

## **Disclosing Personal Information of Employees to the Subject**

### **1. Introduction**

The *Freedom of Information and Protection of Privacy (FOIP) Act* provides individuals with a right of access to personal information about themselves held by the University of Calgary.

This right, however, is limited by specific exceptions. The following protocol will help staff to make appropriate decisions about the disclosure of personal information to the subject.

### **2. Routine Disclosure**

You may routinely disclose information in the following categories:

- that portion of the employee file that is deemed to be accessible to the subject (see relevant retention rule)
- information supplied by the subject
- information copied to the subject
- performance evaluations written by the supervisor
- unsolicited material that is placed in the personnel file

NOTE that the right of access does not give an employee the right to remove or destroy information contained in the file. The file constitutes the department's record of decisions, transactions, etc. relating to the employee and therefore should not be altered unless both parties agree. The employee should only be allowed to review the file under supervision.

### **3. Limitations on Access**

The FOIP Act provides the University with the discretionary right to withhold information in the following circumstances:

- when, in the opinion of a qualified professional, disclosure of the information could reasonably be expected to result in harm to the applicant's health or safety
- when, in the opinion of a qualified professional, disclosure of the information could reasonably be expected to result in harm to a third party's safety or mental or physical health
- when the information consists of a confidential evaluation compiled for the purpose of determining the subject's suitability, eligibility or qualifications for employment or for the awarding of contracts or other benefits
- when the information consists of advice or recommendations relating to the performance or conduct of the subject (e.g. disciplinary recommendations)
- when the information is contained in plans relating to the administration of the Institution that have not yet been implemented. (e.g. human resource plans or downsizing options)
- when a disclosure could reasonably be expected to harm a law enforcement matter or harm the effectiveness of investigative techniques and procedures

The following categories of information should, therefore, not be routinely disclosed:

- letters of reference supplied in confidence
- evaluative comments provided by anyone other than the supervisor 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 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 to the information. In this case, refer the applicant to the FOIP Coordinator at [foip@ucalgary.ca](mailto:foip@ucalgary.ca).