



COLLECTION OF PERSONAL INFORMATION PROTOCOL

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Approved by: Executive Group
Responsible Office(s): Associate Dean, Administration
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Planning & Risk Manager

1.0 Purpose

- (i) To ensure compliance with the privacy rules in Ontario's Freedom of Information and Protection of Privacy Act.
- (ii) To ensure that the School collects personal information using an appropriate method and notice of collection.
- (iii) To ensure that the information privacy rights of those individuals who give their personal information to the Northern Ontario School of Medicine are protected.

2.0 Responsibility

The School officials named by the Head of the Institution and Delegation of Authority Policy as Authorized Officers are responsible for ensuring the implementation of this policy.

3.0 Scope

This policy applies to all units of the School.

4.0 Introduction

The Freedom of Information and Protection of Privacy Act contains six privacy rules:

1. Collection
2. Accuracy
3. Protection
4. Use
5. Disclosure
6. Retention

Together these rules make up the Act's Code of Fair Information Practices. Collection of personal information is the key privacy rule upon which all others are based.

5.0 Definitions

Information recorded information.

Recorded..... information that is recorded or stored by graphic,
Information electronic, mechanical or other means.

Record..... any document created in the course of practical School activity
and constituting written evidence of that activity; such as a

letter, memorandum, electronic mail, voice message, map, drawing, photograph, voucher, report and any other thing on which information is recorded or stored.

Collection..... the collection of personal information:

- by or for the School, whether the information is collected directly from the person the information is about or indirectly from another source (e.g. a person or organization internal or external to the School); and
- when such information is assembled or brought together and written down or recorded by any means (e.g. interview, questionnaire, survey, poll, audio tape, computer disk or tape, form, telephone call or letter)

Personal information must be collected directly from the individual it is about except in limited and specific circumstances.

Authorization personal information may be collected by the
for Collection School only if the collection of that information is expressly authorized by law, the information is collected for the purposes of law enforcement, or the information relates directly to and is needed for an operating program or activity of the School.

Notification of..... the School must tell an individual from whom it
Collection collects personal information the purpose for collecting it, the legal authority for collecting it, and where the individual might receive answers to questions about the collection.

Personal recorded information about an identifiable
Information individual which includes, but is not limited to names, home addresses and telephone numbers, age, sex, marital or family status, identifying number, race, national or ethnic origin, colour, religious or political beliefs or associations, educational history, medical history, disabilities, blood type, employment history, financial history, criminal history, anyone else's opinions about an individual, an individual's personal views or opinions, and name, address and phone number of parent, guardian, spouse or next of kin.

It does not mean the position, function and remuneration of a School employee.

Privacy..... the claim of individuals to determine for themselves when, how and to what extent information about themselves is communicated to others. Privacy includes such concepts as confidentiality of our personal beliefs and control over

information about ourselves and others' knowledge of our affairs.

6.0 Policy

- (i) Normally the School shall collect recorded personal information directly from individuals, ensuring at all times that it uses an appropriate notice and method of collection as described below under Direct Collection of Personal Information.
- (ii) The School shall collect only recorded personal information about an individual indirectly from another source when:
 - authorized in advance by the individual;
 - in accordance with the Act's provisions as described below under Indirect Collection of Personal Information; or
 - the information is available through a public source.
- (iii) The School shall only collect personal information that relates directly to and is necessary for its operating programs and activities.

7.0 Procedures

7.1 Purpose for Which Personal Information may be Collected

7.1.1 The Freedom of Information Protection of Privacy Act recognizes the legitimate need to collect personal information in order to carry out ones mandate and to provide services but restricts that collection to a defined set of circumstances.

The circumstances are:

- the collection of information is expressly authorized by or under an Act;
- the information is collected for purposes of law enforcement; *or*
- the information relates directly to and is necessary for the School's operating programs or activities.

7.1.2 The School's operating program is any series of functions designed to carry out all or part of its mandate and an activity is an individual action designed to assist in carrying out an operating program.

7.1.3 Personal information collected must be relevant to the purpose for which it is being collected.

7.1.4 The School may do its own collection or may authorize an outside agent to carry out the collection on its behalf, either under contract or through an agreement or arrangement in writing with the other agency.

- 7.1.5** Any written agreement or contract with an outside agent should stipulate that the collection, protection, retention and disclosure of personal information will be governed by the Act.

7.2 How Personal Information is to be Collected

FIPPA promotes an individuals' control over his or her personal information by requiring, with few exceptions, that personal information be collected directly from the person it is about unless another method of collection is authorized by the person.

