



ACCESS AND PRIVACY OFFICE

Frequently Asked Questions: Financial

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

FOIP allows for the routine disclosure of information that provides details on the expenditure of public funds. This includes information relating to the expense accounts of University staff where the University paid for those expenses. [Section 17(2)(e) and (h)]

Can financial reports submitted on completion of a licensed event be released to the public?

Reports on a licensed event such as a fund raising effort would normally be routinely available. However, if these reports contain information on other aspects of the University, independent operators or affiliated organizations, they must be reviewed to ensure there is no information within them that is subject to exception. [Sections 16 and 17]

Can copies of contracts with consultants, engineers, contractors be released?

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 University 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 the business interests of the contractor. Information may also be withheld if the University 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 would include unit pricing, actual wages paid to employees of the contractor and proprietary information.

Can suppliers have access to evaluation documents of publicly tendered proposals?

Public tender documents and evaluation criteria are routinely available. Evaluation notes, summaries, weighting factors and other evaluation documents are based on information

supplied by the contractor but are created by the University. As a result not all of these records qualify for an exception under Section 16 (harm to business interests). However, some information may be withheld under Section 19 if they are 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). 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.

Can the University release invitation to tender lists to suppliers?

Invitations to tender should be routinely available to the public unless University policy requires payment of a fee for such lists, in which case they would be available for sale.

Can the University release student information to a collection agency when a student has outstanding accounts at the University?

Section 40(1)(k) allows disclosure for the purpose of collecting a fine or debt owed by an individual to the University. A notation of the disclosure should be placed on the accounts receivable record.

What information can the University provide to a collection agency so that the agency can recover debts owed to the University?

The University should release only that information needed to enable 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 and the reason.

Can the registrar refuse to release an official transcript or diploma to a student who owes money to the University for tuition fees, or for library books or equipment that have not been returned?

Yes. However, if there is a formal FOIP request, the University cannot withhold personal information from the subject based on money owed to the University by the applicant. Section 6 provides an applicant with a right of access to any record in the custody or under the control of the University, including a record containing personal information about the applicant. In this case, the University is required to provide a statement of grades to the student. It can refuse to issue an official transcript or diploma unless the student settles the outstanding account.

In dealing with appeals, complaints and requests for refunds, information must sometimes be obtained on a student's attendance and performance and student loan information. Can this collection continue under the Act?

Yes. Section 40(1)(h) permits disclosure to an employee of the University so that person can perform his or her duties. The disclosure should be limited to the information needed to do the job and only provided to the individual who has a need to know that information.

Can full details of a contract, including personal information, be disclosed to Revenue Canada for the purpose of a tax evasion investigation?

Yes. Section 40(1)(e) allows for disclosure to comply with another Act, and Section 40(1)(q) allows for disclosure for law enforcement purposes. In either case, the official from Revenue Canada would have to provide proof of identity and the specific authority under which the information is being requested.

If a request were made for detailed legal invoices, what information on the invoices would be released?

If a legal invoice includes only basic information such as dates covered by the billing and the total amount, it should be released. Otherwise, it should be examined carefully to determine whether it contains information that would be subject to legal privilege [Section 27], information that could harm the economic interests of the University [Section 25] or information that would be an unreasonable invasion of personal privacy [Section 17]. Details on the invoice could divulge the strategy or grounds on which a legal case is being based.