

MANAGEMENT OF PERSONAL INFORMATION IN UNIVERSITIES AND CEGEPS

Under the *Act respecting access to documents held by public bodies and the protection of personal information*, only personal information necessary to the carrying out of the duties of a public body may be collected. The Act also prohibits the release of this information without the consent of the person concerned. In their current administration, educational institutions must comply with these provisions. Under its mandates, the Commission d'accès à l'information had to take a stand regarding certain practices in universities and cegeps involving the keeping and use of personal information. Its conclusions are dealt with on CONTACT.

Collecting of social insurance numbers

In an application for review, the Commission rules on the necessity for Université Laval to keep social insurance numbers in former students' files and fund-raising files. In its decision, the Commission did not recognize the need for the Université to collect this information for performing its duties or implementing its teaching programs.

On the basis of this jurisprudence, the Commission concluded, in a subsequent decision on an application for access to personal information for research purposes, that universities were therefore deemed no longer to be keeping social insurance numbers.

Use of information contained in the master list of students

Educational institutions may have various reasons for releasing all or part of their master list of students. The Act prohibits this release without the consent of the student concerned, unless it is required for the enforcement of an act. This is the case for instance of the *Act respecting the accreditation and financing of students' associations*, under which educational institutions must furnish the list of their students to an accredited students' association that makes a request for it.

The Commission consequently requests that, apart from such exceptional cases, educational institutions obtain the consent of the students concerned before releasing personal information from their master list of students. This authorization may be obtained either at registration or when plans are being made to release nominative information.

Since January 1, 1994, the *Act respecting the protection of personal information in the private sector* has been applicable to students' associations. Under this Act, they may collect only the personal information required for the purposes of the file and must ensure its confidentiality by adequate security measures.

Use of information contained in the master list of graduates

As in the case of the master list of students, the Commission requests that educational institutions which manage personal information themselves obtain graduates' consent before releasing information concerning them to third parties. They must also obtain graduates' consent before they release information to an independent graduates' association for its management.

Similarly, universities must make provision, in their admission application forms, for obtaining the student's consent to having his college marks transmitted by the educational institution attended as well as by the ministère de l'Éducation, through the Conférence des recteurs et des principaux des universités du Québec (CREPUQ), which acts as the registration information centre for all Québec universities.

Since January 1, 1994, the *Act respecting the protection of personal information in the private sector* has been applicable to the CREPUQ and to independent graduates' associations of educational institutions. Under this Act, they may collect only the personal information needed for the purpose of the file and must ensure its confidentiality by adequate security measures.

Posting of students' marks

Examination and paper marks are often posted in response to the students' wish to learn their results before receiving their transcript by mail or their need to furnish the mark received for a prerequisite course to register for another course.

Although it is aware of these situations, the Commission reminds educational institutions that, under the Act, information which allows a person to be identified is nominative information. When a mark is placed beside a name or a student number beginning with a year of registration or with the first three letters of a surname, this constitutes nominative information.

The Act prohibits the release of nominative information without the consent of the person concerned. The Commission accordingly requests educational institutions which post students' marks to obtain their consent beforehand. This authorization can be obtained either at registration or through a department, a faculty or a professor. A number that reveals nothing can also be used for posting.

Use of permanent codes containing the date of birth

Certain educational institutions indicate on the envelope, in addition to the address, the permanent code, also called the student number, of the addressee. This information makes it possible to distinguish between two students or two graduates with the same name. However, if the code contains the date of birth, this practice is equivalent to disclosing personal, confidential information.

The Commission therefore requests that institutions change their practices in compliance with the Act. It suggests that, for mailing purposes, one of the following three options be used, making it possible to distinguish between two persons with the same name and, at the same time, keeping the addressee's age confidential:

- conceal the student number containing the date of birth by means of a suitable window envelope; or
- no longer indicate the year of birth (the first two digits of the number); or
- use two series of labels, one without the permanent code on the envelope and the other with the permanent code inside the envelope.