7.2.1 Direct Collection of Personal Information

- (i) Collecting personal information directly from the person concerned helps ensure that the School keeps up-to-date, accurate and complete information.
- (ii) The Act imposes an obligation on the School to notify individuals of the purpose for which it is collecting the information, specify the ways in which their information will be used, its legal authority for the collection and a contact person who can answer questions about the collection.
- (iii) Notice should be given at the beginning of a process either on the form used to collect the information or by giving the same notice to people at the beginning of an interview, mediation, conciliation, arbitration or inquiry process.
- (iv) The notification should be in writing wherever possible. If notification is done verbally, the School should follow up with a written notification to the person(s) concerned.
- (v) This type of collection notice is called informed notice because it recognizes the individual's right to know and understand the purpose of the collection and how the information will be used. It also allows the person to make an informed decision as to whether or not to give the information in cases where a response is not mandatory.

7.2.2 Indirect Collection of Personal Information with Consent

- (i) Indirect collection of personal information is illegal under the FIPPA except in limited and specific circumstances.
- (ii) When collecting personal information about an individual from another source, the School must first obtain written authorization from the person the information is about; but, if permission is given verbally the School should document the conversation and send a letter to the person concerned verifying the consent.

- (iii) When asking a person to give consent for indirect collection of personal information, s/he should be informed of:
 - the nature of the personal information to be collected;
 - the purpose of the indirect collection;
 - the reasons for making the collection indirectly; and
 - the consequences of refusing to authorize the indirect collection.
- (iv) Where another source is asked for personal information about an individual, the source must also be informed of the purpose and authority for the collection of personal information about this individual.
- (v) This type of collection notice is called informed consent because it gives notification as well as seeking the individual's consent to collect information indirectly from another source (collection is not permitted without consent).

7.2.3 Indirect Collection of Personal Information without Consent

- (i) The School may collect personal information indirectly without prior written authorization according to Section 39 (1) of the Freedom of Information and Protection of Privacy Act (Appendix A). In the following circumstances:
 - determining suitability for an honour or award, including a scholarship, prize or bursary; or
 - a proceeding before a court or a judicial or quasi-judicial tribunal; or
 - collecting a debt or fine or making a payment; or
 - law enforcement; or
 - another method of collection is authorized by the Information and Privacy Commissioner or another statute.
- (ii) Notification and consent is not required when information about an individual is collected exclusively from sources in the public domain (such as newspaper clippings, published directories or biographical dictionaries).

7.2.4 Points of Collection for Personal Information

- (i) The main sources to collect personal information at the School will be upon registration, application for graduation, and employment sign-up. These two points must have notices of collection to assist in making the use of personal information, its dissemination and retention, clear to applicants.
- (ii) All forms that collect personal information in any media format must be made FIPPA compliant by following the checklist and guidelines offered in Appendices B to E.

**Section 39 (1) of the Freedom of Information and Protection of Privacy Act
Collection of Personal Information**

Manner of Collection

39. (1) Personal information shall only be collected by an institution directly from the individual, to whom the information relates unless,
- (a) the individual authorizes another manner of collection;
 - (b) the personal information may be disclosed to the institution concerned under section 42 or under section 32 of the *Municipal Freedom of Information and Protection of Privacy Act*;
 - (c) the Commissioner has authorized the manner of collection under clause 59 (c);
 - (d) the information is in a report from a reporting agency in accordance with the *Consumer Reporting Act*;
 - (e) the information is collected for the purpose of determining suitability for an honour or award to recognize outstanding achievement or distinguished service;
 - (f) the information is collected for the purpose of the conduct of a proceeding or a possible proceeding before a court or tribunal;
 - (g) the information is collected for the purpose of law enforcement; or
 - (h) another manner of collection is authorized by or under a statute. R.S.O. 1990, c. F.31, s. 39 (1).

Checklist for Review of Forms for Compliance with Privacy Protection Provisions

This checklist focuses on forms used for the collection of personal information. By bringing forms into compliance with the privacy protection provisions of the Act, School units will:

- Support the public's right to know what personal information the School collects and how this information is used;
- Support the right of individuals to access their own personal information; and
- Help assure individuals that their personal information is protected from unauthorized collection, use or disclosure.

All School units must bring existing forms into compliance by December 31, 2008 so that the School can fully meet its FIPPA obligations.

Definitions

Personal information is defined in Section 2 of the Act as recorded information about an identifiable individual, including,

- (a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- (b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- (c) any identifying number, symbol or other particular assigned to the individual,
- (d) the address, telephone number, fingerprints or blood type of the individual,
- (e) the personal opinions or views of the individual except where they relate to another individual,
- (f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- (g) the views or opinions of another individual about the individual, and
- (h) the individual's name where it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

Personal information bank is defined in Section 2 of the Act as

"...a collection of personal information, that is organized or retrievable by the name of an individual or by an identifying number, symbol or other particular assigned to an individual."

Collection, Use and Disclosure of personal information is:

Collection of personal information means the collection of personal information by or for the School, whether the information is collected directly from the person the information is about or indirectly from another source.

Use of personal information means access to and use of personal information within the School.

Disclosure of personal information means the release of personal information to any person or organization outside the School.

Checklist of Mandatory Requirements

This checklist covers mandatory requirements for compliance with the Act.

