PROTECTION OF PRIVACY - PROCEDURE FOR THE DISCLOSURE OF PERSONAL INFORMATION IN EMERGENCY OR COMPELLING CIRCUMSTANCES

1.0 PREAMBLE

1.1 In Emergency situations and Compelling Circumstances, the Freedom of Information and Protection of Privacy Act (“FIPPA”) authorizes Simon Fraser University (“the University”) to responsibly disclose an individual’s Personal Information, including information about their mental, emotional, or other health conditions, to external third parties who may be able to help in a crisis.

1.2 This procedure informs members of the University Community about the circumstances under which Authorized Employees can disclose the Personal Information of an individual to a third party without the individual’s Consent in Emergency situations or Compelling Circumstances.

2.0 PRINCIPLES

2.1 The University is committed to maintaining an environment where all members of the University Community and the public may participate safely in the University’s activities.

2.2 The University takes seriously its responsibility to protect the Personal Information entrusted to its care by students, faculty, staff, alumni, and other third-party affiliates.

2.3 The University is committed to obtaining the Consent of an individual before disclosing their Personal Information in the normal and ordinary course of the University's activities.

2.4 Within the University, the use of Personal Information is limited to those who need to know the information in order to discharge their official duties.

2.5 In Emergency situations or Compelling Circumstances, the preservation of life trumps personal privacy.
2.6 This procedure applies to the Disclosure of Personal Information where time is of the essence.

2.7 A decision to disclose an individual's Personal Information without their Consent for the purposes of this procedure involves the exercise of responsible and reasoned judgement.

2.8 In accordance with the University’s Protection of Privacy (I 10.11) policy, Personal Information may be used or disclosed as permitted or required under FIPPA or other law.

2.9 Unless it would cause further harm to someone's health and safety, a decision to disclose an individual's Personal Information to third parties without their Consent must be followed up with a notification to that individual of said Disclosure.

3.0 PURPOSE

3.1 These procedures apply when there is concern for the health or safety of a student, faculty, staff, alumnus or other third-party affiliate of the University and it is deemed necessary to disclose that person’s Personal Information to an external third party who may be able to help in a crisis. In this type of circumstance, it is not possible to obtain timely Consent to disclose that Personal Information.

4.0 DEFINITIONS

4.1 See Appendix A to the Protection of Privacy (I 10.11) policy for definitions of words used in the policy and in these procedures.

5.0 PROCEDURE

5.1 All persons who are recommending or deciding whether or not to Disclose Personal Information under this procedure should ask four questions: a) who needs to know this information? b) what specific and limited information do they need to know? c) why do they need to know? and d) what are the safety risks of not sharing the information?

Disclosure of Personal Information in an Emergency

5.2 An Emergency means a present or imminent event of short duration that affects or threatens: the health, safety, or welfare of people, or University property and infrastructure.

5.3 When an Authorized Employee is faced with circumstances where the normal methods for obtaining Consent and other routes authorized by statute for Disclosure are not available and where there is an Emergency, the Authorized Employee shall share Personal Information as relevant and necessary with the Chief Safety Officer.

5.4 The Chief Safety Officer will consider whether a Disclosure is necessary, to whom the Disclosure should be made, and the content of the Disclosure and make recommendations to the General Counsel and University Secretary. The General Counsel and University Secretary (or delegate) is authorized to decide to disclose the Personal Information. The General Counsel and University Secretary (or delegate) will determine whether to authorize the Disclosure of Personal Information and to whom the Disclosure will be made.
Disclosure of Personal Information in Compelling Circumstances

5.5 Compelling Circumstances exist where one is compelled to act to protect an individual whose health or safety is in imminent danger.

