

Policy History
Policy No. IM2
Approving Jurisdiction: President
Administrative Responsibility: President
Effective Date: November 30, 2022

Freedom of Information Procedure

A. DEFINITIONS

1. **Access to Information Request (“Request”)**: request for Records as follows:
 - a. **FOI Request**: a Request made under FIPPA by an Applicant for Records containing any information other than or combined with Personal Information about the Applicant
 - b. **Routine Request**: a Request made by an Applicant for Records containing only Personal Information about the Applicant
2. **Applicant**: a party making a Request for Records under FIPPA and this IM2 Freedom of Information Policy and Procedure or IM8 Privacy Policy and Procedure, as applicable.
3. **Confidential Information**: in the context of this IM2 Freedom of Information Policy and Procedure, Confidential Information means information or records in the custody or under the control of the University that relate to University or third party business or affairs which have been created or supplied with the expectation, based on legitimate grounds, that the information or records will not be disclosed. (For the purposes of this IM2 Freedom of Information Policy and Procedure, Confidential Information does not include Personal Information. Personal Information is addressed in IM8 Privacy Policy and Procedure.)
4. **FIPPA (or “the Act”)**: Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996, Chapter 165 - including FIPPA Regulations, related Orders in Council, and any Orders/Directions of the Minister responsible for the Act.
5. **Office of General Counsel**: The University’s internal legal department.
6. **Manager, Information Access and Privacy**: University Employee tasked with coordinating the University’s compliance with FIPPA.
7. **Personal Information**: Under FIPPA, Personal Information is recorded information (see “Records” below) about an identifiable individual, excluding “Contact Information” as defined in FIPPA; that is, information to enable an individual at a place of business to be contacted. Personal Information which, either alone or in combination, could reveal the identity of an individual includes name; home address; personal telephone number; email address (including University email address in the case of applicants/students); date of birth; age; sex; gender; sexual orientation; marital/family status; religious or political beliefs or associations; photo; video or voice recording; financial information, including credit card number, financial assistance, or scholarship information; medical, psychiatric or psychological information, including disability accommodation information or counselling notes; educational history, including grades, transcripts, preferred course of study, course work, or student conduct decisions; employment history, including performance management plans or disciplinary records; donation history or commitments; biometric data; racial or ethnic origin; reflections,

thoughts or feelings; any identifying number or symbol assigned to an individual; IP address, personal computing device information, browsing history. The foregoing are illustrative examples and is not an exhaustive list.

8. **Records:** anything on which information is recorded or stored by graphic, electronic, mechanical or other means, including emails, books, documents, maps, drawings, photographs, letters, notes, vouchers, papers, audio or video recordings, etc. FIPPA governs all records within the scope of the Act in the custody or under the control of the University including all types of student records, University Employee records, and other records related to the business or affairs of the University. FIPPA applies irrespective of the format or storage location of the Records, including Records created or held by third parties providing goods or services to the University (with limited exceptions) and Records created or held on personal computing devices. Records outside the scope of FIPPA include Teaching and Research Materials, as defined below. (Please note: the following definitions are for guidance only; they are not exhaustive and all exceptions are not listed.)
 - a. **Teaching Materials:** include records produced or compiled for distribution to students, to aid an instructor in relating information to students, or otherwise used to teach. Example: notes prepared by a university professor to refer to while presenting a lecture to students. (Exceptions: "Teaching Materials" do not include communications with students; students' completed/graded assignments; instructor/course/program evaluations; or performance reviews, which would be within the scope of FIPPA.)
 - b. **Research Materials:** include records related to academic research that are typically subject to compliance with relevant research ethics requirements (i.e. TCPS2). (Exceptions: "Research Information" does not include quality assurance and quality improvement studies related to the University's policies, practices, and services, which would be within the scope of FIPPA.)
9. **The University:** Kwantlen Polytechnic University ("KPU")
10. **University Employee:** a party employed by the University (under FIPPA, the definition of "Employee" includes a Service Provider or volunteer); a non-employee Board member.

