

TITLE: FIPPA Request Procedure

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**Mandatory Review
Date: November 30,
2020**

**Approved By:
Office of General
Counsel**

1. Purpose

This procedure complements Sheridan's Privacy Policy and sets out the responsibilities of Sheridan whenever institutional Records are requested.

2. Scope

This policy will apply to all access to information requests at Sheridan.

3. Definitions

“Collection” means the act of gathering, acquiring, recording, or obtaining personal information from any source and by any means.

“Consent” means a voluntary agreement to a collection, use, and/or disclosure of personal information for defined purposes.

“Deposit” means a payment of 50 per cent of the fee, if the fee is \$100 or more.

“Disclosure” means making personal information available to a third party.

“Fee Estimate” means a detailed statement of the fee the requester will be required to pay. A fee estimate is required where the fee is \$25 or more. Where the fee is over \$25 and under \$100, the fee is based on the actual work done by the institution to respond to the request. Where the fee is \$100 or more, the fee estimate may be based on a review of representative sample of the records and/or the advice of knowledgeable institution staff that are familiar with the type and content of the records.

“FIPPA” refers to the *Freedom of Information and Protection of Privacy Act*.

“Formal Access Request” refers to a request for access to information which cannot be answered through existing or established processes. A Formal Access Request is processed under terms and conditions set out in FIPPA.

“Informal Access Request” means a request for information from Sheridan that can be satisfied without requiring a Formal Access Request. Informal Access Requests will often be appropriate

when a page-by-page review of exemptions is not necessary and requests are received for the same information on a routine basis.

“Interim access decision” means a decision of the institution where it has not completed all of the work necessary to respond to the request. The interim decision is based on a review of a representative sample of records and/or the advice of knowledgeable institution staff that are familiar with the type and content of the records.

“Personal Information” means recorded information about an identifiable individual, including,

- 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, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except where they relate to another individual,
- f) correspondence sent to an institution 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,
- 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.

However, information about individuals acting in their business or professional capacity such as name and title, work address (including office location), work telephone number, Sheridan e-mail address, etc. is NOT personal information.

“Record” means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes:

- correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof;
- any record that is capable of being produced from a machine readable record under the control of Sheridan by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution, or to which the institution can reasonably gain access;
- E-mail records, including additional/forwarded copies.

“Responsible Executive” means The President or Vice President who is designated to be responsible and accountable for the development, implementation, maintenance and review of a Sheridan Policy. More than one Responsible Executive may be designated for a particular Policy.

“Responsible Office” means an area and/or office of Sheridan that is responsible for developing and administering a Policy, and/or drafting and maintaining Procedures, and/or implementing the business of Sheridan under the direction of a Responsible Executive. More than one Responsible Office may be designated for a particular Policy or Procedure.

“Third Party” means a person, a group of persons, or an organization other than the individual the information is about. An employee of Sheridan, acting in his or her official capacity, is not considered a third party.

“Sheridan Official” refers to an individual who has authority to act in an administrative capacity at Sheridan.

4. Procedure

I. Informal Requests

1. In many cases, the information sought pursuant to a Formal Access Request to information may be already available. Before making a Formal Access Request, individuals should contact the department or faculty they believe has the information they are seeking and ask them if they are able to provide it through an Informal Access Request.
2. If the information is readily available then the department or faculty may direct the requester to the information, or, where appropriate, send the information directly to the individual.

II. Formal Requests

1. When an Informal Access Request is not possible, individuals may make a Formal Access Request to the Office of General Counsel. Sheridan will not accept oral formal FIPPA requests.
2. Sheridan will process formal requests for access when the following conditions are met:
 - i. The request is received in writing
 - ii. The \$5.00 applicable fee for the request (made by cheque or money order) has been received by the Office of General Counsel. Cheques should be payable to “The Sheridan College Institute of Technology and Advanced Learning”. Cash payments should not be sent by mail.
 - iii. The requestor provides a notarized copy of their driver’s license, passport, or other acceptable government photo ID (including the signature). Please provide copy of both sides of the identification
 - iv. The individual has provided sufficient detail to enable an experienced employee of Sheridan, with a reasonable amount of effort, to identify the requested information/record.

3. Sheridan will contact the requester if the request is deficient or needs clarification.
4. The requester's identity will be verified prior to processing any request for personal information.
5. Every reasonable effort will be made to respond to an access to information request within 30 calendar days from the date Sheridan receives a request. However, Sheridan may sometimes extend the time limit where authorized by FIPPA to do so.
6. Sheridan will notify the requester in writing regarding whether or not the request will be granted.
7. All decisions may be appealed to the Information and Privacy Commissioner (IPC).
8. If access is refused, the decision must contain the following elements:
 - The specific exemptions or other provisions the institution is relying on to refuse access
 - A description of the records
 - The reason the exemptions or other provisions apply
 - Details of the institution's exercise of discretion
 - The name and position of the institution's decision maker
 - A statement indicating the decision may be appealed
 - When accompanied by a fee estimate, a statement indicating the requester may ask the institution to waive all or part of the fee

III. Authority

The Office of General Counsel shall have the authority to amend these procedures.

