

TITLE: Privacy Policy

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November 30, 2017**

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

Approved By:
 Board of Governors
 President's Council
 Senate

1. Purpose

Privacy is a principal concern whenever Sheridan takes custody or control of Personal Information (as defined below). This Policy will complement Sheridan's existing legislated and regulatory responsibilities with regard to information privacy and data and records management, and ensure Sheridan's continued commitment to high standards of information protection.

2. Scope

This Policy applies to Personal Information (as defined below) in the custody or under the control of Sheridan, other than personal health information that is governed by the *Personal Health Information Protection Act*.

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 identified purposes.

"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.

"Personal Information" is defined in the *Freedom of Information and Protection of Privacy Act* and means recorded information about an identifiable individual, including, but not limited to:

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, gender, gender identity and/or gender expression, 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; subject to the above.

“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.

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

“Student” means any individual who is admitted, enrolled, or registered for study at Sheridan. Individuals who are active in a program, but not enrolled in classes for a particular term (e.g. on a vacation or coop term) are considered to have a continuing student relationship.

“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.

4. Policy

I. Overarching Principles

1. Sheridan is responsible for the Personal Information in its custody or control and will comply with applicable privacy legislation in dealing with such information. Sheridan will also create information management policies that reflect Sheridan’s commitment to the protection of personal privacy and will actively monitor and review those policies to ensure that they are reasonable and reflect current practices.
2. Individuals should understand the purposes for which Sheridan collects Personal Information at the time the information is collected. Personal Information should only be used for the identified purpose for which it is collected or a consistent purpose, except where required or permitted by law. Sheridan will not sell or rent Personal Information to any third party organization or person for any reason without consent or prior notice.
3. Collection of Personal Information should be limited and undertaken only as necessary in accordance with Sheridan’s legitimate business purposes.
4. Personal Information should only be kept as long as necessary to satisfy the purpose for which it was collected unless a longer retention period is required by law or pursuant to Sheridan’s Records and Information Management Policy and related procedures.
5. Sheridan takes all reasonable measures to ensure that Personal Information is as accurate, complete and current. Sheridan will strive to provide users with the ability to update their own Personal Information.
6. Sheridan takes all reasonable measures to protect Personal Information and the Sheridan systems used to store Personal Information. This includes maintaining organizational processes to limit access to Personal Information to only those individuals who require access to it to fulfill the purpose for which it was collected.

II. Accountability

1. Sheridan’s head has delegated responsibility for ensuring compliance with the provisions of FIPPA to Sheridan’s General Counsel.
2. The General Counsel may delegate parts of his or her responsibility as permitted by Sheridan's head.
3. The General Counsel will:
 - i. Coordinate the development and implementation of policies and procedures to manage compliance with FIPPA; and
 - ii. Provide support services to Sheridan employees on matters pertaining to the protection of Personal Information.

III. Collection of Personal Information

1. Sheridan collects Personal Information only in the following circumstances:
 - i. The Personal Information is necessary for an operating program or activity of Sheridan and/or a Student's future enrolment at Sheridan; or
 - ii. The Collection of Personal Information is expressly authorized by an enactment of Ontario or Canada.
2. Sheridan's Collection of Personal Information shall be directly from the individual the information concerns unless there is a reasonable requirement to collect from another source and the indirect Collection is permitted under FIPPA.
3. Details relating to the purpose for the Collection of Personal Information will be provided to the individual when Personal Information is collected directly from the individual in accordance with FIPPA.

IV. Use of Personal Information

1. Personal Information will not be used for a purpose other than the purpose for which it was collected or for a use consistent with that purpose except with the consent of the individual or as permitted under FIPPA.

Further information regarding how Sheridan uses Personal Information can be found at Sheridan's web site: [click here for Notice of Collection and Use of Personal Information](#)

V. Disclosure of Personal Information

1. Personal Information will only be made public or disclosed to a third party under the following circumstances:
 - i. The disclosure is for the purpose identified at the time of collection or for a purpose consistent with the original purpose (including purposes contemplated by this Policy);
 - ii. The individual the Personal Information is about has consented to the disclosure; and/or
 - iii. The disclosure is otherwise required, permitted or authorized under FIPPA.
2. Sheridan may disclose the following Personal Information to any member of the public, so long as the conditions set out in 1 above are satisfied:
 - i. Dates of registration at Sheridan;
 - ii. Faculty/department or program of registration at Sheridan;
 - iii. Degree(s)/diploma(s) awarded by Sheridan;
 - iv. Convocation dates; and
 - v. Attendance at or participation in a public event or activity related to the institution (e.g. graduation, sporting or cultural event).
3. Upon graduation, Students' Personal Information is shared for fundraising purposes with Sheridan's Advancement and Alumni Relations departments and related third parties who have entered a written agreement that complies with the requirements set out in FIPPA.

