

HOLLAND COLLEGE

BOARD POLICY

Category: FISCAL, PHYSICAL AND INFORMATION RESOURCES
Topic: FREEDOM OF INFORMATION AND PROTECTION OF PERSONAL PRIVACY (FOIPP) AND ACCESS TO INFORMATION POLICY
Code: 20-09
Effective Date: September 25, 2019 **Revision:** TWO
Approved by: Sandy MacDonald, President of Holland College

Related Documents:

Board Policy [20-08](#) – Personal Information Protection & Electronic Documents Act (PIPEDA)
Administrative Regulation [20-09-01](#) – FOIPP, Access to Information and Protection of Privacy

On April 1, 2019, the College came under the *Freedom of Information and Protection of Privacy (FOIPP) Act* of the Province of Prince Edward Island as a “designated educational body”.

1. PURPOSE

1.1 The purpose of this policy is to ensure that the College complies with the *FOIPP Act* and to promote responsible practices in the management of personal information. The policy recognizes the commitment of the College to protect privacy while, at the same time, providing procedures for the collection, use, and disclosure of information by the College.

2. SCOPE

- 2.1** This Policy applies to
- a)** all requests for access to information maintained by the College; and
 - b)** all members of the College community with access to information maintained by the College.
- 2.2** Any reference to the *FOIPP Act* or the *FOIPP Act General Regulations* in this Policy is intended for information and

reference purposes only. In the case of any discrepancy or conflict with this Policy, the official *Act* and *Regulations* shall prevail.

3. EFFECTIVE DATE

- 3.1** This Policy is effective immediately and shall apply to all information created by the College after April 1, 2019 the date the College fell under the *FOIPP Act*.
- 3.2** All requests for information created before April 1, 2019 shall be determined in accordance with the policies and practices in effect at the College at the applicable time.

4. DEFINITIONS

- 4.1** Holland College is a designated public body under the *FOIPP Act* and the President of Holland College is the “head” of Holland College as defined by the *FOIPP Act*.
- 4.2** See Administrative Regulation 20-09-01 (FOIPP, Access to Information and Protection of Privacy) and the [FOIPP Act](#) for other applicable definitions.

5. RECORDS TO WHICH THIS POLICY AND THE ACT APPLY

- 5.1** This policy applies to all records in the custody or under the control of Holland College, but does not apply to the following:
 - a)** a personal note, communication or draft decision created by or for a person who is acting in a judicial or quasi-judicial capacity;
 - b)** a question that is to be used on an examination or test;
 - c)** teaching materials
 - (i)** of an employee of a designated educational body,
 - (ii)** of a designated educational body, or
 - (iii)** of both an employee of a designated educational body and the designated educational body;
 - d)** research information of an employee of a designated educational body;
 - e)** published works collected by the Holland College library in accordance with the library’s acquisition of materials policy;
 - f)** a personal record of an appointed member of the College Board of Governors;
- 5.2** Notwithstanding paragraph 5.1, this does not apply to a record that was created by or for, or in the custody of Holland College

before April 1, 2019. All records created by or for, or in the custody of Holland College prior to April 1, 2019 fall under Revision One of this policy.

6. ACCESS TO RECORDS

6.1 The College routinely makes large amounts of institutional and other information available to the public on its website. The College is committed to continuing this online practice. If information is not available on the College's website, an access request may be filed with the Office of the Chief Privacy Officer (the "Privacy Office") in accordance with this Policy.

7. OFFICE OF THE CHIEF PRIVACY OFFICER

7.1 The Privacy Office handles access requests and privacy complaints made to the College. The Privacy Office also carries out other administrative and educational duties associated with this Policy and its Regulation.

8. RESPONSIBILITIES

8.1 The development and maintenance of this Policy and the associated Administrative Regulation is the responsibility of the President of the College.

8.2 The administration of this Policy and the Administrative Regulation is the responsibility of the Privacy Office as set out above and in the Regulation.