

Disclosing Personal Information of Employees to Third Parties

1. Introduction

It is incumbent on all University of Calgary staff to ensure that the personal information of employees of the university is not inappropriately disclosed. Personal information is defined in the *Freedom of Information and Protection of Privacy (FOIP) Act* as recorded information about an identifiable individual. It includes such information as: an individual's name, home or business address; home or business telephone number; race, national or ethnic origin; age; sex; marital or family status; identifying number; health and health care history; educational, financial, employment or criminal history; anyone else's opinions about the individual; and the individual's personal views or opinions (except if they are about someone else).

Section 40(1) of the FOIP Act lists the only circumstances under which the University may disclose personal information. It provides authority to respond to:

- a request for access under the FOIP Act (formal access request);
- a general request for personal information about an employee (routine disclosure); or
- a request or an intent to publish personal information about employees (active dissemination).

The following protocol will help staff to make appropriate disclosure decisions.

2. Personal Information in the Public Domain

You may disclose an employee's personal information to a third party if the disclosure is not an unreasonable invasion of the employee's personal privacy (s.40(1)(b)).

It does not constitute an unreasonable invasion of privacy at the University of Calgary to release information in the following categories:

- employment status
- business address, telephone number, email address
- job title, job profile
- rank, classification
- salary range
- discretionary benefits
- relevant educational qualifications
- attendance at or participation in a public event or activity related to the institution (e.g. graduation, sporting or cultural event)
- personal information already in the public domain
- publications listed in the academic staff annual report

When individuals are hired by the University of Calgary, they acknowledge that, although the above information is personal information and subject to consideration under the FOIP Act, it has been determined to be a matter of public record on this campus and will be disclosed to third parties.

NOTE that an individual's employee status and contact information may be restricted in specific cases for security reasons. You can be sure that the information is not restricted if personal data is included in the email or telephone directory. If you are not sure whether or not the information can be disclosed, check the directory to see if the information is publicly accessible or refer the call to the employee's supervisor, HR, or the employee.

3. Confidential Personal Information

You must refuse to disclose an employee's personal information to a third party if the disclosure would be an unreasonable invasion of the employee's privacy.

It is an unreasonable invasion of privacy at the University of Calgary to release the following kinds of information to a third party unless the disclosure is authorized under section 40:

- exact salary or any information that might indicate an exact salary amount
- home address or telephone number
- information relating to an individual's race, national or ethnic origin; age, marital or family status; health and health care history
- employment history
- ID number
- evaluative information
- birth date

4. Disclosing with Consent

You may disclose an employee's personal information to a third party if the employee has identified the information and consented in writing to the disclosure (s.40(1)(d)). Written consent should be acquired prior to disclosure in the following kinds of cases:

- a credit card company or bank requests exact salary information
- a potential employer requests an evaluation of a former or current employee
- a potential employer requests details regarding the employment history of a former or current employee

5. Disclosing to Other Authorities

You may also disclose an employee's personal information to a specific third party if the disclosure is authorized under section 40.

For example, you may disclose:

- for the purpose for which the information was collected or compiled or for a use consistent with that purpose
- for the purpose of complying with a collective agreement
- for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure
- to an officer of the University of Calgary if the information is necessary for the performance of his or her duties
- for the purpose of collecting a fine or debt owed by an individual to the University of Calgary
- for the purpose of determining or verifying an individual's suitability or eligibility for a program or benefit
- to Audit Services or any other prescribed body for audit purposes
- so that the spouse, relative or friend of an injured, ill or deceased individual may be contacted
- for the purpose of managing or administering personnel of the University of Calgary

Consult section 40 of the FOIP Act for a complete list of authorities.

NOTE that in all cases, the University should disclose personal information only to the extent necessary to enable the officer to carry out the purpose described.

6. Discussion

It should be clear that staff may choose to disclose information in one circumstance but not in another.

Example 1: Birth dates recorded in the personnel file should not be disclosed by an administrative coordinator to an employee who plans to arrange monthly celebrations for the department. However, the administrative coordinator should disclose the same information to the Human Resources pension officer who requires the information in order to perform his or her duties.

NOTE that it is entirely appropriate for an employee to ask colleagues to provide birth dates so that social events can be arranged. People can choose to provide the information or not; if they do, the information can properly be used for the stated purpose.

Example 2: It would be inappropriate to disclose exact salary information to an employee's next door neighbour, the media or a colleague but a payroll or budget officer would clearly need the information for the purpose of managing personnel or to perform regular duties.

7. Duty of Employees

Section 40 enables disclosure; it does not require disclosure. Staff should not assume that the person requesting the personal information of a third party is authorized to receive the information. Although University employees have a duty to assist any person who requests information, when the personal information of a third party is involved, the onus is on the applicant to provide evidence of his or her authority to collect the information. At the same time, the onus is on the staff member of the University to ensure that information is not inappropriately disclosed.

Staff 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, respond by email or verify the phone number and return the call yourself
- ask a relative to provide identification and evidence that he or she has authority to act on an employee's behalf
- request that the bank provide evidence of consent to release specific financial information
- request that an employee provide written consent before you write a letter of reference or respond to a request for a verbal evaluation

If you are not sure if the personal information should be disclosed, contact the unit FOIP Advisor or the FOIP Coordinator at foip@ucalgary.ca.

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. In this case, refer the applicant to the FOIP Coordinator.