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Parent Policy: Access to Information and Protection of Privacy Policy

Access to Personal Information for Research and Studies Procedure

Office of Administrative Responsibility:	Office of the Provost and Vice-President (Academic)
Approving Authority:	Provost and Vice-President (Academic)

Overview

As a public post-secondary institution, the University of Alberta has a responsibility to protect the public interest and has a commitment to the highest standards of institutional integrity, transparency and accountability.

The University of Alberta is governed by the Alberta *Freedom of Information and Protection of Privacy Act (the Act) and Regulations* and other provincial and federal privacy legislation.

As a public post-secondary institution, the University of Alberta collects **personal information**, under the authority of the Act that relates directly to and is necessary to operate the programs and activities of the University.

As a research institution, the university may also collect personal information as part of its approved research undertakings.

All personal information collected by the university as part of its approved programs and activities falls under the **custody** and **control** of the university.

The university may from time to time approve to undertake surveys or studies as part of planning or assessing its approved or proposed programs and activities that require access to personal information under the custody and control of the University.

The university may from time to time approve access to personal information under its custody and control to **independent researchers** in keeping with the requirements of the Act.

The University, as a public body under the Act, must ensure the collection, use, disclosure, protection and disposal of personal information is **compliant with the requirements of the Act** and the records management and archival policies of the university.

Purpose

The purpose of this procedure is to provide guidance in managing requests for access to personal information under the custody and control of the university:

- For surveys or study activities of the university,
- For access to personal information by independent researchers, and
- To those departments charged with the stewardship of personal information

with regard to the requirements of the Act, the University Committee on Human Research Ethics, and, to ensure coordination of access to sample populations.

These procedures will address the following two categories of access to personal information:

Category A

- Requests for disclosure of personal information in response to external bodies acting under an enactment of Alberta or Canada.
- Requests for access to personal information for University-based studies focusing on planning for or evaluation of programs and services.

Category B

- Requests for access to personal information by independent researchers.

Definitions

A definitions table is included in a subsequent section of this document.

Scope/Application

Compliance with this procedure extends to all members of the University community.

Procedure

Category A

1. REQUESTS UNDER AN ENACTMENT OF ALBERTA OR CANADA

   The office receiving the request for access to personal information must:

   a. Obtain clarification of the request including elements of personal information requested by the applicant.

b. Obtain confirmation of legislative authority for the request.

c. Initiate collaboration with the department or area of the University known to be responsible for the integrity and security of the personal information requested and with the Information and Privacy Office to identify:

   i. any internal issues and concerns with disclosure,

   ii. any technical and operational concerns with providing the information in the format requested, and,

   iii. any questions and concerns with regard to legislative paramountcy.

d. Provide a response to the requestor based on decisions deriving from the foregoing collaborations.

e. Document disclosure as to what personal information is released to whom for what purpose.

f. Provide notification to the Head or delegate as to the disclosure of the requested personal information.

2. REQUESTS FALLING UNDER UNIVERSITY-BASED STUDIES/SURVEYS

   The survey/study proponent responsible for conducting the study must:

   a. Submit a copy of the study to Head or delegate for approval indicating:

      i. purpose of study,

      ii. description of study design including methodology, description of personal information to be used and how it will be protected and eventually destroyed as well as an indication of ethics approval, Information and Privacy Office approval and whether study is one-time or continuing, and,

      iii. that consultation has occurred with department(s) being requested to provide the required personal information indicating agreement as to feasibility, timing and costs.

   b. The Head or delegate will indicate one of the following:

      i. approval in substance for implementation, or

      ii. approval deferred pending further information (e.g. timing of study, population fatigue, etc.), or,

      iii. no approval with attended reasons.

Category B

1. REQUESTS FOR ACCESS TO PERSONAL INFORMATION BY INDEPENDENT RESEARCHERS

The researcher responsible for conducting the **independent research study** must:

a. Submit a copy of the study to the Head or delegate for consideration indicating:

   i. Purpose of study,

   ii. Description of study design including methodology, description of personal information to be used and how it will be protected and eventually destroyed as well as indication of the ethics approval, Information and Privacy Office approval, whether the study is one-time or continuing,

   iii. Whether the researcher will obtain **informed consent** for release of personal information from research subjects or access information directly from the University (contact the Information, Privacy and Records Management Office for the appropriate forms), and,

   iv. That consultation has occurred with department(s) being requested to provide the required personal information providing information indicating agreement as to feasibility, timing and costs.

b. The Head or delegate will indicate one of the following:

   i. Approval in substance for implementation, or

   ii. Approval deferred pending further information (e.g. timing of study and population fatigue), or

   iii. No approval with attended reasons.

c. The Head or delegate together with the **Access and Privacy Advisor** will file an annual report detailing approval for Category B1 approvals with the GFC Executive Committee.

Definitions

Any definitions listed here apply to this policy document only with no implied or intended institution-wide use.	
Personal Information	Personal information is defined as per Section 1(n) of the Act.
Custody	Having custody of a record means having physical possession of it.
Control	Having control of a record means having the power or authority to manage, restrict, regulate or administer the use or disclosure of the record.
Compliant (or in accordance) with an enactment of Alberta or Canada	The production of personal information to comply with other legislative authority or that which is required under an enactment of Alberta or Canada that authorizes the disclosure of personal information.

Independent Researcher	An individual or organization not associated in any manner with the collection of personal information that relates to and is necessary for an operating program or activity of the University.
Independent Research Study	A Research study conducted by an independent researcher where the research purpose cannot reasonably be accomplished unless the information is provided in individually identifiable form.
Informed Consent	Consent given freely in a prescribed manner and with full knowledge of the personal information to be provided and the use to be made of such information.
Access and Privacy Advisor	The officer of the University delegated by the Head to ensure compliance with the Act.
Research and Planning Study / Survey	A study or survey conducted by the University that facilitates planning and evaluation of the operation and success of a program or service.

Forms

- There are no forms for this procedure.

Related Links

- Code of Practice for Learning Analytics Information Document (UAPPOL)
- Decision Tree (Information, Privacy and Records Management Office)
- Freedom of Information and Protection of Privacy Act (Government of Alberta)
- Freedom of Information and Protection of Privacy Regulation (Government of Alberta)
- Information, Privacy and Records Management Office (University of Alberta)

For questions surrounding policy document interpretation or implementation, please contact the Office of Administrative Responsibility.

For the most recent version of this document please visit https://www.ualberta.ca/policies-procedures/index.html