4. Sheridan may share Students' Personal Information with collection agencies in the event of overdue financial accounts, including outstanding parking violations. All such collection agencies are under contract with Sheridan and aware of their legal obligations to protect Students' Personal Information.
5. Students' contact information is shared with their respective student union to enable the customary activities of a student union.
6. Sheridan may use and share Students' contact information (mailing and email addresses) to promote Sheridan's programs and/or opportunities. If shared with third parties, such third parties are under contract with Sheridan and are aware and obligated to protect Students' Personal Information.
7. Sheridan reports some student-level enrolment-related data to government agencies, the Ministry of Advanced Education and Skills Development and Statistics Canada to support government policy making.

VI. Accuracy

1. Sheridan will take reasonable steps to ensure that Personal Information in its custody or under its control is as accurate and complete as is necessary for the purposes for which it is to be used.
2. Individuals will normally be able to correct or update certain categories of Personal Information, such as contact information, on their own using Sheridan's online system. To request a correction of other types of Personal Information, individuals may contact the Responsible Office that holds the Personal Information.
3. If the Responsible Office is unable to make the correction for any reason, the individual may file a request in writing, for correction with the Office of General Counsel.
4. If Sheridan is satisfied that the individual's request for correction is reasonable, the correction will be made as soon as possible. If Sheridan does not make a correction, it will attach a statement of disagreement to its records upon request.
5. Sheridan will also provide notice of correction or disagreement to persons and organizations to whom Sheridan has disclosed Personal Information as required by FIPPA.

VII. Retention

1. Sheridan will retain Personal Information for at least one year after use and thereafter only as long as necessary for the fulfillment of its purposes. Sheridan has established retention schedules that can be found in the related documents section below which prescribe appropriate periods.

VIII. Security

1. Sheridan will take reasonable steps to protect Personal Information from unauthorized access, collection, use, disclosure or destruction.
2. When Sheridan retains and/or uses an external organization to handle Personal Information on its behalf, Sheridan will take reasonable steps in establishing and administering its relationship with the external organization through an agreement that will set out conditions that ensure that Sheridan's responsibility for the protection of Personal Information will be fulfilled by the external organization on its behalf.

IX. Access

1. Students and other individuals have a right of access to Personal Information about themselves in the custody or under the control of Sheridan subject to specific and limited exceptions as provided in FIPPA.
2. A request by a Student or other individual for access to his/her own Personal Information should initially be directed to the Responsible Office, that holds the Personal Information, or by following existing procedures for access. If there is no process in place and/or the data custodian is unable to provide access for any reason, the applicant may file a Formal Access Request with the Office of General Counsel. A Formal Access Request must be made in writing.
3. A request by one individual who has written consent to access the Personal Information of another individual should initially be directed to the Responsible Office. If the Responsible Office is unable to provide access for any reason, the applicant may file a Formal Access Request with the Office of General Counsel. A Formal Access Request must be made in writing and must be accompanied by a \$5.00 application fee.
4. A request by Sheridan Official for access to the Personal Information of a Student should be directed to the Responsible Office. Access will be provided when the Sheridan Official needs the information in order to do his/her job.
5. The Office of General Counsel will establish and maintain the procedure for responding to Formal Access Requests.

X. Questions, Complaints

The Office of General Counsel will respond to questions or concerns about Sheridan's management or treatment of Personal Information.

XI. Authority

The Responsible Office for this Policy shall be the Office of General Counsel.

5. Related Documentation

[Procedure for Reporting Privacy Breaches](#)
[Privacy Breach Reporting Form](#)
[Notice of Collection and Use of Personal Information](#)
[FIPPA Request Procedure](#)
[Access and Release of Student Information Policy](#)
[Informal Access Request for Student Information from Individual and Third Party](#)
[Informal Request for Student Information from Individual and Third Party Procedure](#)
[Procurement Policy and Contract Signing Authority](#)
[Personal Health Information Protection Act \(PHIPA\) Statement](#)
[Guideline for the taking and use of photographs, video and audio recordings by Sheridan employees](#)
[Records and Information Management Policy](#)
[Records and Information Management Procedure](#)
[Records and Information Management User Guide](#)

Sheridan Record Classification and Retention Schedule Legal
Holds Procedure

Related Legislation:

Freedom of Information and Protection of Privacy Act
Personal Health Information Protection Act