

TYPE:	Administrative
TITLE:	Access to Student Records and Protection of Privacy
NO.:	ADMIN-243
RESPONSIBILITY:	Chief Administrative Officer and Vice-President Student Affairs
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	September 2019
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1. Introduction

Student records maintained in school offices and business departments may include information on the admission decision; information regarding academic performance; completion of courses and programs; academic advising; accommodations for specific circumstances; Student conduct and appeals. The information the College collects, creates, and maintains about Students may be considered personal information as defined under the *Freedom of Information and Protection of Privacy Act* (FIPPA), *Personal Health Information Protection Act* (PHIPA) and *General Data Protection Regulation* (GDPR).

2. Purpose

The purpose of this policy is to assist employees in managing Student information effectively and efficiently in support of College activities, and to increase awareness of the College's obligations under FIPPA, PHIPA and GDPR as it relates to collection, use and disclosure of Student information.

3. Definitions

Refer to [Durham College's Standard Definitions](#).

4. Policy statements

4.1. Collection of Personal Information

- 4.1.1. Personal information is collected under the authority of the *Ontario Colleges of Applied Arts and Technology Act, 2002* and may be used for educational, administrative, statistical and institutional decision-making purposes.

- 4.1.2. By applying for admission to Durham College (herein referred to as the “College”) and by enrolling in a program, the College has explicit consent to collect a student’s personal information. The information is needed to process the admission application; to facilitate enrolment and registration in academic programs; to record and track academic progress; to provide the basis for awards and governmental funding and for related administrative purposes. The College will use the information for communication of information relating to events, activities, services, fee payment reminders and other messaging specific to the College.
- 4.1.3. All information and documentation submitted to the College becomes a record of the College.
- 4.1.4. A student’s permanent record is maintained by the Office of Strategic Enrolment Services (SES) in the Banner Student Information System. All other transitory records contained in students' file by the relevant school of enrolment or student support departments will be destroyed in a secure manner in accordance with the College’s common records schedule, typically one year after graduation or withdrawal.
- 4.1.5. When collecting personal information, it is the responsibility of the individual collecting the information to ensure the information is being collected pursuant to Section 39(2) of FIPPA which requires the College to state the legal authority for collection; the principal purpose or purposes for which the personal information is intended to be used; and the title, business address and business telephone number of a public official who can answer the individuals questions about the collection.

4.2. Maintaining and Updating Personal Information

- 4.2.1. An individual is considered an applicant to the College up until the point they make a fee payment. During this period, all official correspondence between the College and the applicant shall be through the personal email account provided at the time of application, or postal mail.
- 4.2.2. After payment has been received by the College all electronic communications will be sent to personal email address provided until day one of the first semester. After this date, all information will be sent to the primary email account (“DC Mail”) provided by the College.
- 4.2.3. Once a student has completed their program all graduation or convocation related communications will be sent to both the primary email account (“DC Mail”) and personal email address on file.

- 4.2.4. Every applicant and student must provide a current email address and/or mailing address in order to receive important mailings. Once enrolled at the College, students are responsible for ensuring their individual DC Mail email accounts are active and checked regularly. Students can forward their DC Mail accounts to their personal email accounts. Changes to personal contact information can be made in person in SES or online through MyCampus.
- 4.2.5. Changes to a legal name can be done in person in SES. Any requests to change a name, by means of alteration or deletion, substitution or addition, must be accompanied by appropriate government supporting documentation.
- 4.2.6. If a student requests an alteration to their name based on an adjustment for gender identity, Durham College will make the change to their preferred name on unofficial documents (time table, student ID card, DC Connect, and class lists) without accompanying government documentation. The student will be advised of the following:
- a) This request will only change their name on DC Connect, and MyCampus and the College's student information system. It is their responsibility to request a name change at ontariocolleges.ca and OSAP as applicable.
 - b) It is their responsibility to request a new student ID card through the Campus ID Services office.
 - c) Durham College reserves the right to deny the use of a preferred name that may be considered offensive.
 - d) Preferred names will not appear on official Durham College documents such as academic records, verification of enrolments, and credentials.