APPENDIX A – FEE SCHEDULE

As noted above, an individual who makes a request for access must pay a \$5 application fee. In addition, the requester must pay fees for:

- I. Manually searching for a record
 - II. Preparing a record for disclosure
 - III. Computer and other costs incurred in locating, retrieving, processing and copying a record
 - IV. Shipping costs
 - V. Other costs incurred in responding to a request, as set by regulation
3. The regulations prescribe the amount to be charged for each component of the fee. In addition to the fees for locating, retrieving and processing a record, fees are also established for photocopies and computer printouts and CD-ROMs.
 4. When Sheridan is calculating fees for records that do not include the requester's personal information, the following factors will be considered:
 - I.

Search time	<i>Note:</i> Sheridan will not charge a fee for manually searching for a record containing the requester's personal information
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	<ul style="list-style-type: none"> ▪ The actions necessary to locate the requested records, taking into consideration how the records are stored and maintained ▪ The actual amount of time needed in each step of locating the requested records
Preparation time	<p><i>Note:</i> The institution cannot charge a fee for preparing a record for disclosure containing the requester's personal information</p> <ul style="list-style-type: none"> ▪ Fees for preparation may only apply to the actual records being disclosed ▪ Preparation will include the amount of time spent: <ul style="list-style-type: none"> i. Severing a record <ul style="list-style-type: none"> • Generally, the permitted preparation time for severing records is two minutes per page, for pages that require multiple severances. • In some circumstances, the permitted preparation time may be less or more than two minutes per page ii. Running reports from a computer system ▪ Preparation for disclosure does NOT include the time spent: <ul style="list-style-type: none"> i. Deciding whether to claim an exemption ii. Identifying records that require severing iii. Identifying and preparing records that require third party notice iv. Packaging records for shipment v. Transporting records to the mailroom or arranging for a courier service vi. For a computer to compile and print information vii. Assembling information and proof reading data viii. Photocopying ix. Preparing an index of records
Photocopies and computer printouts	<ul style="list-style-type: none"> ▪ Each page that is photocopied and/or printed from the computer
Computer costs	<ul style="list-style-type: none"> ▪ The cost of developing a computer program to produce a record ▪ Other costs for which the institution has been invoiced, including computer costs, for locating, retrieving, processing and copying the records
Other costs	<ul style="list-style-type: none"> ▪ Manually searching for a record ▪ Preparing a record for disclosure ▪ Computer and other costs incurred in locating, retrieving, processing and copying a record ▪ Shipping costs ▪ Other costs incurred in responding to a request, as set by regulation ▪ Other costs will NOT include: <ul style="list-style-type: none"> i. Time spent communicating with to the requester ii. Time spent responding to the IPC in the course of an appeal

	iii. Legal costs associated with the request
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APPENDIX B

Interim Access Decisions

When responding to requests, Sheridan may issue an interim access decision accompanied by a fee estimate. The interim access decision must contain the following elements:

- An indication of what exemptions or other provisions the institution might rely on to refuse access
- A description of the records
- An estimate of the extent to which access is likely to be granted
- The name and position of the institution's decision maker
- A statement indicating only the fee estimate may be appealed since a final decision
- A statement indicating the requester may ask the institution to waive all or part of the fee

Where the fee is \$25 or less the institution must complete all work necessary to respond to the request. The institution must issue a final access decision. In this decision, the institution must advise the requester of the applicable fee and include a detailed breakdown of the fee. The institution cannot require the requester to pay a deposit.

Where the fee is over \$25 and under \$100 the institution must complete all work necessary to respond to the request. The institution must issue a final access decision. The institution must include a fee estimate, based on the actual work done, in its final access decision. The institution cannot require the requester to pay a deposit.

Where the fee is \$100 or more the institution may choose not to do all of the work necessary to respond to the request, initially. In this case, it must issue an interim access decision. This interim decision must include a fee estimate, based on a review of a representative sample of the records and/or the advice of knowledgeable institution staff that are familiar with the type and content of the records. The institution may require the requester to pay a deposit equal to 50 per cent of the estimate before taking any further steps to respond to the request.

However, the institution may choose to do all of the work necessary to respond to the request at the outset. If so, it must issue a final access decision. In this decision, the institution must advise the requester of the applicable fee estimate, and include a detailed breakdown of the fee estimate, based on the actual work done. The institution may require a deposit or payment of the entire fee.

In either case, it may be advantageous to discuss the options with the requester before proceeding, as it will increase the likelihood that both parties' needs are met.

5. Related Documentation/Links/Forms

[Privacy Policy](#)

[Notice of Collection and Use of Personal Information](#)