UNIVERSITY OF CALGARY

ACCESS AND PRIVACY OFFICE

Frequently Asked Questions – Questions Asked by Students

Will a student be able to access a letter of reference that was submitted in confidence when s/he is the subject of the information?

Generally speaking, evaluative opinions are the personal information of the person being evaluated and the Act allows individuals, subject to limited and specific exceptions, a right of access to personal information about themselves. Reference letters written to support a student's application to graduate school are almost without exception fully accessible to the student. A student may be denied access to a letter written to support an application for employment under s. 19 of the Act.

Can a high school counselor request information on the status of a high school graduate's application for admission to the University of Calgary?

No. The information will only be provided if the counselor is able to demonstrate that the individual has consented to the disclosure. It would be better if the applicant obtains the information needed and provides it to the counselor.

Can a high school counselor request the names of students who have been admitted to the University of Calgary?

Yes. When students apply to be admitted to the University of Calgary they are informed that the following information is defined as the student's public record: name, dates of registration and convocation, faculty of registration and degree/diploma awarded. All other information is considered confidential.

Can the University of Calgary release information on former students/graduates?

Section 40(1)bb) provides the University with the discretionary right to release information already available to the public. Lists of graduates and degrees awarded are published and available in the convocation booklets.

Can the University disclose information regarding the hometown of its graduates to the media?

No. Home address is not considered public information and will not be disclosed without the written consent of the student.

Can the Registrar release a student's address/phone number to a faculty member who is teaching the student?

This information would only be supplied on a need to know basis. Section 40(1)(h) allows for disclosure to an employee of the University of Calgary if the information is necessary for the performance of his or her duties. The onus is on the faculty member to provide evidence that the information is necessary.

Can the University release a student's timetable?

No. A timetable contains information about a student's educational history. It would also contain the student's name and likely, identification number. Consent should be obtained from the student before release unless there is discretionary right to disclose under Section 40. [eg. Section 40(1)(s) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted]

Can a faculty member ask a student for personal information?

Yes. A faculty member is permitted to ask a student for personal information if s/he can demonstrate that the information relates directly to and is necessary for an operating program or activity of the course or program. S/he would also have to inform the student of the purpose for which the information is required.

Is the University obliged under FOIP to release exam questions?

Questions to be used on an examination or a test are exempt from the Freedom of Information and Protection of Privacy Act. [Section 4(1)(d)] The University may also refuse to disclose details of specific tests to be given if the disclosure could reasonably be expected to prejudice the use or results of particular tests. [Section 26(b)] The University must release exam questions if there is no intention to use or reuse them in the near future.

Can students access and receive copies of their own previously completed examination papers?

Yes. Students have access and can request copies of their own completed examination papers. Answers to examination questions are a part of the student's educational history and are, therefore, considered the personal information of the student. [Section 1(1)(n)(vii)] If the exam questions are going to be used again in the near future and the University can establish this fact, then the questions may be severed from the record before releasing the answers to the student. [Section 4(1)(g) and Section 26(b)]

If written final exams have to be retained for one year after they are written, can students appeal their final grades up to one year after the exam is written?

No. The requirement to retain final examinations for one year is intended to allow an individual to examine this record and review the information used to make a decision about him or her. It does not affect the University's policy on appeal of grades.

Can student grade lists be posted?

The FOIP Act does not prevent the posting of grades if it is possible to do so in a way that protects the confidentiality of the information.

In the past, grade lists have been posted by the student ID number which was considered to be a confidential identifier. However, in the peoplesoft system, the ID number is used along with the name as a means of further identification. Its purpose is to uniquely identify members of the university community; it is needed to perform a wide variety of routine business transactions ranging from registration to the verification of access privileges.

Although the ID number is never released on any public documents such as graduation lists and is not considered part of directory information, the broad internal use of the number has significantly decreased its capacity to serve as a confidential identifier. Grades should, therefore, NOT be posted or made available in a public place if individuals are identified by the student ID number.

Are the anecdotal notes made by faculty members about students in a practicum portion of a program considered personal information?

Anecdotal notes and opinions about a person are the subject's own personal information. [Section 1(1)(n)(vii) and 6(1)] In most cases, this type of evaluative information is accessible to the subject. There may be occasions, however, when information could be withheld from the subject if the disclosure could be harmful to someone's health or safety, harmful to a law enforcement investigation, or could be construed as advice to an

officer of the University. The decision to deny access to the evaluation could be complex; seek the advice of the Access and Privacy Coordinator.

Can staff have open access, via computer or hard copy, to student information?