B. PROCEDURES

1. Making a Request
 - a. Subject to 1(b) below, an FOI Request for Records in the custody or under the control of the University, made pursuant to FIPPA, must be submitted in writing and may be emailed to FOI@kpu.ca or mailed to Manager, Information Access and Privacy, Kwantlen Polytechnic University, 12666 72nd Avenue, Surrey, BC, V3W 2M8.
 - b. If an Applicant's ability to read or write English is limited or the applicant has a physical disability that impairs their ability to make a written request, the Applicant may make an oral request by contacting the Manager, Information Access and Privacy.
 - c. An Applicant seeking Records containing only Personal Information about themselves may make a Request in one of two ways:
 - i. An Applicant may make a Routine Request for Records containing only Personal Information about the Applicant in accordance with IM8 Privacy Policy and Procedure.
 - ii. Alternatively, an Applicant may submit an FOI Request for Records containing only Personal Information about the Applicant in accordance with 1(a) or (b) above.
2. Receiving Requests
 - a. FOI Requests:
 - i. A University Employee who receives an FOI Request must immediately notify the Manager, Information Access and Privacy prior to taking any steps regarding the Request.
 - ii. A University Employee who receives an FOI Request must promptly forward the Request to the Manager, Information Access and Privacy by secure means as instructed by the Manager, Information Access and Privacy. (Except where instructed by the Manager, Information Access and Privacy, the Request should not be emailed or sent through inter-campus courier.)
 - b. Routine Requests: A University Employee who receives a Routine Request must advise their manager.
3. University Employees will treat all Requests as confidential and shall not disclose the identity of the Applicant to anyone who does not need to know in order to assist with the Request.
4. Processing and Responding to Requests
 - a. The University will process and respond to Requests in accordance with FIPPA and this Policy and Procedure and IM8 Privacy Policy and Procedure, as applicable.
 - b. FOI Requests:
 - i. Responses to FOI Requests will be processed and delivered by the Manager, Information Access and Privacy, in accordance with the powers, functions, and responsibilities delegated by the Head of the public body under FIPPA.
 - ii. University Employees must not respond to FOI Requests directly.
 - iii. University Employees will promptly and fully support the processing of FOI Requests as set out by the Manager, Information Access and Privacy or Office of General Counsel, including providing all responsive Records promptly.
 - iv. University Employees must not delete Records that are or may be required for an FOI request.
 - c. Routine Requests:
 - i. Responses to Routine Requests may be processed and delivered by the unit

holding the records in accordance with IM8 Privacy Policy and Procedure. It is the responsibility of the unit to ensure that records released pursuant to a Routine Request do not contain Confidential Information or Personal Information of third parties.

- ii. If Records requested pursuant to a Routine Request contain Confidential Information or Personal Information about a third party, the University Employee shall immediately advise the Manager, Information Access and Privacy prior to taking any steps regarding the request.
 - d. Responses to Requests will receive appropriate internal reviews, as necessary, prior to release of Records.
5. Availability of University Records
- a. Records in the custody or under the control of the University must be available to the University to meet the University's FIPPA obligations.
 - b. University Employees who use third parties to create or hold Records relating to University business or affairs must ensure that the Records are available to meet the University's FIPPA obligations.
 - c. University Employees are encouraged to use KPU-issued computing devices for University business to ensure Records are available and protected, to meet the University's FIPPA obligations.
6. Fees
- Requests may be subject to fees in accordance with FIPPA.
7. Time Extensions
- The University may take time extensions to respond to Requests in accordance with FIPPA.
8. FIPPA Resources
- a. University Employees who are uncertain about their obligations related to Access to Information Requests should discuss these with their manager or consult with the Manager, Information Access and Privacy.
 - b. General questions or concerns related to Requests for Records may be submitted to privacy@kpu.ca.

C. RELATED POLICY

Refer to Policy IM2 *Freedom of Information Policy*