GUIDELINE

GDL-48

Freedom of Information and Protection of Privacy Act Synopsis

Last updated: August 2, 2017 (v1.1)

1. Purposes of the Act

1.1 What are the purposes of the Act?

1.1.1 To make public bodies more accountable to the public.

1.1.2 To protect personal privacy.

1.2 How are the purposes of the Act achieved?

1.2.1 By giving the public a right of access to records.

1.2.2 By giving individuals a right of access to personal information about themselves.

1.2.3 By giving individuals a right to request correction of personal information about themselves.

1.2.4 By specifying limited exceptions to the right of access.

1.2.5 By ensuring appropriate collection, use and disclosure of personal information.

1.2.6 By providing an independent review of decisions made under the Act.

2. Scope of the Act

2.1 What does the Act not do?

2.1.1 The Act does not replace other channels for access to information—it is a means of last resort.

2.1.2 The Act does not limit in any way access to information that is not personal information and is available to the public.

2.2 When does the Act not apply?

2.2.1 The Act does not apply to a record of a question that is to be used on an examination or test.

2.2.2 The Act does not apply to a record containing teaching materials or research information of University employees.
3. Freedom of Information

3.1 What information rights are in the Act?

3.1.1 The right of access to any record held by the University, including a record containing personal information about the applicant.

3.1.2 The right of access does not include information to which an exception applies.

3.1.3 If a record can be severed, the right of access applies to the remainder of the record.

3.1.4 The right of access may be subject to the payment of a fee.

3.2 How to make a request

3.2.1 An applicant must make a written request.

3.2.2 An applicant may ask for a copy of the record or to examine the record.

3.2.3 The University must make every reasonable effort to assist applicants and to respond in a timely way, openly, accurately and completely.

3.2.4 The University must respond within 30 working days after a request is received.

3.2.5 The University must tell the applicant its decision and explain the specific reasons when access is refused.

3.2.6 The University may extend the time for responding to a request for up to 30 working days or longer in specific circumstances.

3.2.7 University may transfer the request to another public body in specific circumstances.

3.3 What exceptions are in the Act?

3.3.1 Draft resolutions considered in closed session

3.3.2 Policy advice or recommendations

3.3.3 Legal advice

3.3.4 Disclosure harmful to law enforcement

3.3.5 Disclosure harmful to the financial or economic interests of the University

3.3.6 Disclosure harmful to individual or public safety

3.3.7 Information that will be published or released within 60 days

3.3.8 Disclosure harmful to business interests of a third party

3.3.9 Disclosure harmful when an unjustified invasion of personal privacy
Exceptions 1 to 7 are discretionary – the University *may* refuse access.

Exceptions 8 and 9 are mandatory – the University *must* refuse access.

4. Protection of Privacy

4.1 What personal privacy rights are in the Act?

4.1.1 The University must tell an individual from whom it collects personal information the purpose and legal authority for collecting it.

4.1.2 The University must collect personal information directly from the person whom it concerns.

4.1.3 The University must make every reasonable effort to ensure that the personal information it uses is accurate and complete.

4.1.4 A person may request a correction if s/he believes there is an error or omission in her or his personal information.

4.1.5 The University must make reasonable security arrangements to ensure the authorized collection, access, use, disclosure and disposal of personal information.

4.1.6 The University may only use personal information for the purpose for which it was collected or for a consistent purpose.

4.1.7 The University may disclose personal information only in specific circumstances, including:

- when it is not an unjustified invasion of personal privacy
- receipt of written consent
- to comply with other legislation that allows disclosure
- to comply with a judicial order
- to allow a University employee to perform his / her duties
- to an MLA or union representative authorized by the individual
- to a law enforcement agency under certain conditions
- if there are compelling circumstances affecting anyone's health and safety or if it is necessary to notify next of kin
- for research, statistical, archival or historical purposes
5. Reviews and Complaints

5.1 A person can request the B.C. Information and Privacy Commissioner to review any decision made by the University that relates to a request.

6. Fees

6.1 The University may require an applicant to pay a fee for specific services.

6.2 Fees do not apply to a request for an applicant’s own personal information.

7. Definitions

7.1 **Local Public Body** – Simon Fraser University

7.2 **Records** – includes correspondence, memoranda, books, plans, maps, drawings, photographs, films, sound recordings, videotapes and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means.

7.3 **Personal Information** – means recorded information about an identifiable individual.

7.4 **Sever** – means to remove information to which an exception applies and disclose the remainder of the record.