

## POLICY CONCERNING THE PROTECTION OF PERSONAL INFORMATION

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**Effective Date:** January 12, 2010

**Originating Office:** Office of the Secretary-General

**Supersedes /Amends:** n/a

**Policy Number:** SG-9

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### PURPOSE

The purpose of this Policy is to inform all members of the University community of the protection that must be accorded to all personal information collected and held by the University. This Policy also sets out the guidelines for the collection and the keeping of such personal information as well as the rights of those wishing to consult a file concerning them.

This Policy is in compliance with the [\*Act respecting Access to documents held by public bodies and the Protection of personal information\*](#) which provides for the protection of confidential information and regulates the collection, communication and conservation of such information. The Act applies to all personal information, whether such information is in paper, electronic or other form.

### SCOPE

This Policy applies to all members of the University community.

### POLICY

1. Personal or nominative information is information which may be contained in any document (paper or other) concerning a natural person, and which allows the person to be identified.
2. All personal information is confidential except in the specific cases provided for by law.
3. The name of a natural person is not personal information except where it appears in conjunction with other information concerning him/her or where the mere mention of his/her name would disclose personal information concerning him/her.

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### Protection

4. The University may collect personal information as is necessary to fulfill its functions and duties.
5. The University shall conserve and/or destroy documents containing personal information in conformity with the law and the University's applicable policies and, in particular, the *Policy on Records Management and Archives* ([SG-10](#)).
6. Before creating a record or document containing personal information, University personnel shall consider whether the creation of such a record or document is necessary and required.
7. University personnel shall avoid creating records or documents containing personal information unless the creation of such a record or document is essential to the duties of such personnel.
8. University personnel shall avoid collecting and/or keeping records or documents containing any personal information which is not necessary for the specific purposes or requirements of such personnel.
9. In the course of their duties, University personnel may have access to personal information and are bound to:
  - Access and consult only the documentation and information required to fulfill their duties
  - Use the personal information only for the purposes of fulfilling their duties
  - Avoid, unless duly authorized, revealing personal information about one person to any other person
  - Maintain files containing personal information in such a way that their confidentiality is assured
  - Whenever possible, use passwords or other appropriate security measures, to protect and prevent unauthorized access to personal information

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- Securely shred and recycle all paper documents containing personal information in accordance with the *Policy on Records Management and Archives* ([SG-10](#))
- Inform one's superior of any situation or event that could compromise, in any way, the security, integrity and/or confidentiality of any personal information held by the University.

### Third parties

10. The University shall communicate personal information to third parties only with the consent of the person concerned and/or to the extent provided by law.
11. All personal information provided to a third party shall be noted, as required by law, in the appropriate Register.

### Accessing personal information

12. All members of the University community have a right to examine any file holding documents relating to them and to ask that any errors be corrected.
13. Members of the University community may access and consult their personal information available through their [MyConcordia Portal](#).
14. If the personal information sought is not available through the MyConcordia Portal then the member may address themselves, with a picture ID, to the appropriate unit or department. The requested personal information may be consulted and/or, for a fee, copies of the documentation may be provided.
15. Requests for access to personal information may be made orally or in writing. Oral requests will be dealt with informally and will not receive a written reply.
16. Requests for access to a document must be specific enough to enable the person responsible to locate the document. Unless the information requested is embodied in a specific document or documents which the requestor can identify, the person responsible is not obliged to provide the information.

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17. Persons seeking access to personal information may, at any time in this process, be asked to make their request in writing to the Secretary General.

### Exceptions

18. The University may refuse to release information about an individual when it is contained in an opinion or recommendation where a final decision has not been made on the matter which is the subject of the opinion or recommendation.
19. In cases where a document contains information that would identify a third person (i.e. letters of reference or assessment), the document may be released with this information deleted.
20. The right to access does not extend to personal notes written on a document or to drafts, preliminary notes, or outlines of documents.
21. The University may refuse to release information in certain circumstances, notably:
- if its disclosure would hamper negotiations with another public body
  - if its disclosure would hamper negotiations in view of a contract
  - if its disclosure would affect a police or judicial proceeding
  - in accordance with any another exceptions provided for by law
22. The University may release personal information without the consent of the person concerned in certain situations, notably:
- if, by law, the personal information is public
  - in accordance with the *Policy on the Emergency Release of Personal Information* ([SG-5](#))
  - to an authorized person of the Commission d'accès à l'information
  - for judicial purposes, pursuant to a court order or subpoena.

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Person responsible for Access

23. The person responsible for the application of this Policy and access to information and the protection of personal information at the University is the Secretary-General.