

**Simon Fraser University
Office of the Registrar
Memorandum**

To: Senate
From: Senate Committee on Agenda and Rules
Date: December 18, 2002
Subject: Confidentiality Policy – I10.10

For Information

The Senate Committee on Agenda and Rules at its meeting on December 17, 2002 determined that the Confidentiality Policy should be forwarded to Senate for information.

A handwritten signature in black ink, appearing to be "A. D. Smith", is located in the lower right quadrant of the page.



Preamble

Simon Fraser University is committed to the principles of public accountability and the protection of personal privacy. In its day-to-day activities, the University collects information about current and prospective students and employees in order to make decisions about admission, appointment, evaluation of performance, awards and discipline. Employees as well as committees composed of faculty and/or staff, students and members of the external community make these decisions, frequently using letters of reference obtained from third parties. Consequently, there is a need to articulate the role of confidentiality in these processes.

Definitions

“Award” includes, but is not limited to, honorary degrees, research grants, fellowships, scholarships or bursaries.

“Candidate” refers to a current or prospective student or employee, or nominee who is being considered by a committee.

“Committee” includes a subcommittee, a committee of one and a committee of the whole.

“Confidential” means to keep private or secret, safe from access, use or disclosure by people who are not authorized to handle the personal information.

“Personal information” means recorded information about an identifiable 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 University employee.

1. Policy

1.1 Any employee or committee established under University, Faculty or Departmental policy or any ad hoc committee that is charged with making a recommendation or other decision on one or more of the following matters:

- Appointment and reappointment
- Renewal, tenure or promotion
- Admission to the University or to a program or Faculty within the University and associated matters
- Evaluation of academic or employment performance
- Awards or honours
- Investigation of misconduct or imposition of discipline

must treat as confidential the personal information of the candidate.

1.2 Any letter of reference or personal evaluation is considered supplied in confidence by a third party to an employee or committee unless the third party expressly states otherwise.

2. Procedures

2.1 All records containing confidential personal information created or received by an employee or committee must be protected against unauthorized access, collection, use, disclosure, retention or disposal through the use of reasonable security measures and effective records management.

2.2 Each employee or committee covered by this policy must do the following to safeguard the confidentiality of the University's activities:

- Provide written notice to the candidate that the information that s/he provides may only be used or disclosed for the original purpose for which it was collected or for a purpose consistent with the original purpose. Any other use or disclosure will require the written consent of the candidate.
- Specify who, other than the employee who needs to know or members of the committee, may have access to some or all of the confidential material and under what circumstances.
- Describe how the confidential material is to be circulated to and collected from other employees or committee members.
- Mark the materials as confidential prior to distribution.

2.3 When a new committee is formed, the chair must inform all members of the confidentiality requirements and have this recorded in the minutes.

2.4 When letters of reference or other personal evaluations are to be solicited by the committee, the candidate must give her/his prior written consent as to who may be contacted. Such consent is not required where the candidate has provided the committee with the names of potential referees.

2.5 The referee should be provided with the following notice:

“This individual has named you as a person whom we may contact for a reference. The *Freedom of Information and Protection of Privacy Act of British Columbia* allows an applicant to have access to the information contained in his/her letters of reference when that can be done without disclosing the identity of a referee who supplies a reference in confidence. It is therefore understood between Simon Fraser University and yourself that the letter of reference or personal evaluation is supplied in confidence, that is, your identity will not be disclosed to the individual unless you state otherwise.”

2.6 Where a candidate requests access to a letter of reference solicited by the committee and supplied in confidence to the committee, any information that may identify the author must be removed prior to disclosure.

3. Breach of Confidentiality

Failure to protect the confidentiality of a candidate or a referee's personal information is grounds for discipline.

4. Interpretation

Questions of interpretation or application of this policy shall be referred to the President, whose decision is final.