No. The fact that access to student information is possible does not imply that all staff should have access to all student information. Staff should only have access to information that they require to perform their duties as an employee of the University.

Can the University release student information to a collection agency when a student has outstanding accounts?

Section 40(1)(k) allows disclosure for the purpose of collecting a fine or debt owed by an individual to the University. A notation of the disclosure should be placed on the accounts receivable record.

What information may be released to the collection agency?

The University should release only that information needed to enable the collection agency to do its job. This would likely mean name, home address and telephone number and, if the student is working, business address and telephone number, as well as the amount owing and the reason.

Is a student entitled to view evaluative opinions of the selection committee(s) for admission/awards?

Yes. Generally speaking, evaluative opinions are the personal information of the person being evaluated. [Section 1(1)(n)(viii) and 6(1)] The University may choose to refuse to disclose the substance of the deliberations of the committee [S24(1)] but should release a statement of the reasons for the decision made by the committee. [Section 24(2)(b)]

Is a verbal consent to use photographs for marketing purposes adequate or should waivers be signed where students are identified or identifiable?

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.

Can the University collect information about a third party from students [e.g. a father's date of birth/education?

Sections 33 and 34 govern the collection of personal information. In order for the University to collect such information about third parties, it would have to be able to prove that the information was necessary to determine or verify the eligibility of the student to participate in a program or receive a benefit, service or product from the University. [Section 34(1)(k)]

If it cannot do this, then the information would have to be collected directly from the parents (e.g. credit card information) or collected from the student with authorization from the parents. The University should take care to collect only that information which is related directly to and is necessary for student admission and attendance at the University.

Can the registrar refuse to release an official transcript or diplomas to a student who owes money to the University for tuition fees, or for library books or equipment that has not been returned?

Yes. However, if there is a formal FOIP request, the University cannot withhold personal information from the subject based on money owed to the University by the applicant. Section 6 provides an applicant with a right of access to any record in the custody or under the control of the University, including a record containing personal information about the applicant. In this case, the University is required to provide a statement of grades to the student. It can refuse to issue an official transcript or diploma unless the student settles the outstanding account.

Can the University share information about students with the Students' Union?

Information may be shared to the extent that an agreement between the University and the Students' Union requires information sharing. [Section 40(1)(c)] Any other disclosures should only be done with the consent of the student.

Students often ask for copies of documents they submitted in support of their application. This could include high school, college or university transcripts, medical information or reference letters. Does the University have to supply such copies?

Yes. A student has a right to the record even though in some cases the documents are ones they originally submitted. It is not automatically assumed that the student will have full access to the record since the University has to ensure that it does not disclose personal information which would be an unreasonable invasion of the privacy of a third party or confidential information supplied directly to the University.

Is there a limit on how many additional copies of unofficial transcripts a student can ask for or can the University charge for re-issuing the statement?

The University is only required to provide one copy of any record in response to a request for personal information. However, a student can submit the same request a second or subsequent time. If the Access and Privacy Coordinator feels that the student is abusing the right of access by making repetitious requests for the same information, the Coordinator can ask the Commissioner for permission to disregard the request. [Section 55] If University policy requires that a fee be paid for second and subsequent copies in order to defray the photocopying costs, then this policy takes precedence over a request under the Act. [Section 3(a)]

In dealing with appeals, complaints and requests for refunds, information must sometimes be obtained on a student's attendance and performance and student loan information. Can this collection continue under the Act?

Yes. Section 40(1)(h) permits disclosure to an employee of the University so that person can perform his or her duties. The disclosure should be limited to the information needed to do the job and only provided to the individual who has a need to know that information.

Can students mark each other's tests?

Yes. Allowing a student to mark another student's test would not necessarily be an unreasonable invasion of privacy. Group learning activities may also continue in the classroom.

Can students find out how their marks compare to other students in the class?

Yes. Class averages may be provided and if required a list of other students' marks that exclude the names of the other students may be provided.

Can students read their essays aloud in a class?

Yes. The FOIP Act does not prevent students from reading their essays aloud in class.

How long are professors required to keep papers, assignments, and exams that students have not picked up?

Papers, assignments, projects and mid-term exams are returned to students throughout the term. They are either returned directly to the student or the student is notified where and

when assignments/exams can be retrieved. This term work is considered to be the property of the student and the student is ultimately responsible for its long-term retention. Nevertheless, the University has a responsibility to ensure that the student has had ample opportunity to retrieve term work and to ensure that the work is secure until retrieved. Professors should therefore retain papers, assignments, and exams that have not been picked up by students for a reasonable length of time – perhaps three months during the regular school term or over the spring/summer break if left at the end of the winter term. Students should be informed about the retention policy of the department.