5.6 When an Authorized Employee is faced with circumstances where the normal methods for obtaining Consent and other routes authorized by statute for Disclosure are not available and where Compelling Circumstances exist:

5.6.1 The Authorized Employee will consult with the applicable departmental or unit Chair, Director or Dean about the appropriate course of action;

5.6.2 Considering the nature of the circumstances and the obligations and protections under FIPPA and the University’s Protection of Privacy (I 10.11) policy, the Authorized Employee and the appropriate department Chair, Dean or unit Director will jointly:

a. Consider whether the Disclosure should be made, to whom the Disclosure should be made, and the content of the Disclosure;

b. Make recommendations to the General Counsel and University Secretary who is authorized to decide to disclose the Personal Information; and

c. If time permits, the reviewing Authorized Employee(s) may consult with the appropriate University unit to assist in assessing whether Compelling Circumstances exist. When consulting with other units, the reviewing Authorized Employee(s) shall only provide identifying Personal Information if the unit they are consulting with requests or requires it.

5.6.3 If the reviewing Authorized Employee transfers the responsibility for handling the matter to another Authorized Employee, the reviewing Authorized Employee shall ensure that the receiving Authorized Employee to whom the matter is being transferred is fully aware that they are now responsible for the matter.

5.7 Where the recommendation is to disclose Personal Information to an external agency, the Authorized Employee shall contact the General Counsel and University Secretary (or delegate) who will determine whether to authorize the Disclosure of Personal Information and to whom the Disclosure will be made.

5.8 If the incident occurs after business hours, contact the Security Supervisor on duty at 778-782-4500

Disclosure of Personal Information in Compassionate Circumstances

5.9 When an Authorized Employee is faced with circumstances where the normal methods for obtaining Consent and other routes authorized by statute for Disclosure are not available and where there is a need to contact in a timely manner the emergency contact person or the next-of-kin of an ill, injured, or deceased member of the University Community, contact may be initiated by the Authorized Employee.

5.10 To locate the emergency contact or next-of-kin information, the Authorized Employee will determine if an emergency contact has been provided to the University by the affected individual and will inform the applicable departmental or unit Chair or Director of the request for
information and the need to check for the emergency contact. If the Authorized Employee does not have access to the appropriate electronic system, they may obtain assistance from the departmental or unit staff member with authorized access.

5.11 Where an individual requests access to the personal information of a deceased member of the University Community, refer the request to the Coordinator of Information and Privacy for advice about who may act for a deceased individual.

**Record Keeping**

5.12 The individual authorizing the Disclosure under sections 5.4 and 5.7 above will maintain a confidential file containing a brief record of the Disclosure decision, including the date of the Disclosure, the affected individuals, the extent of Personal Information disclosed, to whom the Personal Information was disclosed, the decision to assume the responsibility to disclose, the reasons justifying the Disclosure without normal Consent, and the date and means by which the affected individual was notified of the Disclosure.

**Notification**

5.13 The individual authorizing the Disclosure under sections 5.4 and 5.7 above, is responsible to ensure, where appropriate, that the affected individual is notified in writing of the Disclosure.

5.14 Notification may not be appropriate and should not be given where giving notice could harm someone's health and safety, including the individual whose Personal Information is disclosed.

**Summary of Roles and Responsibilities**

5.15 The roles and responsibilities in these procedures are summarized in the following Table:

<table>
<thead>
<tr>
<th>Situation</th>
<th>FIPPA section</th>
<th>Recommendation</th>
<th>Authority to Disclose</th>
<th>Record Keeping</th>
<th>Notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency</td>
<td>33(3)(a)</td>
<td>Chief Safety Officer</td>
<td>GC &amp; USEC</td>
<td>GC &amp; USEC</td>
<td>GC &amp; USEC</td>
</tr>
<tr>
<td>Compelling</td>
<td>33(3)(a)</td>
<td>Authorized Employee &amp; Chair, Dean or Director</td>
<td>GC &amp; USEC</td>
<td>GC &amp; USEC</td>
<td>GC &amp; USEC</td>
</tr>
<tr>
<td>Compassionate</td>
<td>33(3)(c)</td>
<td>Authorized Employee &amp; Chair, Dean or Director</td>
<td>Authorized Employee</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
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


6.1.3 Protection of Privacy (I 10.11)