one-year period before the correction was requested of the correction or annotation.

5.7 Retention and Disposal of Personal Information

- 5.7.1 The University will retain Personal Information in accordance with the Records Management Policy and the retention schedule applicable to the information and department or administrative unit that has responsibility for that Personal Information.
- 5.7.2 Personal Information that is deemed by the University Archives to be of historical value will be retained on a permanent basis. Such information will be disclosed only in accordance with the Act.
- 5.7.3 Once Personal Information is no longer needed for administrative, regulatory, legal or historical reasons, it will be disposed of in accordance with the ITSP.40.006 v2 IT Media Sanitization.

5.8 Outsourcing

- 5.8.1 The University may, where it is advisable or necessary for the efficient and proper operation or management of its programs, services, systems, or general operations, enter into agreements with external individuals or organizations which allows them access to certain Personal Information in the possession or under the control of the University for specified purposes. Any such agreements will include provisions that obligate the external individuals or organizations to ensure that all such Personal Information is protected, and any collection, use or disclosure complies with this Policy, the Act and the Nova Scotia Personal Information International Disclosure Protection Act (PIIDPA).

5.9 Responsibilities

- 5.9.1 The President is the designated Head for the purposes of section 3 (c) of the Act. The Head has authority for all decisions made on behalf of the University pursuant to this Policy and under the Act.
- 5.9.2 The President shall appoint a Privacy Officer to advise on and coordinate freedom

of information and protection of privacy matters. The Privacy Officer, in consultation with the appropriate departments and administrative units, the Head and others as required, is responsible for responding on behalf of the University to all Requests for information. The Privacy Officer will also provide advice to departments, and administrative units relating to freedom of information and protection of privacy issues.

- 5.9.3 As appropriate, departments and administrative units will designate employees to act as unit coordinators for freedom of information and protection of privacy issues in consultation with the Privacy Officer.

5.10 Non-Compliance

5.10.1 The University may take one or more of the following actions against anyone whose actions are in violation of the Act, other applicable privacy laws or this Policy:

- a. Legal action that could result in criminal or civil proceedings; or
- b. In the case of students, disciplinary action under the regulations for Student Academic Dishonesty and/or the Saint Mary's University Student Code of Conduct; or
- c. In the case of employees, faculty or other staff, disciplinary action in accordance with applicable collective agreement(s), legislation and/or common law, up to and including immediate termination of employment.

6. Procedures

- 6.1. The Head, in consultation with appropriate departments and administrative units, may establish guidelines and procedures arising from this Policy as required.
- 6.2. Members of the University Community will contact the Privacy Officer for guidance on complying with the Act and applying this Policy and any related procedures.
- 6.3. Retention and disposition schedules: Schedules for the retention and disposition of Records are approved and disseminated in accordance with the Records Management Policy.

7. Relevant Legislation

- 7.1. [Nova Scotia Freedom of Information and Protection of Privacy Act](#) (FOIPOP)
- 7.2. [Personal Information International Disclosure Protection Act](#) (PIIDPA)
- 7.3. [Personal Information Protection and Electronic Documents Act](#) (PIPEDA)

8. Related Policies, Procedures & Documents

- 8.1. Data Management Policy
- 8.2. IT Security Policy
- 8.3. Records Management Policy
- 8.4. Student Records: Privacy & Confidentiality Policy

Related Guidelines:

[TSP.40.006 v2 IT Media Sanitization:](#)

<https://www.cyber.gc.ca/sites/default/files/publications/itsp-40-006v2-eng.pdf>