



## Frequently Asked Questions for Post-Secondary Institutions

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*The Freedom of Information and Protection of Privacy (FOIP) Act aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies in Alberta.*

### GENERAL

- 1. What post-secondary institutions are covered by the FOIP Act?**
  - The Act defines an educational body in **section 1(d)**.
  - The definition includes universities, technical institutes, public colleges and the Banff Centre as defined in the *Post-secondary Learning Act*.
- 2. Does the FOIP Act still apply to health information held by post-secondary institution health units since the *Health Information Act* came into effect in April 2001?**
  - Yes. The *Health Information Act* applies only to health information held by health care bodies such as regional health authorities, physicians' offices, pharmacies and laboratories. Health information held by post-secondary institutions is covered by the FOIP Act.
- 3. Is a FOIP request the only way that individuals can access information about an institution or about themselves?**
  - No. A formal request under the FOIP Act should be seen as a last resort for accessing information from an institution. The Act does not replace existing procedures for accessing personal or other information that would normally be made available to the public or to an individual on request.

### RECORDS

- 4. What is a "record"?**
  - **Section 1(q)** of the FOIP Act defines a record as "information in any form and includes notes, images, audiovisual recordings, x-rays, books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records".
  - It includes handwritten notes and electronic correspondence or messages, which are in the custody or control of an institution.
  - Not all records need to be kept by an institution. You can routinely discard transitory records, those that have only short-term, immediate or no value to

your organization and that you won't need again in the future. For more information about transitory records, see the guide *Official and Transitory Records: A Guide for Government of Alberta Employees* ([www.im.gov.ab.ca](http://www.im.gov.ab.ca)).

- If the information in a record will have some future administrative, financial, legal, research or historical value to the institution, then you should file the record. For example, e-mail messages that record approvals, recommendations, opinions, decisions or business transactions have future value, and are not transitory and should be filed. You can print and file them in your manual filing system or store them in an electronic filing system.

**5. What records of post-secondary institutions are subject to the FOIP Act?**

- All records that are in the custody or under the control of the post-secondary institution are subject to the FOIP Act (**section 4(1)**) unless a specific exclusion applies.
- A post-secondary institution has custody of a record when the record is in the possession of the institution. This includes situations where the records of a third party are kept on the premises of an institution.
- A record is under the control of an institution when it has the authority to manage the record, including restricting, regulating and administering its use, disclosure and disposition.

**6. How long should a post-secondary institution keep its paper/electronic records?**

- There is no simple answer to this question. Each organization should establish records retention and disposition schedules or a retention bylaw for its records, including electronic and transitory records.
- A records retention and disposition schedule is a document that identifies and describes records, and indicates the length of time they shall be retained as active before transfer to semi-active storage; the length of time they should be retained as semi-active prior to final disposition; and the final disposition of the records.
- The FOIP Act allows the destruction of records in accordance with your records retention bylaw. If an institution does not have such a bylaw, the Act allows destruction as authorized by the board (**section 3(e)(ii)**).
- Under **section 53(1)(a)**, the Commissioner has the power to conduct an investigation into how an institution is managing its records. Specifically, the Commissioner can check to make sure that an institution is following any bylaw it has regarding the destruction of records.
- Post-secondary institutions are required by **section 35** to keep personal information about an individual for at least one year if that personal information has been used by the institution to make a decision about the individual.

**7. Should e-mail be printed before it is deleted, or should it be saved instead of being deleted?**

- The same records management principles for paper files/records should also apply to e-mail documents. Transitory e-mails may be deleted.
- How or where the e-mail documents are retained will depend on the institution's records and information management program standards, and whether it has

the capability of filing documents required for future use electronically. If the institution does not have that capability, records should be printed and filed in the paper filing system.

**8. Who is an "employee" under the FOIP Act?**

- The definition of "employee" in the FOIP Act includes a person who performs a service for the post-secondary institution as an appointee, volunteer or student or under a contract or agency relationship with the institution (**section 1(e)**). This means that volunteers, students on work experience arrangements, contractors, and appointed board members have the same responsibility to protect privacy as other employees of the institution.

