

Freedom of Information and Protection of Privacy Act Policy

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Responsible Authority:	Andrew Lowry Title: Training Coordinator
Executive Sponsor:	Andrew Lowry
Approval Authority:	Local 1946 Executive Committee
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PURPOSE

This Freedom of Information and Protection of Privacy Act (FOIPPA) Policy outlines UBC Training Centres' commitment to ensure compliance with the Act and safeguard the privacy of personal information in its possession.

SCOPE

This policy applies to all students, and third parties handling personal information on UBC Training Centres' behalf.

POLICY

Compliance with FOIPPA

1. UBC Training Centres will comply with FOIPPA, which gives members of the public a general legal right to access records in the custody or under the control of the Training Centres. Furthermore, FOIPPA provides an individual with the right to request correction of the information. These rights are subject to certain exemptions and other limitations in FOIPPA and other applicable statutes and regulations.

Access to Information

1. Every person has the right to access a record or part of a record in the custody or under the control of the Training Centre unless the record or part of the record falls within one of the exemptions or exclusions provided for in FIPPA and the regulations. Some common examples of information which may be exempt or excluded include the following:
 - a. Where the disclosure could reasonably be expected to interfere with a law enforcement matter;
 - b. Where the disclosure could reasonably be expected to reveal information received in confidence from another government body or its agencies;
 - c. Where the information relates to specific tests, testing procedures or techniques that are used in the evaluation of students;
 - d. Where the information includes personal information of any person other than the requester, the disclosure of which would be an unjustified invasion of privacy;
 - e. Where disclosure of the information would reveal a trade secret or scientific, technical, commercial, financial, or labour relations information belonging to a third party and
 - f. Where the information is subject to solicitor-client privilege.

2. The Training Centre must make every reasonable effort to initially respond to a request within 30 calendar days after receiving it.
3. The Training Centre may, in accordance with FOIPPA, extend the thirty (30) day deadline to respond to a request. If the Training Centre is relying upon an extension, it shall notify the requester in writing of any such extension of time. Generally, the Training Centre will extend the time when the access request is for many records, requires a search of a large number of records, or requires consultation with affected third parties.
4. Under FOIPPA, the Training Centre may forward or transfer a request to another institution where appropriate. The Training Centre will identify and forward or transfer the request to the other institution within fifteen (15) days of receiving it.
5. This Policy and FOIPPA do not preclude the Training Centre from giving access to information in response to an oral request, provided that:
 - a. The requester confirms in writing that the request can be handled informally;
 - b. The record or part of the record does not fall within one of the exemptions or exclusions, and
 - c. The request, decision and rationale for the decision should be documented.

Correction of Personal Information

1. Every individual given access to personal information has the right to request correction of the data where they believe there is an error or omission.
2. The Training Centre must make every reasonable effort to initially respond to a correction request within 30 calendar days after receiving it.
3. When assessing a correction request, the Training Centre must consider the following factors:
 - a. The information must be personal;
 - b. The information must be inexact, incomplete or ambiguous; and
 - c. The information is not opinion material provided by another individual, such as an evaluation or an assessment.

Training Director

1. Under FOIPPA, the Training Director, as designated head of each UBC Training Centre, has the power and duty to make decisions on requests to access and correct UBC Training Centre records. The Training Director may further delegate duties related to the administration of requests. Delegates will carry out such activities as necessary to administer requests under the authority of the Training Director and to meet the responsibilities of the Training Director.
2. The Training Director shall be the contact person for all public inquiries regarding Freedom of Information requests under FOIPPA. The Training Director shall review all requests for access and correction and rule on refusals, exemptions, transfers, severance, and third-party notification. The Training Director will rely on their knowledge of FOIPPA and seek legal counsel if necessary to ensure that the UBC Training Centre complies with the legislation.
3. The Training Director shall document all requests received, the rationale for decisions on access and correction, and the disposition of the requests. A tracking and recording system will ensure that all requests are processed within the established time limits and generate statistics for appropriate government bodies.

Personal Information Banks

1. Collections of records containing personal information that is organized or intended to be retrieved by the individual's name or by a unique identifier assigned to the individual, such as learner databases or mailing lists, constitute personal information banks as per FOIPPA.
2. The Training Centre must maintain an index of Personal Information Banks setting forth, in respect of each personal information bank, the following:
 - a. The types of personal information maintained in it.
 - b. How the personal information is used regularly.
 - c. To whom the personal information is disclosed both internally and externally regularly.
 - d. The categories of individuals about whom personal information is maintained and
 - e. The policies and practices applicable to the retention and disposal of personal information.
3. The index's purpose is to assist members of the public and the Training Centre Community in exercising their rights of access under the Freedom of Information & Protection of Privacy Act (FOIPPA) by listing and describing the records in the custody or control of UBC Training Centres.