

# Implementing FIPPA at York University

February 19, 2007

Office of the University Secretary and General Counsel  
Information and Privacy Office



# Agenda



1. Information and Privacy before June 10, 2006
2. FIPPA in Action
3. Q&A

# Information and Privacy before June 10, 2006



- 1994: COU Guidelines
  - 2001 revised “made in York” Guidelines (not implemented)
- 2002: recognized need for records management
  - legal and regulatory requirements
  - administrative efficiency
  - institutional memory
- 2003-2004: established the Records and Information Management Project
  - lodged in the Office of the University Secretary and General Counsel

# Information and Privacy before June 10, 2006



- Core Tasks of RIM Project

- develop policy, create common records schedule, communication and training for implementation
- identify and train ATIPP commissioner and officers
- oversee implementation in local areas

# Information and Privacy before June 10, 2006



- Policy Framework
  - two policies through Board of Governors
    - Access to Information and Protection of Privacy Policy and Guidelines
    - Records and Information Management Policy, Guidelines and Procedures
  - Common Records Schedule
    - Office of Primary Responsibility
    - retention / disposal schedule
- Pilot Projects
- Training and Communications Program
  - Tip Sheets and *For the Record* e-newsletter

# Information and Privacy before June 10, 2006



- 2006: FIPPA

- Attention shifted to:

- adjusting policies to accommodate key differences between ATIPP and FIPPA
    - community education / communications
      - review of documentation and notices
    - securing resources for establishment of an Information and Privacy Office
    - implementation issues

# FIPPA in Action



- Administrative Structure / Delegation of Authority
- The FIPPA Process Applied
- Requests to Date
- Challenges in Applying FIPPA
- Looking Forward

# Administrative Structure



- Information and Privacy Office created to administer the Act and provide a focus for records and information management
- IPO Staff:
  - Director, Records and Information Management & Coordinator, Information and Privacy Office (hired October 2006)
  - Records Manager (hired September 2006)
  - 2 part-time contract staff working on FIPPA and RIM
  - 1 full-time contract staff working on records management implementation
  - Administrative Assistant
- FIPPA Officers identified in each division
  - called “Area Information and Privacy Officers”

# Delegation of Authority



Decision-making authority	Transaction
Board of Governors	Approves policies on accuracy, protection, retention and uses of personal information
President, Vice-Presidents, University Secretary, Executive Directors of Institutional Research & Analysis, Alumni & Advancement, Computing & Network Services, Chief Marketing & Communications Officer (“Area IPOs”)	Approve access to records in response to FIPPA requests; approve or refuse correction of personal information; approve disclosure of personal information in absence of a request; prescribe categories of records available without a request; make representations to IPC
Information and Privacy Coordinator	Handles notices required under FIPPA, extension of time limits, collection notices, reports, information in Directory of Records; makes representations to IPC

# The FIPPA Process Applied



## **Day 1: Request received by IPO**

- Determine where records reside and who is decision-maker (Area IPO)
- Initiate discussions with decision-maker

## **Days 2-3: IPO clarifies request if necessary and acknowledges requester**

- Narrow and/or clarify request; resolve informally if possible
- Invoke time extension if necessary
- IPO sends worksheet to unit(s) with instructions and clarified request

## **Days 3-20: Records search by unit**

- Unit searches for responsive records
- Unit sends copies of records to IPO along with completed worksheet

## **Days 21-30: Records review by IPO**

- IPO reviews records for exemptions, exclusions, prepares index of records and decision letter
- IPO reviews decision with decision-maker and General Counsel
- IPO sends decision letter to requester

# FIPPA Requests to Date



**Total Requests = 27**

Type of Request

General Information – 22

Personal Information – 5

# of Requests by Type of Requester

Faculty, Students, Staff – 14

Media – 10

Other – 3

**Total Requesters = 14**

Type of Requester

Faculty, Students, Staff – 6

Media – 4

Other – 4

## Status of Requests



- Completed without appeal – 10
- Completed and closed after appeal – 2
- Currently under appeal – 10
  - 5 in mediation
  - 2 in adjudication
  - 3 inactive with IPC
- Currently in progress – 3
- Abandoned or withdrawn – 2

# Challenges with Applying FIPPA



- 30-day deadline
  - time extension can be invoked if:
    - the request is for a large number of records
    - consultations with a person outside the institution are necessary
    - 3<sup>rd</sup> party requests
- State of the records
  - no file classification plan or retention schedule
  - lots of drafts and other transitory records in the files
  - email
- Interpretation and application of legislation
  - reconciliation with pre-FIPPA access & privacy practices

# Looking Forward



- Roll-out of Common Records Schedule (imminent)
- Collection Notices (ongoing)
- Faculty FAQs (Spring 2007)
- Tips for Managing Email as a Record (Spring 2007)
- Privacy Breach Protocol (Spring 2007)
- Routine dissemination / active disclosure
- [info.privacy@yorku.ca](mailto:info.privacy@yorku.ca) (now available)

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