

**GUIDELINES AND PROCEDURES**  
**University of Windsor**  
**Access to Student Records Policy**

Date: July 4, 2012
--------------------

Contact Office:	The Freedom of Information and Protection of Privacy Office
Oversight Executive:	Legal Services
Policy Summary:	To establish Policy, Guidelines and Procedures, in accordance with Provincial Legislation and the University's policy on Access to Information and Protection of Privacy, on the use and handling of Student Records.
Policy Statement:	<p>The University is committed to maintaining and protecting the confidentiality and privacy of student information. Only authorized employees whose official duties so require are allowed to use, modify or disclose student information.</p> <p><b><i>Personal Information: University of Windsor Students</i></b></p> <p><b>Collection of personal information</b></p> <p>In order to offer services to its students, the University of Windsor collects some personal information relative to its students, but the University takes every reasonable step to protect the confidentiality of such information.</p> <p>When a student applies for admission to the University of Windsor or when registering for its programs or courses, the student is informed of the University's collection of their relevant personal information and receives notice relative to its intended use.</p> <p>A student's personal information is needed to, among other things, confirm their identity, assess their eligibility for admission, record their performance in programs and courses, determine their right to graduate, provide the basis for awards and government funding, enable their participation in student services, communicate with them and to help the University manage its academic and financial affairs.</p> <p><b>Retention of personal information</b></p> <p>The University of Windsor keeps a student's personal information only for as long as required by law or as long as is reasonably required to satisfy the purposes for which it was collected. When that personal information is no longer required, the University takes the necessary steps required to eliminate it.</p>

**Disclosure and consent**

The University is committed to taking very reasonable steps to protect the confidentiality and privacy of the information contained in the records of applicants, students and former students. Unless compelled to do so by law, or authorized by the student in writing, the University does not disclose the contents of student records to any party outside the University, unless it constitutes public information. Within the University, employees are given access to information contained in student records on a strict, need-to-know basis only, that is, if they require the information in order to perform their office duties. Student governments may be given limited student data for the purpose of communicating with the students, conducting elections, and determining candidate's eligibility for participating in student elections.

**Student's rights with respect to their own personal information**

Students have the right to withhold personal information; however should a student chose to do so, the University may not be able to offer the services or information requested or to which they are entitled.

Students also have the right to prevent the University from disclosing their personal information. By so doing, however, a student might forego some of the services offered to alumni and students of the University.

Students have the right to access their own student information, except information that is specifically exempted under the Freedom of Information and Protection of Privacy Act (the "Act") such exemptions include but are not limited to confidential evaluations and letters of reference supplied to the University. See Access Guidelines below

**Guidelines Re: Access to Student Information****A. Disclosure of Student Information to the Subject**

As stated above, the Act provides students with a right of access to personal information about themselves held by the University of Windsor.

This right, however, is limited by specific exceptions. The following guidelines will help University of Windsor personnel make appropriate decisions about the disclosure of personal information to the student that is the subject of that information.

An authorized University employee may routinely disclose information in the following categories:

- information that is supplied by the student;
- information that has already been copied to the student;
- transcripts;
- graded assignments, exams, assessments; and
- any other records identified by the Registrar as appropriate for routine disclosure

**NOTE** that the student should be allowed to review the file only under supervision by an appropriate University employee.

The right of access does not give a student the right to remove or destroy information contained in the file. The file constitutes the University's record of decisions, transactions, etc., relating to the student and therefore should not be altered unless both parties agree.

Students will not normally be allowed access to official documents from other institutions. Official documents from other universities will be released or redirected to students only under exceptional circumstances, at the discretion of the University.

The University has the right under limited circumstances to withhold student information from the student to which that information relates. The most common of these circumstances are as follows:

- where the disclosure would constitute an unjustified invasion of another individual's personal privacy;
- where the information is supplied explicitly or

implicitly in confidence and is evaluative or opinion material compiled solely for the purpose of, determining suitability, eligibility or qualifications for admission to an academic program of an educational institution;

- where the information is medical information where the disclosure could reasonably be expected to prejudice the mental or physical health of the individual; or
- that it is a research or statistical record

The following categories of information are **not** to be routinely disclosed:

- letters of reference supplied in confidence
- evaluative comments provided by anyone in a formal evaluation process
- documents relating to a grievance or appeal process
- documents relating to legal or administrative investigations
- letters of complaint, unless the author has consented to the disclosure

If you need assistance determining whether a file or specific documents should be disclosed, contact the Information and Privacy Office.

