

FIPPA/PHIA INFORMATION SHEET #5

ACCESS and USE of PERSONAL INFORMATION at the UNIVERSITY

The PURPOSE of this Information Sheet is to explain the appropriate **access** and **use** of personal information, including health information, under *The Freedom of Information and Access to Privacy Act* and *The Personal Health Information Act*.

1. **Use** means using or handling personal information within the University, or, if beyond the University, for the purposes of the University. (See below* for a fuller definition of “use.”)
2. In a University unit or office, the Records Administrator (RA) or other designated person is the one who has the responsibility for access and use of records. The RA in charge of a particular group or groups of records is the one to whom the first approach should be made for access and use. The RA in charge of employee records is the one to be approached for access and use of those records. Similarly, the RA in charge of student records is the one to be approached for those records. It is the duty of the RA or designated person to make initial decisions about access and use of records. Generally access and use will depend upon the job descriptions of various employees.
3. There may be occasions when an RA will have doubts about access and use by other employees. Employees other than the RA or designated persons do not have automatic access to employee or student files. If the RA is doubtful, (s)he should ascertain the purpose for access and use. The RA should ask questions about the intended access and use. If satisfied, (s)he should provide the access, limited to the amount of information necessary for the requesting employee to carry out their task.
4. In an office situation, information can be used for:
 - a. The purpose for which it was collected
 - b. A purpose that is consistent with the purpose for which it was collected.
5. For a purpose to be consistent, it must meet **all** of the following criteria:
 - a. The proposed purpose must have a reasonable connection to the original purpose, that is, there should be a logical and direct connection.
 - b. The proposed purpose must be necessary for performing the duties that the requester is responsible for; the requester would be unable to accomplish the task without the use of the information.
 - c. The individual that the information is about should be able to anticipate that the information could be used in this way.

If there is any uncertainty whether a contemplated use is consistent with the original purpose, the RA should contact the Access & Privacy Coordinator’s Office at 474-8339 or 474-9462.

6. In certain situations where the contemplated use is unusual or open to question, it is advisable to obtain consent from the person that the information is about. The University has a standard consent form, available from the Access & Privacy Coordinator’s Office. The personal information can be used once the person has given informed written consent.
7. FIPPA section 46 describes volume uses of personal information. Volume uses, that is, uses within the University, are considered for approval by the FIPPA Review Committee. If you have questions about volume use of personal information, please consult the Access & Privacy Coordinator’s Office.

***Use** means using, dealing with or employing personal information, which is in the custody or control of the University, by or on behalf of the University, to accomplish the University’s authorized programs and activities. In most cases, “custody” of a record means having physical possession of the record, and “control” of a record means having the authority or power to make decisions respecting the use or disclosure of the record. In practical terms, “use” of personal information means access to and use of personal information by the officers, employees, and agents of the University for the purposes of the University. (See also Information Sheet #1, April 28/03.)

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