**9. Are records of contractors subject to the FOIP Act?**

- The definition of "employee" in the FOIP Act includes a person retained under contract to perform services for the public body (**section 1(e)**).
- A record may be under the control of an institution where a contract permits the institution to inspect, review or copy records produced, received or acquired by a contractor.
- Often post-secondary institutions have contracts with an organization to provide some kind of service to individuals. Services such as meal preparation or janitorial services may be provided through contracts. The contractor is functioning in the place of the institution; the records the contractor creates are subject to the same privacy and access rules as records of the institution. As a result, contracts need to include privacy protection clauses, as well as clarity on control of and access to records.
- The *Managing Contracts under the FOIP Act, A Guide for Government of Alberta Contract Managers and FOIP Coordinators* addresses these issues in detail and may be referred to for more information.

**10. Does a post-secondary institution have any control over how records that have been released in response to a FOIP request are used by the applicant?**

- No. A post-secondary institution does not have any control over the use of information once it is released to an applicant.

## PERSONAL INFORMATION OF STUDENTS

**11. Can student information be disclosed to the local police?**

- Yes, when the police are investigating a particular incident or the possibility that a criminal offense has been committed, the disclosure of personal information of a student is permitted under **section 40(1)(q)**. The Law Enforcement Disclosure Form in Appendix 5 of the *FOIP Guidelines and Practices* manual can be used for this purpose.

**12. Can a student, in a FOIP request, gain access to a closed letter of reference of which he or she is the subject of the information?**

- Generally yes, since the letter would contain personal opinions about the student. In *Order 2000-029*, the Information and Privacy Commissioner determined that letters of reference written in support of an application for

admission to a graduate program should be disclosed because it affected a student's career opportunities, the student had asked the third parties to write the letters, the third parties may refuse the student's request, and that the student already knows who the third parties are because they asked the third parties to write the letters in the first place. The Commissioner also found that the letters contained personal information about the student and the third parties but it would not be an unreasonable invasion of the third parties' privacy to disclose their personal information contained in these letters. He also found that the letters did not constitute privileged information and that **section 19** (confidential evaluations) could not be applied as all the criteria of that section was not met.

- However, under **section 19** of the Act, the institution may refuse to disclose evaluative or opinion information collected for the purpose of conferring a benefit (e.g. a scholarship or other award) to an individual if the information was supplied in confidence. This is a narrow exception to disclosure of the information under the Act that would not apply to letters of reference in every situation.

**13. Can personal information of students be disclosed to potential employers who are making reference checks?**

- Only if the student consents to the disclosure of opinions about his/her grades, performance and suitability for the job. This consent may take the form of permission to contact the institution or a named individual as a part of the student's application for employment.

**14. Can a student, in a FOIP request, gain access to an evaluation form completed by an employer who accepted the student on placement?**

- Generally this would be released to the student since the evaluation form would be part of the student's educational history and would be the personal information of the student (**section 1(n)(vii)** and **(viii)**). However, if the evaluation contained personal information about other people, this might have to be severed first.

**15. Can a Registrar disclose a student's address/phone number to a faculty member who is teaching the student or to a Counsellor at the institution?**

- Yes, but only on a "need to know" basis. **Section 40(1)(h)** allows for disclosure to an employee of the institution if the information is necessary for the performance of his or her duties. The onus is on the employee to show why the disclosure of this information is necessary and a notation about the disclosure should be placed on the student's file.

**16. Can an institution disclose to a parent or spouse information about whether their child or spouse is enrolled as a student at the institution?**

- Yes. Such disclosure would not be considered an unreasonable invasion of the student's personal privacy unless the student has asked that this information not be disclosed (**sections 40(1)(b)** and **17(2)(j)**).

- 17. Can an institution disclose information about the student's attendance, progress, grades, payment of fees, etc. to a parent, spouse, employer, or sponsor?**
- No. This is personal information that should not be disclosed without the consent of the student unless it may be disclosed in accordance with **section 40(1)**.
- 18. Can the Registrar confirm that a student is registered in a specific program at the institution in response to a third party inquiry?**
- Yes. Under **sections 40(1)(b)** and **17(2)(j)**, this disclosure would not be seen as an unreasonable invasion of the student's privacy, provided the student has not asked that this information not be disclosed.
- 19. Can an employee of the institution ask a student for personal information about the student?**
- Yes, but only in accordance with **sections 33(c)** and **34(2)** of the Act. The employee would have to show that the information relates directly to and is necessary for an operating program or activity of the institution. He or she would also have to inform the student of this purpose and the use to which the information was going to be put.
- 20. Can the finance department of an institution disclose student information to a collection agency when a student has outstanding accounts with the institution?**
- Yes. **Section 40(1)(k)** permits disclosure for the purpose of collecting a fine or debt owing by an individual to the institution or to an assignee of the institution.
  - However, the institution should release only the information needed by the collection agency to do its job. This would likely mean name, home address and telephone number and, if the student is working, business address and telephone number, as well as the amount owing.
- 21. Can an institution disclose a student's timetable without consent?**
- No. A timetable is information about a student's educational history (**section 1(n)(vii)**). It would also contain the student's name and likely the student's ID number (**section 1(n)(i)** and **(iv)**). Consent should be obtained before disclosure unless discretion can be exercised under **section 40(1)**.
- 22. Can an institution share information about students with its student association?**
- Yes, but only to the extent that an agreement between the institution and the Student Association requires information sharing (**section 40(1)(e)**). Sharing personal information without an agreement is likely not a consistent use of information collected from students by the institution.
  - However, an institution can't enter or uphold an agreement that breaches an individual's privacy under the Act. Other information sharing should only be done with the consent of the student. Consent could be gathered at the time of registration.