If an applicant requests information that cannot be routinely disclosed or is included with information that cannot be routinely disclosed, s/he may need to file a formal request for access. Refer the applicant to the Information and Privacy Coordinator.

### **B. Disclosure of Student Information to Third Parties**

It is the duty of all University of Windsor employees to ensure that the personal information of students is not disclosed inappropriately.

The following guidelines will help employees to make appropriate disclosure decisions with respect to the personal information of students.

- You must refuse to disclose a student's personal information to a third party if the disclosure would be an unreasonable invasion

of the student's privacy. It would, for example, be an unreasonable invasion of privacy to release the following kinds of information to a third party:

- home address or telephone number
  - information relating to an individual's race, national or ethnic origin; age; birth date; marital or family status; health or health care history
  - educational history
  - ID number or email address
  - evaluative information
  - e-mail
  - timetable
- You may disclose a student's personal information to a third party if the student has identified the information and consented in writing to the disclosure. Consent must be obtained prior to disclosure in the following kinds of cases:
    - A potential employer seeking an evaluation of a former or current student
    - A student requests that you write a reference letter in support of an application for admission to a graduate school
  - You may also disclose a student's personal information to a specific third party if the disclosure is authorized under the *Act*. Disclosure under the Act is permitted for the following purposes:
    - If disclosure is the purpose for which the information was obtained or compiled or if disclosure is consistent with that purpose;
    - If disclosure is for the purpose of complying with an Act of the Legislature or an Act of Parliament that authorizes or requires the disclosure (e.g. reports to Statistics Canada);

- If disclosure is to an officer or employee of the University of Windsor who needs the record in the performance of his or her duties and where disclosure is necessary and proper in the discharge of the institution's functions;

**NOTE** that in respect of the last bullet, the University should disclose personal information only to the extent necessary to enable the officer or employee to carry out the purpose described.

It should be clear that employees may choose to disclose information in one circumstance but not in another. For example:

- It would be inappropriate to disclose the home address or telephone number of a student to a friend, relative or the media. However, a faculty member, who is teaching the student, or a counselor, who is working with the student, may be able to demonstrate that the information is necessary for the performance of his or her duties. A disclosure in this case would be acceptable.

Employees should not assume that the person requesting the personal information of a third party is authorized to receive the information. When the personal information of a student is involved, the onus is on the applicant to provide evidence of authorization. At the same time, the onus is on the employee of the University to ensure that information is not inappropriately disclosed.

Employees should:

- ensure that personal information is provided only to an individual who is entitled to the information. If you receive a request by phone and cannot confirm the identity of the caller, ask for some information that will allow you to identify the caller or verify the phone number and return the call yourself or respond by e-mail.
- ask a relative to provide identification and evidence that he or she has authority to act on a student's behalf

- request that the bank provide evidence of consent to release specific financial information
- request that a student provide written consent before you write a letter of reference or respond to a request for an oral evaluation

If you need assistance determining whether information should be disclosed, contact the Information and Privacy Coordinator.

If the information cannot be disclosed or if the information is included with information that cannot be disclosed, the applicant may need to file a formal request for access to the information. Refer the applicant to the Information and Privacy Coordinator.

### **C. Faculty and Staff Access**

Faculty and staff members of the University are given access to information contained in student records if they need to know the information in order to perform their official duties. As a general rule, only employees involved in some aspect of academic administration or student affairs are given access to the contents of student records (see the “Act”, Section 42(d)).

For example, individual instructors are not normally entitled to see any part of a student’s record not directly related to his/her specific course, including past academic performance or letters of reference.

### **D. Correction of Personal Information**

The University of Windsor is responsible for ensuring that personal information collected and maintained by the institution is accurate and complete. Students have a right to examine information held about them by the University and to request corrections of that information.

