HEAD OF THE INSTITUTION AND DELEGATION OF AUTHORITY UNDER THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

EXECUTIVE SUMMARY

In compliance with British Columbia's Freedom of Information and Protection of Privacy Act ("the Act"), this policy designates the General Counsel and University Secretary as the Head of Simon Fraser University ("the University") for the purposes of the Act. This policy confirms the Head's authority to designate Decision-Making Authorities and Implementation Authorities and the Head's legislative power to delegate the performance of duties and functions under the Act to them.

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1.0 PURPOSE

1.1 The purpose of this policy is to designate the head of Simon Fraser University (“the University”) for the purposes of, and in compliance with, the *Freedom of Information and Protection of Privacy Act* of British Columbia (“the Act”).

2.0 SCOPE AND JURISDICTION

2.1 This policy applies to all University units and employees.

3.0 DEFINITIONS

3.1 See Appendix A for the definitions of words used in this policy and its associated procedures.

4.0 POLICY

4.1 The Board of Governors, pursuant to section 77(a) of the Act, designates the General Counsel and University Secretary of Simon Fraser University as the head of the institution (“Head”) for the purpose of administering the University’s compliance with the Act.

5.0 ROLES AND RESPONSIBILITIES

5.1 The Head is responsible for administering the University’s compliance with the Act. The Head is authorized by section 66 of the Act to delegate to any person any duty, power, or function of the Head, except the power to delegate. The Head designates Decision-making Authorities and Implementation Authorities.

5.2 A Decision-making Authority’s responsibilities are to:

5.2.1 Perform the duties or exercise the functions under the Act that are delegated by the Head; and

5.2.2 Approve and accept the specified transactions listed in Schedule A, normally for the offices and programs that report to the named University officer.

5.3 The Implementation Authority’s responsibilities are to:

5.3.1 Process formal freedom of information request and to correct personal information made under the Act by:
a. Logging, monitoring, and tracking formal requests for information that is in the custody or control of the University;

b. Coordinating the location, retrieval, and production of records that respond to a request and obtaining copies from University departments and employees;

c. Preparing required notices to applicants and third parties;

d. Reviewing records for confidential and personal information to which exceptions to the right of access apply;

e. Documenting the review;

f. Severing records if necessary; and

g. Preparing an Access Review Recommendation for the appropriate Decision-Making Authority.

5.3.2 Investigate privacy breaches and complaints.

5.3.3 Serve as the primary contact with the Office of the Information and Privacy Commissioner for British Columbia regarding complaints or requests for review of University access and other decisions made under the Act including preparation for mediation and Commissioner’s inquiries.

5.3.4 Provide advisory services by interpreting the provisions of the Act and how they apply to the University’s records, administration, and operations.

5.3.5 Provide information and training to University employees about the law and its application to University records, administration, and operations.

5.3.6 Develop information policy and procedure to coordinate the University’s administration and compliance with the Act.

5.3.7 Be the office of record documenting the University’s functions and activities under the Act.

5.3.8 Evaluate program operations and costs.

6.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

6.1 The legal and other University Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:

6.1.1 *University Act*, R.S.B.C. 1996, c. 468

7.0  **ACCESS TO INFORMATION AND PROTECTION OF PRIVACY**

7.1 The information and records made and received to administer this policy are subject to the access to information and protection of privacy provisions of British Columbia’s *Freedom of Information and Protection of Privacy Act* and the University’s Information Policy series.

8.0  **RETENTION AND DISPOSAL OF RECORDS**

8.1 Information and records made and received to administer this policy are evidence of the University’s actions to designate the Head of the institution for University’s compliance with the Act. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

9.0  **POLICY REVIEW**

9.1 This policy must be reviewed every five years and may always be reviewed as needed.

10.0  **POLICY AUTHORITY**

10.1 This policy is administered under the authority of the University Secretary and General Counsel.

11.0  **INTERPRETATION**

11.1 Questions of interpretation or application of this policy or its procedures shall be referred to the General Counsel and University Secretary whose decision shall be final.

12.0  **PROCEDURES AND OTHER ASSOCIATED DOCUMENTS**

12.1 Schedule A – Delegation of Authority under the *Freedom of Information and Protection of Privacy Act* of British Columbia.

12.2 Appendix A contains the definitions applicable to this policy and its associated Schedules and procedures.