- 23. Can a student, in a FOIP request, receive a copy of his or her own completed examination papers?**
- The answers to examination questions are a part of the student's educational history and are personal information (**section 1(n)(vii)**). However, if the examination paper is going to be used again in the near future and the institution can document this fact, then the questions may be severed from the record before releasing the answers to the student (**section 4(1)(g)** and **section 26(b)**).
  - *Order F2002-012* contains the first consideration of **section 4(1)(g)**. A school's English 10-H final exam questions, instructions and the reading passages on which the exam questions were excluded from the application of the FOIP Act by **section 4(1)(g)**, the exclusion for a question that is to be used on an examination or test.
- 24. Is it permissible to post in the halls of the institution the student names and numbers of those who are "eligible to graduate" to ensure that students know whether or not they have successfully completed or are registered in all the courses required for graduation?**
- No, lists cannot be posted without the institution being able to guarantee anonymity, unless students have previously consented to this use/disclosure. An institution can post this information by student numbers if the numbers do not identify students.
- 25. What responsibility does an institution have to ensure that the student has actually signed a consent to release personal information?**
- Generally, the institution will assume the consent is valid. It should ask for a copy of the consent statement and identification of the person holding the consent, and should keep these on file with a notation of disclosure. If there is any reason to suspect that the consent may not be valid, the student should be contacted to confirm consent.
- 26. Students often ask for copies of documents they submitted in support of their application. This could include high school, college or university transcripts, medical information or reference letters. Does the institution have to supply such copies?**
- Yes. A student has a right to the record even though in some cases the documents are ones they originally submitted. It is not automatic that they get the full record as the institution has to ensure that it does not disclose personal information which would be an unreasonable invasion of the privacy of a third party or confidential information supplied directly to the institution.
- 27. Is there a limit on how many additional copies of unofficial transcripts a student can ask for or can the institution charge for re-issuing the statement?**
- The institution is only required to provide one copy of any record in response to a request for personal information. However, a student can submit the same request a second or subsequent time. If the institution believes that the student is abusing the right of access by making repetitious requests for the same

information, the Head of the public body can ask the Commissioner for permission to disregard repetitious requests (**section 55**).

**28. How should a public body deal with telephone inquiries from students about information about their own record?**

- The institution should satisfy itself of the identity of the person calling, perhaps through questions based on the student record the answers to which only the student is likely to know (e.g. courses taken, name of faculty, student number). Address and phone number are not sufficient proof of identity, as they could easily be known by others.

## **PERSONAL INFORMATION OF STUDENTS AND SCHOOL COUNSELLORS**

**29. Can a high school counsellor obtain information on the status of a high school student's application to an institution?**

- Yes, if the student has actually been enrolled in the institution. Disclosure of the fact that the student is enrolled could be disclosed since it would not be considered to be an unreasonable invasion of the student's personal privacy (**sections 40(1)(b)** and **17(2)(j)**). However, it would be better for the student to obtain the information needed and provide it to the counsellor.

## **STUDENT MARKS AND ACHIEVEMENTS**

**30. Can a post-secondary institution disclose student marks and attendance to a funding agency?**

- Only if the student consents to the disclosure. Generally the lending agency (i.e. Students Finance Board) obtains the student's consent in writing to disclose certain personal information such as marks and attendance with the institution the student will be attending at the time of application for funding by the student.
- Sometimes post-secondary institutions are under contract with federal agencies (i.e. Employment Insurance) to provide training to certain individuals. In such cases the funding agency generally makes it a condition of lending that in order for the individual to be fully funded throughout the term of the program, they must meet certain requirements such as attend class regularly, maintain a passing grade etc., and in these cases the student signs a consent allowing for the institution to disclose the marks and attendance to the agency.

