

### **1.0 Preamble**

SKG is not subject to Ontario's Freedom of Information and Protection of Privacy Act.

SKG is committed, however, to meet the intent of this legislation to provide access to information and to ensure the appropriate protection of personal privacy.

### **2.0 Purpose**

This policy sets out SKG's commitments to access to information in its custody and control, and its processes for access to information.

This policy sets out SKG's commitments to the protection of privacy and personal information in its custody and control, and its requirements to put this protection into effect.

### **3.0 Definitions**

"Information and Privacy Officer" means the senior executive in SKG responsible for access to information and protection of privacy with respect to records in SKG's custody and control, regardless of the title of the individual's position.

"FIPPA" means Ontario's Freedom of Information and Protection of Privacy Act.

### **4.0 Information and Privacy Officer**

The board of governors shall appoint an officer or senior employee of SKG to be responsible for development and implementation of policies and processes concerning access to information and protection of privacy with respect to records in SKG's custody or control.

### **5.0 Access to Information**

SKG shall provide access to records that are in its custody and control, where access to records is requested, except where exemptions to access set out in FIPPA would allow an institution subject to FIPPA to withhold access.

- The most significant exemption to access to records concerns the protection of privacy and the confidentiality of personal information. (Please see the section of this policy that concerns privacy and protection of personal information.)
- The other exemptions to access under FIPPA that are most likely to apply to SKG's records include:
  - Third party information (records that reveal a trade secret or scientific, technical, commercial, financial, or labour relations information)
  - Advice or recommendations of SKG staff or consultants

- Information with respect to closed meetings
  - Relations with Indigenous communities
  - Solicitor-client privilege, and
  - Information soon to be published.
- SKG may apply other exemptions allowed by FIPPA.

SKG shall endeavour to meet the spirit and intent of FIPPA concerning limitations on these exemptions.

### **5.1 Requests for access to information and records**

The Information and Privacy Officer shall ensure that:

- Information is readily available on SKG's website concerning the individual or individuals in SKG to whom a request for information may be made;
- SKG employees who may be asked to respond to a request for information are familiar with SKG's policies, and understand the circumstances in which a request for records should be escalated to the Information and Privacy Officer;
- SKG provides a timely response to requests for information, and to requests for access to records.

Where an individual seeking information is not satisfied with SKG's initial response, the individual shall direct a further request for information to the Information and Privacy Officer.

Where an individual is seeking access to specified records that may be under SKG's custody or control, the individual shall direct a request for access to records to the Information and Privacy Officer.

If the Information and Privacy Officer declines to release a record, or where a record responsive to the request does not exist, the Information and Privacy Officer shall provide an explanation to the requester.

### **5.2 Appeal of a decision of the Information and Privacy Officer**

Where an individual who has requested access to records is not satisfied with the Information and Privacy Officer's decision and explanation of the decision, the requester may request SKG's board of governors to review the request.

- The requester shall make this request in writing.

The board of governors shall make a decision concerning access within the time required for two regularly scheduled meetings of the board.

- If both the board and requester are willing, the board may delay a decision to allow time for further discussion with the requester.

A decision of the board shall be final.

### **5.3 Fees applied to requests for access to records**

SKG may charge fees for access to records or partial records where fees are allowed under FIPPA.

- SKG's fees shall be consistent with the requirements of FIPPA and Regulation 460 under FIPPA.

The Information and Privacy Officer may require payment of fees before proceeding to compile records responsive to a request.

## **6.0 Protection of Privacy**

SKG shall meet the spirit and intent of FIPPA as it applies to personal information in its custody and control.

### **6.1 Scope of this policy**

This policy applies to all personal information in the custody or control of SKG, except for personal information of students.

- Protection of privacy and personal information of students is subject to SKG's policy ACAD 08 Student Records.

### **6.2 Definition of personal information**

The definition of "personal information" for the purposes of this policy is the definition found in FIPPA.

The definition of personal information in FIPPA is (in part) recorded information about an identifiable individual that includes:<sup>1</sup>

(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 or telephone number of the individual,

(e) the personal opinions or views of the individual except where they relate to another individual,

(f) correspondence sent to SKG 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,

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<sup>1</sup> The definition found in FIPPA includes information not listed in this policy. This policy includes only information likely to be held by SKG.

(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.

### **6.3 Collection of personal information**

SKG shall only collect personal information that is necessary for the administration of SKG's programs and activities as authorized by its policies or otherwise authorized by the board of governors.

SKG shall collect personal information only from the person to whom the information relates, unless:

- The person authorizes another manner of collection,
- The information is collected for the purpose of determining suitability for an honour or award to recognize outstanding achievement or service, or
- Another manner of collection is legally authorized.

Where SKG collects personal information, SKG shall inform the person of the principal purpose or purposes for which the personal information is intended to be used.

### **6.4 Use of personal information**

SKG shall use personal information under its custody and control only where:

- The person to whom the information relates has consented to the use of that information, and
- The information is used for the purpose for which it was obtained or for a consistent purpose.

SKG shall take reasonable care to ensure that personal information is not used unless it is accurate and up to date.

### **6.5 Disclosure of personal information**

SKG shall not disclose personal information under its custody and control except:

- Where the person to whom the information relates has identified that information in particular and consented to its disclosure;
- For the purpose for which it was obtained or compiled or for a consistent purpose;
- Where disclosure is made to an officer, employee, or agent of SKG who needs the record in the performance of their duties and where disclosure is necessary and proper in the discharge of SKG's functions;
- Where permitted or required by law or by a treaty;

- In compelling circumstances affecting the health or safety of an individual if notice of the disclosure is mailed to the last known address of the individual to whom the information relates;
- In compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased; or
- As otherwise permitted by FIPPA.

## **6.6 An individual's access to and correction of personal information**

An individual about whom SKG holds personal information shall have access to their personal information, where they make a request that provides sufficiently specific information to allow the information to be reasonably retrievable.

- SKG may withhold access to an individual's personal information where FIPPA would permit a refusal to provide access.

An individual about whom SKG holds personal information may request correction of the personal information where the individual believes there is an error or omission in the information.

- Where SKG does not make a requested correction, the individual may require that SKG attach a statement of disagreement to the information reflecting any correction that was requested but not made.

## **6.7 Security of personal information**

SKG shall ensure that records containing personal information are maintained in a secure manner and location, so that only individuals who are authorized to use the records have access to them.

## **7.0 Disclosure of information about SKG employees**

As required by the provision of this policy, and consistent with Ontario's privacy legislation, SKG shall not release personal information for individual SKG employees, including earnings, home address, marital status, and social insurance number, to anyone unless:

- The employee has provided prior written authorization for the disclosure;
- The disclosure is to another SKG employee or agent who has a legitimate need for the information for an authorized administrative purpose; or
- In compassionate circumstances, to facilitate contact with the spouse, a close relative, or a friend of an individual who is injured, ill or deceased.

## **8.0 Related Policies, Procedures & Documents**

ACAD 08 Student Records

SKG's policies and procedures may be found [here](#).

## **9.0 Responsible Officer**

Director of Operations

## **10.0 Version history**

Approved by:	Board
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