

CANADORE COLLEGE
CORPORATE POLICY MANUAL

TITLE: **Emergency Disclosure of Personal Information**

EFFECTIVE DATE: **November 18, 2008**

1. SCOPE

1.1 Authority

This policy is issued under the authority of the Board of Governors.

1.2 Application

This policy applies to all employees of Canadore College.

2.0 PURPOSE AND PRINCIPLES

2.1 Background

While Canadore College must adhere to the privacy laws of Ontario, the College has the responsibility to disclose personal information about a student without consent in emergency or other urgent situations. These situations include significant risk of serious bodily harm and significant risk of harm to the public.

2.2 Purpose

The purpose of the policy is to ensure that Canadore College establishes clear operational policies and procedures that guide its employees when compelling circumstances require that personal information about a student be shared with family members, health care professionals, police or security services, or other emergency services.

2.3 Principles

2.3.1 Privacy legislation in Ontario does not prevent the rapid sharing of personal information in certain situations.

2.3.2 In emergency situations, privacy laws in Ontario do not prohibit colleges from responsibly disclosing a student's personal information about their mental, emotional or other health conditions.

2.3.3 As outlined in a publication from the Information and Privacy Commissioner of Ontario and the Office of the Information and Privacy Commissioner for B.C. (October 2008), "In other words, *life trumps privacy*, and our laws reflect that reality."

- 2.3.4 Ontario FIPPA (*Freedom of Information and Protection of Privacy Act*) and Ontario MFIPPA (*Municipal Freedom of Information and Protection of Privacy Act*) contain emergency disclosure provisions that allow personnel to disclose a student's information, without consent, where they become aware of compelling circumstances affecting the health or safety of an individual or others. This includes serious mental health concerns or threats of violence.
- 2.3.5 Ontario PHIPA (*Personal Health Information Protection Act*) also allows disclosure of personal health information, even without consent, in emergency or other limited situations, by the head of a public sector institution or a health care custodian, or those acting on their behalf.
- 2.3.6 Ontario FIPPA and Ontario MFIPPA allow and actually require disclosure of a student's personal information if there is a risk of significant harm to their health or safety or that of another individual.
- 2.3.7 In Ontario, an institution's head must, "as soon as practicable, disclose any record to the public or persons affected if the head has reasonable and probable grounds to believe that it is in the public interest to do so and that the record reveals a grave... health and safety hazard to the public." (1)
- 2.3.8 Ontario FIPPA and MFIPPA require that upon disclosure, notification be mailed to the last known address of the individual to whom the information related.
- 2.3.9 Ontario PHIPA requires, subject to certain exceptions, that notification be given to the individual at the "first reasonable opportunity". (2)
- 2.3.10 Canadore College must have clear operational policies and procedures to provide employees guidance on how to respond.
- 2.3.11 Canadore College must regularly educate and train all employees on relevant policies and procedures and on the basics of what privacy laws permit in emergency situations.

3. ROLES AND RESPONSIBILITIES

3.1 Board of Governors

The Board of Governors is responsible for the initial approval of the policy framework and subsequent amendments and ensuring that the President has implemented the Policy and that appropriate reporting occurs.

3. ROLES AND RESPONSIBILITIES (continued)

3.2 President

The President is responsible for the overall management and operation of the College. The President is responsible for ensuring that the College has the appropriate operational policies and procedures in place to implement this Policy. The President will ensure that the Board is informed, through regular reports, that the Policy has been implemented. Incidents and liabilities will be reported as required.

4. EVALUATION

This policy will be evaluated every three years as part of the Board's regular policy review.