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## Freedom of Information and Protection of Privacy Act Delegation of Authority

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<b>Policy Sponsor:</b>	The Governors of Athabasca University
<b>Policy Contact:</b>	FOIP/ Policy Coordinator
<b>Policy Number:</b>	N/A
<b>Effective Date:</b>	June 10, 2011
<b>Approval Group:</b>	The Governors of Athabasca University
<b>Approval Date:</b>	June 10, 2011
<b>Review Date:</b>	Annually

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### Purpose

To delegate the President's functions and duties as Head of Athabasca University under the [Freedom of Information and Protection of Privacy \(FOIP\) Act, R.S.A. 2000, c.F-25](#) and to delegate the responsibilities of Athabasca University as a public body and local public body under the *FOIP Act*.

### Definitions

<b>Head</b>	The person designated under section 95(a) of the <i>FOIP Act</i> as the Head of Athabasca University for the purposes of the <i>FOIP Act</i> .
<b>Public Body</b>	A body defined in section 1(p) of the <i>FOIP Act</i> including, among others, the University, other local public bodies, local government bodies, government bodies, including departments, branches or offices of the Government of Alberta and agencies, boards, commissions and other bodies designated in Schedule 1 of the FOIP Regulation (A.R. 200/1995)



## Policy Statements

1. Pursuant to section 85 of the *FOIP Act*, I, Neil Fassina, as Head of Athabasca University, delegate my duties and functions as Head and the other responsibilities of the University as a Public Body under the *Act* in accordance with the attached Delegation of Authority Table, subject to the following conditions:
  - (a) that I may override this Delegation of Authority and make the decisions given to me as Head under the *Act*;
  - (b) that in the event of the absence or incapacity of the occupant of the position to which authority has been delegated, the delegation of authority passes to the occupant of the position acting for that position.
2. The following positions are authorized to perform decision-making duties or functions of the Head or carry out responsibilities of the University as a Public Body under the *FOIP Act* with respect to their area of responsibility, in accordance with the attached Delegation of Authority Table:

Vice Presidents

Associate, Vice Presidents

University Secretary

Deans

Associate, Deans

FOIP/Policy Coordinator

Chair, Centre for Distance Education

Chair, Centre for Science

Chair, Centre for Global & Social Analysis

Chair, Centre for Psychology

Chair, School for Computing and Information Systems

Chair, Centre for Work & Community Studies

Chair, Centre for Language & Literature

Coordinator, Access for Students with Disabilities

Coordinator, Counselling Services

Coordinator, Learning Services Tutorial

Coordinator, Materials Management

Director, Centre for Integrated Studies

Director, Centre for Learning Accreditation

Director, Centre for World Indigenous Knowledge and Research

Director, Collaboration and Learning Services

Director, Computing Services

Director, Facilities and Services

Director, Financial Services

Director, Human Resources

Director, Institutional Studies

Director, Learner Support Services

Director, Library Services



Director, Risk Management  
 Manager, Institutional Records/University Archivist  
 Ombuds Coordinator  
 Registrar  
 Senior Accountant

- This Delegation of Authority will remain in effect until revoked by the Head for the purposes of the *FOIP Act*.

**Delegation of Authority Table**

Responsibility/Description	FOIP Act Section Number	Delegated to FOIP Coordinator or	With the Advice or Recommendation of the FOIP Coordinator	Delegated to the Appropriate Executive Member or Position Named in the Order of Delegation	With the Advice or Recommendation of the Appropriate Executive Member or Position Named in the Order of Delegation
<b>RIGHT OF ACCESS</b>					
Authority to receive and reply to requests	2 (a) & (c) & 7	x			
Authority to establish continuing requests	9	x			
Authority to decide on severing of record	6	x			x
Duty to assist applicant	10 (1)	x			
Duty to create record	10 (2)	x			
Authority to decide on content of response	12	x			x
Authority to decide how access will be given	13	x			
Authority to extend time limit	14 (1) & 14 (3)	x			
Authority to request commissioner's permission for extension of more than 30 days	14 (1) & 14 (2)	x			x