4.3. Access to Personal Information

4.3.1. Student Access

- a) A student is required to show government issued photo identification or a student card prior to the release of information on their Student record. If a student is unable to produce identification, they will be asked a series of verification questions to confirm their identity. If they are unable to successfully respond to the questions they will be asked to return with photo identification prior to the release of any records.
- b) A student has the right to review their own records, with the exception of student evaluations and letters of reference supplied to the College

- c) It is expected that the student will view the record in the office with responsibility for security and confidentiality of the record and under supervision of an employee of that office. No records may be removed for a student file. Any requests for copies of records will be subject to the Freedom of Information and Protection of Privacy Policy. Where a physical record is not maintained or incomplete, the student may have supervised access to his/her electronic record.
- d) A Student has the right to request erroneous information contained in their record be corrected and that recipients of any information found to be in error be advised of the correction.
- e) Documents pertaining to a Student's academic achievement at another institution, which may have been received by the College, will not be released or redirected.
- f) If someone other than the Student wishes to pick up a document on behalf of a Student (e.g. transcript, credential), the Student must provide that person with a signed authorization. The third-party must provide the signed authorization as well as photo government-issued identification.

4.3.2. Parent/Legal Guardian Access

- a) A Student's records will not be released to a parent or legal guardian unless written authorization is provided by the Student to the appropriate department.
- b) A Student must complete and submit a Consent to Release Information form to the SES or academic school office for access to student, financial or academic records.
- c) If a Student would like to provide access to records in departments other than SES and their academic school office, the Student must provide written consent to those individual departments.

4.3.3. Access by Third Party Organizations

- a) All requests for Student records by a third party, such as a law office or insurance company are to be directed to the Freedom of Information and Protection of Privacy Coordinator to respond to the request.
- b) All requests for student records from Durham College Student Inc. must be approved by SES. Listings of members will be made available upon written request and a signature of the authorized officer of Durham College Student Inc. must accompany the request.

4.3.4. Employee Access and Use

- a) An Employee of the College may access and use the information contained in a Student's record if they require the information in order to perform their employment duties; however, the level of access must correlate to their particular job functions as described in the employee's job description.
- b) An Employee's manager is responsible for notifying Information Technology Services of any access changes for an Employee due to changes in employment.
- c) An Employee's manager has the authority to withdraw access to records from an employee.
- d) Student medical records are to be accessed only by employees providing relevant support services directly to the student.

4.4. Disclosure of Personal Information

4.4.1. Public Disclosure

- a) It is Durham College's policy to make the following information routinely available:
 - Whether or not a student has received a particular academic award, honour or distinction from Durham College or an external third-party; and
 - Diploma(s) or credential(s) that have been conferred by Durham College and the date(s) of conferral.
- b) Except as specified above, other student records will only be disclosed with the student's written consent. This restriction applies to requests from all third-party inquiries, including parents, spouses and credit bureaus.

4.4.2. Disclosure of Personal Information to Other Parties

Personal information may be shared with the following parties to facilitate fundamental activities:

- a) Other post-secondary institutions to verify any information provided as part of an application for admission;
- b) Other universities and colleges to share incidences of falsified documents or credentials, or to share information regarding fraudulent applications for admission;
- c) Government offices to verify information regarding an application for admission and to support processes for government financial aid;

- d) Other universities and colleges with which Durham College maintains a collaborative program partnership;
- e) Service providers contracted by Durham College to support business processes;
- f) Government agencies federal and provincial, and law enforcement agencies relating to International student programs, study visas and other immigration matters, or for matters of national security or non-compliance with federal and provincial regulations.

4.4.3. Legally Mandated Disclosures

- a) Specified records or portions thereof may be provided to persons or agencies pursuant to a court order in situations where the College is required to comply with the law, and as part of law enforcement investigations or proceedings.