Does e-mail correspondence received from students need to be retained for a specific length of time?

Again, the University is required to keep all records used to make a decision about a person for a period of one year. If the e-mail message documents a decision and is not recorded in a more permanent format, it should be kept for one year. If the information is of temporary value or has been transcribed in a formal memo, it is considered transitory and should be retained only as long as it is required. *(see Retention Rule No. 98.0010)*

Can faculty members who have told students in the past that they would provide references, continue to do so without written consent from the student?

No. Faculty members should not provide a reference, written or verbal, without the written consent of the student. The consent can take any of several forms. The request or even a copy of the application or resume in which you are named as referee can be forwarded by mail, e-mail or fax and will serve as consent if necessary.

How should marked exams and papers be distributed to students? Do they need to be returned in sealed envelopes?

Section 38 of the Freedom of Information and Protection of Privacy Act states that the head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction. As a result, the practice of placing graded examinations and assignments in a public place for pick up is no longer acceptable unless the student has consented to this method of distribution. Examinations and assignments should be returned directly to the student. Students should not be allowed to handle exams or assignments other than their own.

Note that teaching or research assistants are considered employees under the FOIP Act and as such are granted access to any personal information required to perform their duties. The Act does not prevent this group of students from collecting, marking or distributing student work as assigned by the professor.

How much will it cost to access information about myself?

No fee is charged for access to your own personal information unless the cost of producing copies of records exceeds $10. If it exceeds $10, you are billed the full amount for copying the records.

Can parents obtain information on the attendance and academic performance of their children at the University if their child is under eighteen years of age?

Although at 16 or 17, students are under the age of majority, they can leave school and would be considered old enough to be able to make a decision about whether or not their personal information would be disclosed to their parents or not. Officers of the University should exercise discretion and consider the wishes of the student when making a decision about the release of information.

What responsibility does the University have to ensure that the student has actually signed consent to release personal information?

Generally, the University will assume the consent is valid. It should ask for a copy of the consent statement and identification of the person holding the consent, and should keep these on file with a notation of disclosure. If there is any reason to suspect that the consent may not be valid, the student should be contacted to confirm consent.

Can an employee of the University provide information about students to potential employers for reference purposes?

The University must not disclose this type of information without the written consent of the student. The student may provide consent by completing the University of Calgary form designed for this purpose. Consent may also be taken from a permission to contact the University or a named individual in the student's application for employment. If this is the case, the faculty member should require a copy of the application or that part of it which authorizes the potential employer to seek information. The faculty member should disclose only factual information or opinion information that the person answering the request is qualified to disclose.

Should students be allowed to access evaluation forms completed by employers who accept students on placement?

Yes. These evaluation forms are a part of their educational history and are the personal information of the student. [Section 1(1)(n)(vii) and (viii)] The evaluation may contain personal information about other people, however, and this may have to be severed before access is allowed. Generally speaking, the name of the evaluator should also be

provided to the student because that person would have completed the form as a part of his or her employment responsibilities and disclosure of the name would not be an unreasonable invasion of privacy. [Section 17]

Can a professional body or local apprenticeship council force their clients to sign a blanket release so that they can have access to University records on students they sponsor or co-ordinate at the University?

The relationship between the student and his or her sponsor is not the concern of the University. The University has the discretionary right to disclose specific information that the student has consented to release to the sponsor. [Section 40(1)(d)] This consent has to be in writing and must specify to whom the personal information may be disclosed and how the personal information may be used.

Can a student use an evaluation provided by an employer as a reference? Should the employer sign an appropriate waiver?

The information contained in the evaluation is the personal information of the student and can be used by the student for any purpose. However, the University did not collect the evaluative material for this purpose and, if it wishes to ensure that it is not used for this purpose, it can include a statement on the evaluation form that the employer completes making it clear to the student that it is not being disclosed for that purpose. This will not prevent the student from using it as a reference.

Are personal notes made by a staff/faculty member during an interview with a student accessible to the student?

Yes. Any information about a student is that person's personal information and, therefore, potentially accessible under the Act. [Section 1(n)(viii)] There may be occasions when this type of information may not be or should not be disclosed: if the release could be harmful to someone's health or safety; if the release could be harmful to an investigation in a law enforcement matter; if the information could be construed as advice to a University official; if the notes contain information about a third party.

University employees should consult the Access and Privacy Coordinator if they are not sure whether or not the information should be released. Students should also be aware that these notes may be classified as a transitory record and may not be retained.