1) Authorization for Collection

What is the authorization for collection of the personal information on the form?
(At least one must be **YES**.)

- ⇒ Collection of the information is specifically authorized by or under FIPPA.
- ⇒ The information is collected for the purposes of law enforcement.
- ⇒ The information relates directly to and is necessary for operating a program or activity of the School.

If none of the above questions has been answered with a **YES**, a revision to procedures may be required. Consult the School's Corporate Administration Officer, Office of the Associate Dean, Administration.

2) Source of Information

Is the form designed to be filled out by the individual or by the School on behalf of the individual (direct collection)?

If **YES**, go to Question 3.

If **NO**: ie. the form is designed to be filled out by a source other than the individual or an agent of the School (indirect collection)? If so, is there evidence on the form or elsewhere on file of one of the following:

(At least one must be **YES**.)

- ⇒ The indirect collection is authorized by the individual the information is about, by statute, or by the Information and Privacy Commissioner.
- ⇒ The personal information on the form is provided by another public body, in accordance with Section 39 of the Act. (<http://www.e-laws.gov.on.ca>)
- ⇒ The personal information is collected to determine the suitability for an honour or award.
- ⇒ The personal information is collected for the purpose of collecting a debt or fine or making a payment.
- ⇒ The personal information is collected for a proceeding before a court or a judicial or quasi-judicial tribunal.
- ⇒ The personal information is collected for law enforcement purposes.

If none of the above questions has been answered with a **YES**, a revision to procedures may be required. Consult the School's Corporate Administration Officer, Office of the Associate Dean, Administration.

3) **Notification of Collection**

Is notification of the following points provided to the person from whom the information is collected?

(All must be **YES**.)

- ⇒ The specific purposes for which the information will be used.
- ⇒ The specific legal authority for the collection of the information.
- ⇒ The title, address and telephone number of an official in the School who can answer questions about the collection of the personal information.

This notification may be printed on the collection form, on a separate form or given verbally.

If notification as described above is not given to the person from whom the information is collected?

(One of the following must be **YES**.)

- ⇒ The information is about law enforcement or is information the disclosure of which could be harmful to law enforcement.
- ⇒ The minister responsible for the Act has excused the public body from complying with notification requirements.

If neither of the above questions has been answered with a **YES**, a revision to procedures may be required. Consult the School's Corporate Administration Officer, Office of the Associate Dean, Administration.

Checklist of Optional Guidelines

This checklist cover points which are not mandatory requirements for compliance with the Act. These guidelines should be considered in reviewing forms used to collect sensitive personal information.

1) **Optional Guidelines for Notification on Printed Forms**

Does the design of the form ensure that the individual from whom the information is collected is given a copy of the notification?

Does the design of the form ensure that a copy of the notification is also kept on file by the public body?

Does the notification of collection on the forms include the following information:

- ⇒ The right of the person the information is about to request a correction.
- ⇒ The right of the person the information is about to appeal a refusal to correct information.
- ⇒ A description of the role of the Information and Privacy Commissioner.

If the form is designed to be filled out from a source other than the individual the information is about (indirect collection) is there evidence on the form or that:

- ⇒ A notification of collection is provided to the person the information is about?
- ⇒ A copy of the notification is kept on file by the public body?

2) **Optional Guidelines for Computer Generated Forms**

If the information is either collected on an electronic form or keyed directly into a database during an interview:

- ⇒ Is there provision for obtaining the individual's signature authorizing collection and use of the information?
- ⇒ Is a hardcopy of the completed form provided to the person from whom the information is collected?
- ⇒ Is a hardcopy notification of collection (as outlined in part 3 of the Checklist of Mandatory Requirements) provided to the person the information is about?
- ⇒ Does the office retain a copy of the authorization and/or notification?

If the answer to any one of questions in Section 2 is **NO**, is some other form of audit trail maintained of the authorization for collection, the source of information and the notification of collection and use?

Guidelines on Interim Procedures

The following are suggested guidelines to bring existing forms into compliance with the Act.

- ⇒ Include the requirements of the Act in your normal forms review process.
- ⇒ Keep stocks of all forms used to collect personal information at minimum levels pending review.
- ⇒ Make revisions to forms at normal re-order points to avoid special printing runs.
- ⇒ Set up interim procedures for staff to follow pending forms revision:
- ⇒ Staff that receive forms containing personal information in person will be trained to give a verbal notification that meets the requirements of the Act. Such verbal notification should cover: the purpose for which the information is collected; the authorization for collection; and the name of a person who can provide more information about the collection and use of the information.
- ⇒ Prepare a supply of photocopied notifications covering the above points and attach to forms when they are given out to individuals for completion.
- ⇒ In cases where some of the information on a form should no longer be collected, instruct clients or employees not to fill out certain fields. Such instructions may be given verbally or on a printed notification of collection attached to the form. If the form is photocopied rather than preprinted, the fields which should not be completed may be blacked out prior to photocopying.