

Freedom of Information and Protection of Privacy (FOIP)

Submitted to

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January 24, 2014

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOIP)

Alberta's Freedom of Information and Protection of Privacy Act (FOIP Act) originated on October 1, 1995. School boards and charter schools were added to the list of public bodies covered by the act on September 1, 1998. Health care organizations were then added on October 1, 1998. Next, colleges, universities, and local governments were included by October 1999. This act "aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies in Alberta"¹. The two main purposes of the FOIP Act are:

- to ensure that public bodies are open and accountable to the public by providing a right of access to records; and
- to protect the privacy of individuals by controlling the manner in which public bodies collect, use and disclose personal information.²

The FOIP Act states that any individual has permission to retrieve general records that a public body has access to. "Public bodies include all provincial government departments, agencies, boards and commissions. It also includes local public bodies such as municipalities, universities, school boards and others. The FOIP Act does not apply to private businesses, non-profit organizations or professional regulatory organizations operating in Alberta. In these cases, Alberta's Personal Information Protection Act (PIPA) will apply."³

¹ *The Alberta Teachers' Association*. Accessed January 22, 2014. <<http://www.teachers.ab.ca/Publications/ATA%20News/Volume%2033/Number%2015/In%20the%20News/Pages/What%20you%20should%20know%20about%20the%20FOIP%20Act.aspx>>

² *Northern Alberta Institute of Technology*. Accessed January 22, 2014. <<http://www.nait.ca/38425.htm>>

³ *Service Alberta*. Accessed January 22, 2014. <<http://www.servicealberta.ca/foip/>>

There are several records which are governed by FOIP legislation. For instance, Mount Royal lists the following recorded information that they are authorized to collect on their website:

- name
- home or business address or telephone numbers
- race
- national or ethnic origin
- color
- religion
- political beliefs or associations
- age
- sex
- marital status
- family status
- identifying numbers
- fingerprints or blood type
- health and health care history
- educational, financial, employment, criminal records
- opinions about the individual
- individual's personal views or opinions (except when they are about someone else)⁴

⁴ *Mount Royal University*. Accessed January 22, 2014.
<http://www.mtroial.ca/PrivacyPolicy/FOIP/protection_of_privacy.htm>

An individual has the opportunity to make a formal FOIP request. In order to do this, the FOIP Coordinator needs to receive a written request. The following information must be included: the specific information that you need; your name, address and telephone number; your signature; and any initial fees, if necessary. The university has 30 days to respond to your request. You will be contacted if additional time is required. There are no initial charges if you are requesting your personal information. However, additional charges will occur for duplicating the record(s).

There are certain fees that accompany a FOIP request. An applicant is expected to pay an initial \$25 fee for a one-time request and a \$50 fee for a perpetual request. Naturally, no action will be made on a request until this fee is paid. Should the processing cost exceed \$150, additional fees will be added to the initial fee. The total amount will be charged if the estimated amount exceeds \$150. Certainly, one will be notified of the estimated costs if extra charges occur. If this happens, the university must be informed if you still wish to continue with the request. If the university assesses that the price of the copying will exceed \$10, copying fees will be charged. Again, the total amount will be charged if the estimated amount exceeds \$10.

Below is a copy of NAIT's FOIP statement:

The screenshot shows the NAIT website header with the logo and tagline "A LEADING POLYTECHNIC COMMITTED TO STUDENT SUCCESS". A search bar is located in the top right. The navigation menu includes "Programs & Courses", "Admissions", "Student Services", "Applied Research", "About", "Contacts", and "Sign In". The main heading is "FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY". Below the heading are social media sharing options for Print, Email, and Share. A left sidebar contains a table of contents with links to "Reasons for FOIP", "Freedom of Information", "Protection of Privacy", "FOIP at NAIT", "Obligations", "FAQs", "Definitions", and "Contacts". The main content area explains that the Freedom of Information and Protection of Privacy Act (FOIP) is Provincial Legislation with three parts: **Freedom of Information or Part 1** (provides access to records), **Protection of Privacy or Part 2** (establishes limitations on personal information), and **Disclosure of Information in Archives or Part 3** (outlines provisions for research). It also lists **Roles and Powers of the Information and Privacy Commissioner or Part 4**, **Reviews and Complaints or Part 5**, and **General Provisions or Part 6**. A right sidebar titled "NAIT CONSENT & RELEASE FORMS" lists links for "Employee Record Reference Request (pdf)", "Disclosure of Personal Information (pdf)", "Student Record Reference Request (pdf)", and "Photography/Media Consent & Release (pdf)". The footer includes a "Give us your feedback" button, social media icons, and navigation links for "MAIN CAMPUS", "CONTACT US", and "LOCATIONS & MAPS".