**31. Can the Registrar refuse to release an official transcript to a student who owes money to the institution for tuition fees, library books or equipment that has not been returned?**

- Yes. The institution can refuse to issue an official transcript or official diploma unless the student settles the outstanding account but should issue a statement of grades to the student, instead.
- However, if the student submits a FOIP request for a copy of his/her own official transcript or diploma, the institution would not be able to withhold this personal information on the basis that the student owes the institution money. **Section 6** provides an applicant with a right of access to records in the custody or under the control of the institution, subject to specific and narrow exceptions. The

institution would not issue an official transcript or diploma, only a photocopy of it.

**32. Can student grade lists be posted?**

- Not unless anonymity can be guaranteed. There are many ways to allow students to access their own grades while ensuring the personal privacy of the other students in a class. If a class is so small that grade holders could be easily identified despite any process to conceal identities, then grade lists should not be posted.

## FORMER STUDENTS

**33. Can an institution disclose information on former students/graduates?**

- Yes. **Section 40(1)(b)** permits disclosure of personal information if it would not be an unreasonable invasion of a third party's personal privacy. Under **section 17(2)(j)**, it would not be considered an unreasonable invasion of a former student's personal privacy to disclose that he/she had been enrolled in the institution or in a particular program; that he/she had received an honour or award (including a degree, diploma or certificate) granted by the institution; that he/she had attended or participated in a public event or activity related to the institution (e.g. an open house, sporting event or competition, fund-raising activity or cultural event); or that he/she graduated from the institution.
- However, this type of information should not be disclosed if the former student or graduate has asked that the information not be disclosed (**section 17(3)**).

**34. Can an institution disclose the hometowns of its graduates to the media?**

- No. The institution can disclose the names of graduates to the media. Under **sections 40(1)(b)** and **17(2)(j)**, the disclosure of this information would not be considered an unreasonable invasion of the graduates' personal privacy.
- However, disclosing the names of their hometowns would require the graduates' consent. Consent for publication can be obtained at the time students apply for graduation.

## PERSONAL INFORMATION OF STAFF

**35. Can the names of staff be disclosed to the local police?**

- Yes, when the police are investigating a particular incident or the possibility that a criminal offense has been committed, the disclosure of personal information of a staff member is permitted under **section 40(1)(q)**. The Law Enforcement Disclosure Form in Appendix 5 of the *FOIP Guidelines and Practices* manual can be used for this purpose.

**36. Can the salary information of institution employees be released in response to a FOIP request?**

- Not entirely. Information about an officer or employee's classification, salary range and discretionary benefits would have to be disclosed. This disclosure would not be seen as an unreasonable invasion of personal privacy (**section 17(2)(e)**).



- Specific salary information for senior officials of institutions is disclosed to government as required information in their financial statements. The financial statements are then published in Volume 4 of the government's Public Accounts.
- 37. If a post-secondary institution receives a FOIP request for the severance package given to an employee, does the information have to be released?**
- In *Order 2001-020*, the City of Calgary received a request for all information related to a buy-out for managers since 1999.
  - The Information and Privacy Commissioner upheld the City's decision to release standard clauses from the severance agreements, the individual's job title or position, and the amount of severance paid. This information could be released in accordance with **section 17(2)(e)**.
  - The City withheld the individuals' names and signatures (**section 17(4)(g)(i)**), and employee numbers, and termination and retirement dates as employment history (**section 17(4)(d)**).
  - It is not clear how the order would apply if the applicant had asked for the severance package information of a named individual. However, it appears that the same considerations of **sections 17(2)** and **17(4)** may apply and the outcome may be the same.
- 38. Does an applicant in a FOIP request have the right to access confidential reviews about him/herself from peers concerning a tenure application?**
- Normally, an applicant can gain access to information about him/herself. However, in some cases, if the information was provided explicitly or implicitly in confidence by the third party, the institution may refuse to release that information (**section 19**). If the applicant agrees to the public body approaching the referee, and the referee agrees to the release of the information to the applicant, the institution would release it.
  - In *Order F2002-027*, the Adjudicator upheld the public body's decision to withhold a reference letter under **section 19(1)** because the letter contained personal information that was evaluative and opinion material, it was written to help determine the applicant's suitability for employment, and the referee had supplied the letter in confidence.
- 39. Can a professor, in a FOIP request, gain access to a written evaluation of him/herself by a student?**
- Normally, since the professor is the subject of the evaluation, he/she would have access to his/her own personal information. Personal information about the student evaluator must be severed before the record is disclosed.
- 40. Can an institution confirm, in response to a telephone inquiry, whether an individual is employed with the institution, his/her phone number, timetable, address, specific salary, etc.?**
- **Section 40(1)(bb.1)** allows for the disclosure of information that is a type routinely disclosed in a business or professional context. The disclosure is limited to an individual's name and business contact information, including business title, address, telephone number, facsimile number, e-mail address,