4.4.4. Disclosure of Information in Emergency or Compassionate Situations

- a) On occasion, a personal emergency may require third parties to be contacted quickly. In emergency situations involving the health and safety of an individual, or in compassionate situations, SES in consultation with the Freedom of Information and Protection of Privacy Coordinator may, if considered to be in the best interest of the Student, authorize the release of personal information about the Student. The College shall then inform the Student of the disclosure.
- b) Every Student is encouraged to provide those who may need to be reached in an emergency with a current copy of their class schedule, specifying days, times and locations. In addition, Students are encouraged to routinely update their emergency contact information.
- c) Every Student is required to provide an emergency contact at first point of registration. Changes to emergency contact information can be done in person at the Office of Strategic Enrolment Services or online through MyCampus.

4.4.5. Disclosure of Student Personal Information to Statistics Canada

- a) Statistics Canada is the national statistical agency. As such, Statistics Canada carries out hundreds of surveys each year on a wide range of matters, including education.
- b) It is essential to be able to follow Students across time and institutions to understand, for example, the factors affecting enrolment demand at post-secondary institutions. The increased emphasis on accountability for public investment

means that it is also important to understand 'outcomes'. In order to carry out such studies, Statistics Canada asks all colleges and universities to provide data on Students and graduates. Institutions collect and provide to Statistics Canada Student identification information (Student's name, Student ID number, Social Insurance Number), Student contact information (address and telephone number), Student demographic characteristics, enrolment information, previous education and labour force activity.

- c) The *Federal Statistics Act* provides the legal authority for Statistics Canada to obtain access to personal information held by educational institutions. The information may be used for statistical purposes only and the confidentiality provisions of the *Statistics Act* prevent the information from being released in any way that would identify a Student.
- d) Students who do not wish to have their information used can ask Statistics Canada to remove their identifying information from the national database. On request by a Student, Statistics Canada will delete an individual's contact information (name, address, or other personal identifiers) from the Post-secondary Student Information System database. To make such a request, please contact:

By telephone: Monday to Friday
 8:30am to 4:30pm EST/DST
 1-800-307-3382; or 1-613-951-7608

By mail: Institutional Surveys Section
 Centre for Education Statistics
 Statistics Canada Main Building, SC 2100-K
 Tunney's Pasture, Ottawa, Ontario K1A 0T6

By email: PSIS-SIEP_contact@statcan.gc.ca

Further details on the use of this information can be obtained from the [Statistics Canada website](#).

4.4.6. **Disclosure of Student Personal Information to the Ministry of Training, Colleges and Universities**

- a) Durham College is required to report Student-level enrolment-related data to the Ministry of Training, Colleges and Universities as a condition of its receipt of operating grant funding. The Ministry collects this enrolment data, which includes limited personal information such as Ontario Education Numbers, Student demographics and educational outcomes, in order to administer government post-secondary funding, policies and programs, including planning, evaluation

and monitoring activities.

- b) Further information on the collection and use of Student-level enrolment-related data can be obtained from the [Ministry of Training, Colleges and Universities](#) website or by writing to:

Director, Postsecondary Finance Branch,
Postsecondary Education Division
7th Floor, Mowat Block
900 Bay Street
Toronto, ON M7A 1L2

5. Procedure

5.1. How to Request a Transcript

- a) A fee will be charged for all official transcript requests. This fee is payable at the time the request is submitted and the request may take up to 5 business days to process.
- b) Students can request an official transcript through MyCampus or by completing a Transcript Request form.
- c) Transcripts and credentials will not be released to a Student who has an outstanding hold on their account with the College.
- d) A Student's signature or MyCampus login is required for the release of their own transcript.
- e) Upon written request by a Student to SES, a Student whose fee account shows no outstanding balance may request to have an official transcript released to them, another educational institution or organizations or to be sent to a third party through Electronic Data Interchange.
- f) Documents pertaining to a Student's achievement at another institution, which may have been received by the College, will not be released or redirected.

