

ACCESS AND PRIVACY OFFICE

Frequently Asked Questions Human Resources

Are personal records of an employee that are located on University property accessible under the Act?

Generally personal records of an employee are not covered by the Act. However, if the records of an employee relate to the operational functions of the University, then the records are the property of the University and are covered by the Act. If an employee's records are used in decision-making or program activity, then they are considered to be University records and thus, subject to the Act.

Does an applicant have the right to access confidential reviews about him or herself from peers concerning a tenure application?

Individuals have a general right of access to information about themselves under FOIP. However, Section 19 provides the University with the discretionary right to refuse to disclose evaluative information provided explicitly or implicitly in confidence by a third party. If the third party consents to the release of the information to the applicant, the University would release it.

Does a professor have access to a written evaluation of him/herself by a student?

6 R P H R Q H o p i n o n a b o u t v a n individual is considered the personal information of the subject and again, individuals have a general right of access to information about themselves. However, Section 19 provides the University with the discretionary right to refuse to disclose evaluative information provided explicitly or implicitly in confidence by a third party. If information that would identify the student evaluator can be severed, the remaining information could be released.

Can an individual who has been accused of sexual harassment access a case

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records are subject to any type of legal privilege, including solicitor privilege [Section 27(1)]

Is the information contained in a job application submitted to Human Resources affected by the Act?

Yes. The application is being submitted in response to a request for applications. Staff will decide whether or not to short list or interview the applicant based on the information contained in the application. When personal information is used to make a decision about an individual, the information must be retained for a period of at least one year to allow the individual an opportunity to review the record and request corrections to it. [Section 35(b)]

Can the University confirm, in response to a telephone inquiry, whether an individual is employed with the University?

It is not considered an unreasonable invasion of privacy to confirm employment status.

Can personal information (such as a telephone number, timetable, address, etc.) of employees be released to a third party?

Disclosure of the business address and telephone number of a staff member is not considered an unreasonable invasion of privacy. The timetable of a staff member could also not be considered an unreasonable invasion of privacy. [Section 2(e)] However, it would be prudent to consult with the staff member involved to ensure that release would not reasonably be harmful to his or her health or safety. [Section 18(a)]

Can the University disclose salary information?

It is not considered an unreasonable invasion of privacy to disclose information about an individual's position, salary range, discretionary benefits or employment responsibilities. The exact salary would not be released.

Can personal information, be disclosed to Revenue Canada for the purpose of a tax evasion investigation?

Yes. Section 40(1)(a) allows for disclosure to comply with another Act, and Section 40(1)(c) allows for disclosure for law enforcement purposes. In either case, the official from Revenue Canada would have to provide proof of identity and the specific authority under which the information is being requested.

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where the employee has made a claim against the University?

Although individuals generally have a right to information about themselves, in limited circumstances information may be withheld. Section 25(c) allows the University to refuse to disclose information that could reasonably be expected to harm its economic interests and specifically, result in financial loss to the University, or interfere with negotiations to settle the case. The University may, therefore, refuse to release

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investigative techniques. All records need to be carefully examined under
provisions of Section 1.7

How long must application forms for unsuccessful candidates or unsolicited application forms be kept?

If the University uses the application form to make a decision about hiring or not hiring the individual, it must be retained for at least one year. Unsolicited applications or resumes would only be retained if they were considered in the process of a personnel search. Otherwise, they can be destroyed within six months.

Are notes taken in an evaluation process that will lead to a final summary report considered personal information and therefore accessible by the subject?

Can the University disclose personal information about faculty members and non academic staff to their respective employee associations?

Section 40(1)(e) authorizes the disclosure of certain information in order to comply with the terms of a collective agreement. The terms and conditions of those agreements would