and does not reveal other personal information about the individual or personal information about another individual.

- A staff member's timetable could be considered to be a part of that person's "employment responsibilities" so disclosing it would not be considered an unreasonable invasion of privacy (**section 17(2)(e)**). However, it would be prudent to consult with the staff member involved to ensure that such release would not reasonably be harmful to his or her health or safety (**section 18(1)(a)**).
- The specific salary of a staff member would be considered personal information. The member's salary range could be disclosed in accordance with **section 17(2)(e)**.

**41. Can an institution disclose personal information about faculty members and non-academic staff to their respective employee associations?**

- **Section 40(1)(e)** authorizes the disclosure of certain information in order to comply with the terms of a collective agreement. The terms and conditions of those agreements would govern what and how much personal information must be disclosed. The collective agreements should also be reviewed (and amended through negotiation, if necessary) to ensure that the personal information disclosed is kept secure and confidential and only used for the purposes stated in the agreement.
- **Section 40(1)(o)** allows for additional disclosure to the representative of a bargaining agent who has been authorized in writing by an employee to make an inquiry about the employee's own information.

**42. Is an institution required to disclose to Alberta Advanced Education the actual salaries and benefits of its senior officers (for the purposes of Public Accounts reporting)?**

- Yes. Under a Treasury Board Directive under the *Financial Administration Act*, institutions must disclose this information to the department for reporting in Volume 4 of Public Accounts. Since the Treasury Board Directive in this case is considered to be an "enactment", **section 40(1)(e)** authorizes the disclosure in order to comply with the Directive.

## FEES

**43. Can post-secondary institutions charge fees for handling FOIP requests?**

- **Section 93** of the FOIP Act, and **sections 10 to 14** and **Schedule 2** of the FOIP Regulation set out when fees may be charged for processing FOIP requests.
- **Section 95(b)** of the FOIP Act says that a post-secondary institution may, by the legal instrument by which it acts, set any fees it requires to be paid under **section 93** as long as the fees do not exceed the fees provided for in the FOIP Regulation.

**44. What fees can be charged for handling a request for an individual's own personal information?**

- Applicants are not required to pay an initial fee when requesting access to their own personal information.
- Fees may only be charged for producing a copying the records (items 3 to 6 of Schedule 2), and then only when those fees exceed \$10. When the estimated cost exceeds \$10, then the total amount is charged.
- An applicant may request that the fees be waived if the applicant cannot afford payment or if for other reasons it is fair to excuse payment. These requests should be considered on a case-by-case basis.

**45. What fees can be charged for handling a request for other records, i.e. an access request?**

- Applicants are required to pay an initial fee of \$25 for a one-time request, or \$50 for a continuing request, before processing of the request will begin.
- When the estimated cost of processing the request exceeds \$150, then the total amount is charged. When the estimated cost is less than \$150, then no fee above the \$25 initial fee is charged to the applicant.
- Post-secondary institutions can charge for the time to search, locate and retrieve a record; to prepare the record for disclosure (severing the record); copying costs; computer processing and programming costs; the cost of supervising an applicant who wishes to examine an original record; and shipping costs.
- Preparing a record for disclosure does not include the time the post-secondary institution takes to decide or discuss what will or will not be severed.
- An applicant may request that the fees be waived if the applicant cannot afford payment or for other reasons if it is fair to excuse payment. These requests should be considered on a case-by-case basis.

**46. Should post-secondary institutions collect GST on FOIP fees?**

- No. Canada Customs and Revenue Agency does not require post-secondary institutions to collect GST on fees paid for handling a FOIP request.

**47. Should post-secondary institutions follow the FOIP fee schedule when releasing records outside of the FOIP Act?**

- No. The FOIP Act does not replace existing procedures for access to information or records, and does not change the fees post-secondary institutions may be charging for these services. This is in **section 3** of the FOIP Act.