5.2. How to Request Educational Verification

- a) Employers or third parties can request to confirm an applicant's educational credential. Graduates must provide written consent to the employer or third party prior to release of information. Requests are to be made through a third party company.

5.3. Providing an Employment or Integrated Work Reference

- a) Unless provided written consent from the Student, an Employee should not provide an employment or integrated work reference for a Student. Students may complete a Consent to Release Information Form, indicating permission to provide reference information and naming the referee on the form. An email from the Student to the Employee

requesting a reference also constitutes written consent. Faculty can contact their school office to confirm a Consent to Release Information has been submitted by the Student.

5.4. Legal Holds

- a) Student information that is related to actual or pending litigation or government investigation shall not be destroyed even if the retention period has expired. The legal hold begins from the moment a legal action or a government investigation is reasonable foreseeable, and remains in effect until removed by the Chief Administrative Officer.
- b) Any Employee that suspects that legal action or an investigation may be pending should ensure their department manager is aware of the matter. The department manager should inform the Office of Insurance & Risk Management and the Chief Administrative Officer.

6. Roles and responsibilities

- 6.1. It is the responsibility of the Chief Administrative Officer and Vice-President, Student Affairs to ensure this policy is fully implemented.
- 6.2. It is the responsibility of Strategic Enrollment Services to maintain the official Student record in the Banner Student Information System.
- 6.3. It is the responsibility of school offices and departments to create supporting information that documents the Student's academic career including achievement in individual courses, fulfillment of program requirements and program completion. This information is provided to Strategic Enrollment Services to authorize updates to the Student record in Banner.
- 6.4. It is the responsibility of the Executive Deans and/or Department Managers to ensure that Student information created and/or maintained and in their departments is kept securely and retained and disposed of according to the College's information management program. This responsibility extends to information such as course grades, assignments, and examination papers that are often managed on a day-to-day basis by individual Employees and course instructors.
- 6.5. It is the responsibility of the Executive Deans and/or Department Managers to identify records to be kept as part of a legal hold due to an ongoing legal or investigative process and to advise the Office of Risk Management and Insurance, the Chief Administrative Officer and the Records Manager when a legal hold is required.
- 6.6. It is the responsibility of all Employees to ensure that they handle Student information in accordance with FIPPA and the College's policies and procedures. New Employees, including part-time instructors should be made aware of their responsibilities regarding privacy and retention of Student information.

- 6.7. It is the responsibility of a Student to provide current contact and emergency contact information and to provide written authorization to release records when they want to have their records disclosed to a parent, legal guardian or third party.
- 6.8. It is the responsibility of the Records Manager to provide guidance and advice on best practices related to information management.
- 6.9. It is the responsibility of the Freedom of Information and Protection of Privacy officer to respond to third party requests for Student records from law offices and insurance companies and to provide guidance on best practices related to the collection, use and disclosure of information.

7. Accessibility for Ontarians with Disabilities Act considerations

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

8. Non-compliance implications

- 8.1. Non-compliance could result in a breach of a Student's privacy, resulting in harm such as identity theft, financial loss or reputational loss.
- 8.2. Non-compliance could result in the inability to meet our responsibilities under the *Freedom of Information and Protection of Privacy Act*, which could result in fines and reputational damage to the College.

9. Communications plan

- A message will be posted on ICE alerting Employees when new or revised policies and procedures are added to ICE.
- A message will be posted on MyCampus alerting Students when new or revised policies and procedures are added.

10. Related forms, legislation or external resources

- Freedom of Information and Protection of Privacy Act, R.S.O. 1990
- Personal Health Information Protection Act
- [Change of Contact Information Form](#)
- [Change of Name/Gender Identity Update Form](#)
- [Official Documentation Request Form](#)
- [Credential Mailing Request Form](#)
- [Transcript Request Form](#)
- [Consent to Release Information Form](#)
- [Application for Access/Correction to Records Form](#)