A student does not need to file a formal request for correction of personal information for a routine change. Names, addresses, grades and other similar pieces of personal information are corrected or updated on a regular basis and this should continue to be done informally.

A student who believes there is an error or omission in the personal information held about him or her by the University

may file a request for correction. A student may choose to file a formal request for a correction if, for example, the University has confused the records of two people with the same name. Information may be entangled, inaccurate linkages may have been made, and it may be a complex problem to sort out.

The University must review all formal requests for correction if:

- the information is in the custody or under the control of the institution.
- the information is a matter of fact. (The University must not correct an opinion, including a professional or expert position.)

A request for correction cannot be used by a student to compel destruction of records that document an activity, transaction, decision or relationship relating to the student.

A formal request for correction of personal information must be in writing and must be directed to the Information and Privacy Coordinator.

If a correction is made, or a statement of disagreement is appended to the personal information in question, the University is obligated to notify any other person or body to whom the personal information had been disclosed during the year preceding the date on which the request for correction was made.

### **E. Informing Student of Grades**

The regulations under the Act requires that a Head must ensure that reasonable measures to prevent unauthorized access to records are in place taking into account the nature of the records protected.

In view of the provisions of the *Act* and the regulations promulgated thereunder, the practice of posting student grades in identifiable form, either by name or by student identification number sorted in alphabetical/numeric order, is considered an unreasonable invasion of privacy and not permissible.

#### ***Acceptable alternative:***

Students can be informed of their grade (only) electronically through CLEW or another classroom management system.

Informing a student of their grade by email sent to their official UWin email address is also acceptable. [All students are informed when a grade has been posted on their transcript through the eGrade (Electronic Grade Submission) system.]

#### **F. Distribution of Graded Examinations, Narrative Assessments and Assignments**

Bylaw 51 provides direction on matters related to Academic Evaluation and in particular it addresses the distribution of graded examinations and assignments to students. This policy is meant to affirm the obligations contained in Bylaw 51. To the extent that the Policy conflicts with the obligations and instructions provided in Bylaw 51, the Bylaw will prevail.

In light of the duties of the Head relative to posting of a student's grade equal protection must be afforded to other student records.

The practice of placing graded examinations and assignments in a public place for pick up is considered an invasion of privacy and not permissible.

Examinations and assignments should be returned directly to the student. Students should not be allowed to handle exams or assignments other than their own.

Acceptable procedures for distribution include the following:

- a. returning examinations and assignments during class time (lectures or labs/tutorials) (subject to bylaw 51, s.1.12.3)
- b. exams and assignments returned directly by the professor or through a departmental secretary; or
- c. Exceptions are permitted only if the faculty member acquires prior written consent from the student to openly distribute their graded examinations and assignments. (If faculty decide to exercise this option, they should consider configuring the exam or assignment so that comments and grades are either on or attached to the last page and can be kept hidden from casual observation.)

#### **G. Retention of Student Examinations and Assignments**

Personal Information used by an institution shall be retained by the institution for at least one year unless the individual to whom the information relates consents to its earlier disposal.

	<p>The intention is to ensure that the individual has a reasonable opportunity to obtain access to it. (Bylaw 51)</p> <p>Graded examinations and/or assignments which are not returned to the student are considered to be personal information that is used by the University to make a decision that directly affects the individual. These records must be retained for a period of one year from the date of posting if they have not been returned to the student. (Bylaw 51)</p>
	<p><b>H. Electronic Information and Networked Information</b></p> <p>The increasing reliance upon the electronic collection, processing, and distribution of student and applicant information presents new challenges for the protection of privacy. Distributed network access to retrieve and manipulate data through new information systems, such as the student webmail, may make traditional security restrictions for information access inappropriate. As a result, this imposes a requirement of due diligence upon Deans, Department Heads, and Directors, who are responsible for delegating authority to access student records. This responsibility for due diligence also rests upon all authorized users, to ensure the appropriate use and protection of confidentiality of student and applicant information. The Registrar's Office administers systems security for the Student Information System (SIS) and provides training and access to change or update electronic student or applicant records, as directed by the head of the Faculty, School, or Department and approved or authorized by the Registrar.</p>