## **OTHER QUESTIONS**

**48. Can an applicant request an accounting of public fund expenditures, including expense account information?**

- FOIP allows for the routine disclosure of the expenditure of public funds including detailed expense account information of institution staff where those expenses were paid for by the institution (**section 17(2)(e)** or **(h)**).

**49. Who can photograph students involved in performing arts or competitive teams?**

- Students involved in performing arts or competitive teams perform or compete in public venues and it is reasonable to expect that photographs may be taken by spectators and by institutions.
- Anyone may take photographs of students participating in a public event. These photographs may be disclosed for promotion of the institution or the institution's activities.

**50. Can a Fund Development Office indirectly collect personal information about a potential donor from public sources?**

- Yes. **Section 34(1)(f)** allows for the indirect collection of personal information from published or other public sources for the purposes of fund-raising. These would include such things as newspaper reports; birth, marriage or obituary notices; biographical dictionaries; donor lists printed in programs for sporting or cultural events; information available on the Internet; records of attendance at public events; or honours or awards granted by or through a public body.

**51. Can an institution disclose names of graduates to its Alumni Association or to its Fund Development Office?**

- Yes, in accordance with **sections 39(2)** and **(3)** and **40(2)**. Under **section 39**, unless an individual has requested that his/her personal information not be disclosed, an institution may disclose the names of graduates to its Alumni Association for alumni purposes (e.g. providing information about discounted services; benefits; travel, educational or cultural events; seeking feedback on institutional issues).
- Under **section 39(2)**, but always subject to **sub-section (3)**, an institution may also use personal information in its alumni records for the purpose of its own fund-raising activities.
- Under **section 40(2)**, an institution may disclose personal information in its alumni records for the purpose of its own fund-raising activities if the institution and the person or entity to whom or which the information is disclosed enter into a written agreement that requires the institution to stop using an individual's personal information at the individual's request.

**52. Can copies of contracts with consultants, engineers or other contractors be released in response to a FOIP request?**

- Not entirely. Copies of contracts can be disclosed after they have been awarded on the premise that the public has the right to know who has been engaged to do work for the institution and how much is being paid for the work.
- However, some information in the contract, or in supplementary documentation, must be withheld if it meets the three-part test in **section 16** for harm to business interests of the contractor.
- Information may also be withheld if the institution can show that its disclosure could reasonably harm its economic interests, result in financial loss or interfere with negotiations (**section 25**). Examples of such information might include unit pricing, actual wages paid to employees of the contractor or proprietary information (e.g. trade secrets).

**53. Can a supplier, in a FOIP request, gain access to evaluation or rating documents used to determine who is the successful bidder?**

- Partly. Public tender documents and evaluation criteria are routinely available. Evaluation notes, summaries, weighting factors and other evaluation documents based on information supplied by the contractor but created by the institution may be withheld under **section 19** if they include references given in confidence about the contractor's suitability or confirmation of qualifications.
- There may also be reason to withhold parts of the record if they reflect the advice or recommendations of employees as to a suggested course of action (**section 24(1)(a)**). The names and position titles of employees who conducted the evaluation would not be considered personal information because they performed the assessment as a part of their duties.

**54. Can a researcher use institution records?**

- Yes, but only in accordance with **section 42** of the Act and the institution's policy on research and data sharing. When records contain personal information that can identify individuals, they must be stripped of any personal identifiers or the researcher has to apply to the institution for permission to use the records.
- The researcher will have to show that the research purpose cannot reasonably be accomplished unless the information is provided in individually identifiable form; that the record linkage will not be harmful to the individuals the information is about; and that the benefits to be gained are clearly in the public interest. The researcher will then have to sign a research agreement.

**55. What is a "personal information bank" (a PIB)?**

- **Section 87.1(5)** of the FOIP Act contains the definition of a PIB. Basically it is any collection of personal information where information about an individual can be found using the individual's name or a unique identifier, such as social insurance number, client number or employee number.
- Post-secondary institutions are required to compile and maintain a list of their PIBs to have available at their offices, and provide to the public upon request.
- Refer to the publication entitled *Guide to Identifying Personal Information Banks* for more information.

**For more information contact:**

► [Your Institution's FOIP Coordinator](#)

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► **Office of the Information and Privacy Commissioner**

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► **FOIP Help Desk  
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- *FOIP Guidelines and Practices*
- *Annotated FOIP Act*