To make a FOIP request at NAIT, one must make a detailed, written request so the educational institution (NAIT) is able to find the record. There is an initial cost of \$25 for one-time requests or \$50 for ongoing requests. However, when the student is asking for personal information about him or herself, there is no initial charge. The Records, Access & Privacy Administrator (FOIP Coordinator) receives all formal FOIP requests.

Photographs are allowed to be taken at this institution. This is not viewed as an unwarranted invasion of privacy as it is anticipated that people will photograph fellow students. Students need to have their photo taken in order to receive their student ID card as well. Ultimately, photographs can be taken by anybody who allows it. However, regarding the question of whether or not a verbal agreement to use photos is sufficient or if a contract should be signed, NAIT's policy is as follows:

The Act makes no provision for verbal consent. If the program in which the student is enrolled or participating is one where such promotion is a reasonable use of a photograph, then this use should be stated in the disclosure statement provided at the time of collection (e.g. sports teams, music programs, fine arts programs). If the promotion is not a regular part of the program, specific written consent should be obtained prior to use of a photograph. For the convenience of NAIT's staff and students, a Photography/Media Consent and Release form is available on NAIT's FOIP site.⁵

⁵ Northern Alberta Institute of Technology. Accessed January 22, 2014. <<http://www.nait.ca/38439.htm>>

Below is NAIT's Photography/Media Consent and Release form:



CONSENT AND RELEASE
(PHOTOGRAPHY / MEDIA – BROAD PURPOSE)

I, HEREBY give the Northern Alberta Institute of Technology ("NAIT") the absolute and irrevocable right and permission, with respect to any photographs, videos, taped interviews or digital images that it has taken of me to:

- (a) Use, re-use, publish and re-publish the same in whole or in part, individually or in conjunction with other photographs, interviews or images in a publication, print ad, electronic media (e.g. CD-ROM, Internet, DVD, Social Networking Sites) or other form of promotion;
- (b) Use my name in connection therewith, if NAIT so chooses.

This permission is unconditionally granted to NAIT for any purpose deemed appropriate by NAIT, both internal and external to the Institute, and including distribution by NAIT to any third party deemed appropriate by NAIT for publication or use by that third party.

I HEREBY waive any right that I may have to inspect and approve the finished product or copy that may be used in connection with the information contained in the interview or the image that has been reproduced. I further understand that NAIT shall not be required to pay any consideration to myself for the unlimited usage of the photograph, videos and/or digital image and contents of any taped interview.

I AM of the legal age and have read the foregoing and fully understand the contents thereof.

THIS CONSENT and RELEASE is granted to NAIT in perpetuity from the _____ day of _____, 20____.

witness

signature

Date

print name

SUBJECT INFORMATION
(to assist with record retrieval)

Male Female

Clothing Description (if required) _____

Original purpose of photo session / video / interview / digital images

updated April 2012

Ultimately, everyone is entitled to privacy and the FOIP Act exists to protect people's information from getting into the wrong hands. Having this act in place ensures that the parties responsible for collecting and disclosing an individual's personal information do so properly. Having access to this kind of information comes with a great deal of responsibility and that must never be forgotten.

Works Cited

Athabasca University – <http://ous.athabascau.ca/foip/accessing.php> [January 22, 2014]

Edmonton Catholic Schools – <http://www.ecsd.net/aboutus/foip.html> [January 22, 2014]

Mount Royal University –

http://www.mtroyal.ca/PrivacyPolicy/FOIP/protection_of_privacy.htm

[January 22, 2014]

Northern Alberta Institute of Technology – <http://www.nait.ca/38425.htm> [January 22, 2014]

<http://www.nait.ca/38424.htm> [January 22, 2014]

<http://www.nait.ca/38418.htm> [January 22, 2014]

<http://www.nait.ca/38422.htm> [January 22, 2014]

<http://www.nait.ca/38451.htm> [January 22, 2014]

<http://www.nait.ca/38439.htm> [January 22, 2014]

http://www.nait.ca/docs/1244_consent1.pdf [January 22, 2014]

Service Alberta – <http://www.servicealberta.ca/foip/> [January 22, 2014]

The Alberta Teachers' Association –

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[n%20the%20News/Pages/What%20you%20should%20know%20about%20the%20FOIP](http://www.teachers.ab.ca/Publications/ATA%20News/Volume%2033/Number%2015/In%20the%20News/Pages/What%20you%20should%20know%20about%20the%20FOIP)

[%20Act.aspx](http://www.teachers.ab.ca/Publications/ATA%20News/Volume%2033/Number%2015/In%20the%20News/Pages/What%20you%20should%20know%20about%20the%20FOIP%20Act.aspx) [January 22, 2014]