Authority to transfer a request	15 & 37	x			
<b>EXCEPTIONS - RELEASE AND REFUSAL DECISIONS</b>					
Harm to business interests of a third party	16	x			x
Harm to personal privacy	17	x			x
Harm to individual or public health and safety	18	x			x
Confidential evaluations	19	x			x
Harm to law enforcement	20	x			x
Harm to intergovernmental relations (disclosure would harm the University and intergovernmental relations of the Government of Alberta)	21	x			x
Local public body confidences (disclosure would reveal draft resolutions, by-laws, budget plans, substance of deliberations)	23	x			x
Advice from officials (disclosure would reveal advice, proposals, recommendations, deliberations involving officers or employees)	24	x		x	
Harm to economic interests of university (result in financial loss, or prejudice the competitive position of the University)	25	x		x	
Testing procedures (personnel audits, financial audits)	26	x			x



Privileged information	27 (1) & 27 (2)		x	x	
Information that is or will be available to public	29	x			x
Relationship to other acts (paramountacy)	5	x			x
<b>THIRD PARTY INTERVENTION</b>					
Duty to give third party notice	30	x			
Deciding whether to give access to third party information	31	x			
Duty to give notice of decision	31(2)-(4)	x			
<b>PUBLIC INTEREST</b>					
Authority to disclose information	32		x	x	
Duty to notify third party, Commissioner	32(3), (4)	x			
<b>COLLECTION, PROTECTION AND RETENTION OF PERSONAL INFORMATION</b>					
Establish manner for controlling collection, use and disclosure of personal information	2 (b)	x			
Ensuring authorized purpose of collection	33	x		x	
Assuring proper collection and notification	34	x		x	
Setting aside collection requirements	34(3)		x	x	
Authorizing routine correction of personal information	2(d)			x	
Duty to correct, annotate, link personal information, duty to notify previous recipients	36(3)	x		x	
Duty to give notice to individual requesting correction	36(7)	x			



Transferring request to correct personal information	37 (1)	x			
Assuring accuracy of personal information	35 (a)			x	
Applying retention standards	35 (b)			x	
Ensuring protection of personal information	38		x	x	
<b>USE AND DISCLOSURE OF PERSONAL INFORMATION</b>					
Assuring appropriate uses	39		x	x	
Assuring proper disclosures of personal information	40	x			x
Disclosure in accordance with Part 1	40 (1) (a)	x			x
Disclosure if not an unreasonable invasion of a third party's personal privacy	40 (1) (b)	x			x
Disclosure for original or consistent purpose	40 (1) (c)	x			x
Disclosure after individual consents	40 (1) (d)	x			x
Disclosure to comply with enactment of Alberta or Canada or treaty, arrangement or agreement made under Act (includes signing personal information sharing agreements)	40 (1) (e)	x			x
Disclosure in accordance with enactment of Alberta or Canada that authorizes or requires disclosure	40 (1) (f)	x			x
Disclosure to comply with subpoena, warrant or court order	40 (1) (g)			x	
Disclosure necessary for employee of University or member	40 (1) (h)		x	x	



of Executive Council to perform duties					
Disclosure necessary for employee of University or other public body or member of Executive Council for the delivery of common or integrated program or service and to perform duties	40 (1) (i)		x	x	
Disclosure to enforce legal right of Government of Alberta or public body	40 (1) (j)		x	x	
Disclosure to collect debt or fine or make payment	40 (1) (k)		x	x	
Disclosure to determine or verify suitability or eligibility for program or benefit	40 (1) (l)		x	x	
Disclosure to Auditor General or other prescribed person for audit purposes	40 (1) (m)		x	x	
Disclosure to Member of Legislative Assembly to assist individual	40 (1) (n)		x	x	
Disclosure to bargaining agent acting on behalf of employee	40 (1) (o)		x	x	
Disclosure for archival purposes	40 (1) (p)	x			x
Disclosure to assist investigation	40 (1) (q) (i) & (ii);		x	x	
Disclosure to next of kin or a friend of injured, ill or deceased individual	40 (1) (s)		x	x	
Disclosure to an expert under Section 18 (2) to protect individual or public safety	40 (1) (u)		x	x	



