

1.0 Purpose

- 1.1 To ensure the University of New Brunswick fulfills its legal obligations to comply with New Brunswick's Right to Information and Protection of Privacy Act (RTIPPA) by defining University community roles and responsibilities with respect to access to information requests.
- 1.2 To ensure, through responsible management of University records, that UNB adheres to the requirements of the Right to Information and Protection of Privacy Act (RTIPPA), and other applicable legislation.

2.0 Applicability

- 2.1 University-wide
- 2.2 This policy applies to all faculty and staff who acquire, create, maintain or store University records in the course of the operation and administration of the University. University records are in the custody and under the control of the University of New Brunswick.
- 2.3 Records to which this policy does not apply
 - 2.3.1 A note made by or for, or a communication or draft decision of, a person who is acting in a quasi-judicial capacity [RTIPPA, Part 1, 4(c)];
 - 2.3.2 Teaching materials or research information of an employee;
 - 2.3.3 Information the release of which is prohibited under federal legislation and regulations including but not limited to the *Security of Information Act* and *Controlled Goods Regulations*; and
 - 2.3.4 A record in the care, custody and control of the University Archives placed in the archives by or for a person or agency other than the University

- 2.4 The University is responsible for protecting certain information that was prepared for senior administration with the expectation that it be provided in confidence.
 - 2.4.1 The University has the right to withhold confidential information according to two classes of exceptions:
 - 2.4.1.1 The University must withhold information classified under *mandatory exceptions* (e.g. unreasonable invasion of third party's privacy – employment, occupational or educational history and personal recommendations or evaluations, character references or personnel evaluations) [RTIPPA, Part 2, Division B, 17-22]; and
 - 2.4.1.2 The University has the option to refuse to disclose information classified under *discretionary exceptions* [RTIPPA, Part 2, Division C, 23-33].
 - 2.4.2 This policy is intended to be an addition to other procedures for making information available to the public on a routine or informal basis. Where this policy conflicts with any regulation of the **University of New Brunswick Act** or of the University's collective bargaining agreements, this policy will defer to those regulations.

3.0 Definitions

- 3.1 **Control:** the authority to determine how a record is classified, used and to whom it is disclosed throughout its life cycle. The University has control over all University records. It is considered to have control over a university record even if it is in the custody of a consultant or an off-campus employee.
- 3.2 **Custody:** the responsibility for the physical possession, care, security, classification, storage, retention, and disposal of university records for legitimate administrative purposes. The University maintains control over a university record even if it is in the custody of a third party or an off-campus employee.

3.3 **Members of the University Community:**

- 3.3.1 All employees including but not exclusive to full and part-time faculty and librarians, full and part-time support staff, teaching assistants and graduate students;
- 3.3.2 All persons holding non-employment appointments including but not exclusive to adjuncts, honorary research associates, post-doctoral fellows, visiting professors and stipend lecturers; and
- 3.3.3 Any other person who has access to information for the purpose of conducting administrative or operational functions or activities at UNB.

3.4 **Record:** a record of information in any form, and includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means, including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records.

[See also University Records]

3.5 **RTIPPA:** *New Brunswick's Right to Information and Protection of Privacy Act.*

3.6 **Third Party:** a person, group of persons or an organization other than the applicant or the University.

3.7 **University Head:** the President, as the person designated by the University of New Brunswick Act to serve as the head of the University.

3.8 **University Records:** records relating to University administration and operations and which are owned by the University. University records may include but are not limited to:

(a) information relating to the activities of academic employees that are undertaken on behalf of the University in their capacity as administrators or committee members;

(b) memoranda, correspondence, minutes, policies, plans, evaluations, reports, contracts, budgets, purchase orders, invoices, agreements, guidelines and procedures. [See also Records]

4.0 Implementation

- 4.1 To put the principles of access to information legislation into effect, all members of the University community are responsible for the implementation of this policy. In particular:
 - 4.1.1 Members of the University community are required to:
 - 4.1.1.1 be aware of this policy; and
 - 4.1.1.2 cooperate with employees who provide routine access to public information.
 - 4.1.2 All employees responsible for file management are required to:
 - 4.1.2.1 maintain records in a manner that is consistent with this policy and relevant records management practices and procedures;
 - 4.1.2.2 direct right to information applicants to the University Secretariat;
 - 4.1.2.3 provide routine access to University records that do not contain confidential or personal information to requesters;
 - 4.1.2.4 assist University Secretariat staff with the identification, location and provision of University records; and
 - 4.1.2.5 retain all records related to a request in case of a complaint or appeal until a final decision has been reached.
 - 4.1.3 Members of the University community in supervisory and management roles are required to:
 - 4.1.3.1 notify new staff of the existence of this policy and any related procedures and their locations;
 - 4.1.3.2 revise related guidelines or procedures as required to conform to this policy; and

4.1.3.3 assist the University Secretariat with the resolution of disputes over decisions that may be unfavourable to applicants or third parties.

4.1.4 The University Secretariat is required to:

4.1.4.1 identify, document, communicate and consult on policy, standards and best practices related to the management of University records;

4.1.4.2 stay up-to-date with advances in file and email management and identifying those that would benefit the University;

4.1.4.3 coordinate access to information requests;

4.1.4.4 consult department and unit employees on appropriate timelines for the retention of materials related to a request; and

4.1.4.5 notify applicants, third parties and the Access to Information and Protection of Privacy Commissioner of decisions to accept or not accept recommendations of the Commissioner and of applicants' right to appeal decisions.

4.2 Compliance with the *Right to Information and Protection of Privacy Act* is overseen by the Office of the Access to Information and Privacy Commissioner of New Brunswick. The powers and duties of the Access to Information and Privacy Commissioner are outlined in the RTIPPA (RTIPPA, Part 4, paragraph 60 and Part 5, paragraphs 67-73).

5.0 Interpretation and Questions

The University Secretariat is located in Sir Howard Douglas Hall, Room 110. Questions concerning this policy may be directed to (506) 453-4613 or secretariat@unb.ca.

1.0 Related Policies, Regulations, Procedure and Agreements

- 1.1 Policy for the Protection of Personal Information and Privacy
- 1.2 Multi-party Mutual Non-Disclosure Agreement
- 1.3 University of New Brunswick Declaration of Rights and Responsibilities
- 1.4 University Wide Academic Regulations
- 1.5 Right to Information and Protection of Privacy Act (RTIPPA), 2009
- 1.6 Personal Information Protection and Electronic Documents Act (PIPEDA), 2000
- 1.7 Personal Health Information Privacy and Access Act (PHIPAA), 2009
- 1.8 Security of Information Act, 1985
- 1.9 University of New Brunswick Act, 1984
- 1.10 Collective Agreement between the University of New Brunswick and the Association of University of New Brunswick Teachers: Full-Time (Group 1) 2009-2013.
- 1.11 Collective Agreement between the University of New Brunswick and the Association of University of New Brunswick Teachers: Contract Academic Employees (Group 2).
- 1.12 Collective Agreement between the University of New Brunswick and the Canadian Union of Public Employees Local Number 3339.
- 1.13 Collective Agreement between the University of New Brunswick and Unifor Local 4504: General Labour and Trades and Allied Services and Audio Visual Group.
- 1.14 Collective Agreement between the University of New Brunswick and Unifor Local 4504 Secretaries, Accountants, Library Assistants and Clerks.
- 1.15 Collective Agreement between Public Service Alliance of Canada (PSAC) Local 60550 Union of Graduate Student Workers and University of New Brunswick Fredericton and Saint John Campuses