Disclosure for legal proceedings to which government or public body is a party	40 (1) (v)		x	x	
Disclosure for purpose of managing or administering personnel	40 (1) (x)		x	x	
Disclosure to enforce a maintenance order	40 (1) (y)		x	x	
Disclosure to an officer of the Legislature where necessary to carry out duties	40 (1) (z)		x	x	
Disclosure relating to an individual under control or supervision of a correctional authority	40 (1) (aa)		x	x	
Disclosure when information available to the public	40 (1) (bb)	x			x
Disclosing business contact information	40(1)(bb. 1)			x	
Disclosure to relative of deceased individual if not unreasonable invasion of deceased's privacy	40 (1) (cc)		x	x	
Disclosure to a lawyer or student at law acting for an inmate	40 (1) (dd)		x	x	
Disclosure to avert or minimize an imminent danger to the health and safety of any person	40 (1) (ee)		x	x	
Disclosure to administrator of <i>Motor Vehicle Accident Claims Act</i>	40(1)(ff)		x	x	
Disclosure of personal information in alumni records for purpose of fundraising activities	40 (2)		x	x	



Disclosure for purpose of assisting students in selecting courses, disclose teaching and course evaluations	40 (3)		x	x	
Disclosure for research and statistical purposes and administration of agreements	42, 43	x			x
<b>REVIEWS AND COMPLAINTS</b>					
Ask Commissioner to give advice and recommendations	54 (1)	x			x
Ask Commissioner to allow for disregarding of requests	55	x			x
Produce a record required for Commissioner's investigation or inquiry	56 (3)	x			
Require Commissioner to examine original record on site	56 (4)	x			x
Make representations to the Commissioner	69 (3),(5), & (6)	x		x	
Duty to discharge burden of proof	71	x			x
Duty to comply with Commissioner's order	74	x		x	
<b>GENERAL PROVISIONS</b>					
Duty to publish a directory of the University's personal information banks and keep it current	87.1(1) and (4)	x			
Duty to record uses or disclosures of personal information not in Directory	87.1(3)	x			
Specifying categories of records available without formal request and require a fee	88	x		x	



Make manuals available	89	x		x	
<b>FEES</b>					
Authority to assess and collect fees	93	x			
Authority to prepare fee estimate	93 (3)	x			
Authority to waive fees	93 (4)	x			x
Duty to give notice of decision to grant or refuse waiver request	93(4.1)	x			
<b>OTHER</b>					
Other administrative responsibilities not covered above		x		x	

### **Applicable Legislation and Regulations**

[Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25](#)  
[Freedom of Information and Protection of Privacy Regulation \(A.R. 200/1995, as amended\)](#)

### **Related References, Policies, Procedures and Forms**

[Fees for Services under the Freedom of Information and Protection of Privacy Act Policy](#)  
[Fees for Services under the Freedom of Information and Protection of Privacy Act Procedures](#)  
[Designation of Head for the Purposes of the Freedom of Information and Protection of Privacy Act](#)  
[Access to Information Policy](#)  
[Protection of Privacy Policy](#)  
[Sharing a Student's Personal Information within Athabasca University Policy](#)  
[Records Management Policy](#)  
[Order of Delegation](#)

### **History**

Athabasca University Governing Council, June 11, 2011, Motion # 173-10 (Revised)  
 President, March 6, 2002 (Amended)  
 Effective Date for FOIP Delegation Authority Table: May 2000  
 Effective Date of Initial Order of Delegation: March 6, 2000  
 President Dominique Abrioux, March 6, 2000 (Approved)  
 Executive Committee, November 27, 1998, Motion # 160-7 (Approved)