Freedom of Information and Privacy Foundations

Description of the course

This course will provide an introduction to the history, theories, and key concepts relevant for the appropriate administration of access and privacy legislation. The course examines access and privacy concepts and principles through the examination of provincial Freedom of Information and Protection of Privacy Acts.

Learning Objectives

- Explain the importance of access to information and privacy protection in a democracy
- Describe the history and philosophy of both access to information and protection of privacy (IAPP) legislation
- Describe the fundamental elements of IAPP legislation
- Review the development of IAPP legislation in Canada both federally and provincially
- Discuss the types of regulations that related to IAPP legislation in different jurisdictions
- Distinguish between the different types of IAPP legislation within Canada and in other western countries
- Explain the purpose of legislation creating a right to access information from public bodies
- Outline the scope of access legislation
- Define key terms, such as: record, personal information, public body, heads, third party
- Explain what sort of information would be included as personal information, and what constitutes an ‘unreasonable’ invasion of privacy
- Explain the process of making an access to information request
- Discuss the importance and elements of timelines in requests for information
- Explain when exemptions are mandatory and when they are discretionary
- Identify situations in which access to information requests may be denied
- Describe the different types of oversight bodies
- Identify the circumstances in which information may be disclosed by a public body
- Describe the processes of review and appeal of decisions under IAPP legislation
- Describe the role that privacy protection provisions play in IAPP legislation
- Describe the limitations on how information may be collected, used and disclosed by public bodies
- Outline the division of power in Canada and how this related to access to information and privacy protection
- Explain the public policy reasons for legislative paramountcy
Discuss how PIPEDA could have conflicted with provincial enactments, and how this was resolved
Describe the 10 Canadian Standards Association privacy principles
Describe what ‘substantially similar’ standards means
Describe how paramountcy operates in the context of information access and protection of privacy legislation
Identify and analyze legislative provisions that relate to paramountcy in the context of information access and protection of privacy legislation
Apply the concept of paramountcy to evaluate what privacy provisions will be applied in specific situations
Discuss the reasons for the need to make changes to information access and privacy protection legislation
Discuss early reforms to the federal Access to Information Act
Describe the major type of complaints that are received about the access to information legislation
Discuss the recommendations for changes to the privacy act
Discuss the different examples of provincial sectoral regulation
Describe some of the specific privacy issues that are addressed in personal health information privacy legislation
Describe what would be included in IAPP manuals or guidelines
Describe the important legal and administrative responsibilities involved in records management and administration of IAPP legislation
Describe the effect of new information technology on privacy
Discuss the privacy concerns raised by the Anti-Terrorism Act passed after 9/11
Identify and describe tools for administering Canadian IAPP legislation
Discuss the European Union Data Protection Initiative and the US Safe Harbor framework

Course Outline

Module 1 “History and Philosophy of Information Access and Protection of Privacy Legislation in a Liberal Democracy.” This module introduces the concepts of access to information and privacy in liberal democratic societies. It examines the philosophical and historical development of these concepts, and their place in a democratic society.

Module 2 “Access to Information.” This module examines how access to information statutes balance the individual right to access information against the need to maintain confidential records in certain situations. This balance is explored through the rationale supporting access legislation and illustrating situations that are exceptions to the general rule of disclosure.

Module 3 “Privacy Protection.” This module examines the statutory mechanisms that are in place to oversee access and privacy legislation. This includes sources of information and how it is collected, restrictions on information collection, how personal information may be used and when it is disclosed, powers, roles and responsibilities of oversight bodies and statutory appeal procedures.

Module 4 “Paramountcy: The Relationship between Freedom of Information and Protection of Privacy and Other Legislation.” In this module we will examine the policy rationale for paramountcy provisions, discuss how to identify paramountcy provisions and distinguish them from confidentiality provisions. We will also examine examples of general and specific paramountcy provisions, review
the steps involved in working through a typical legislative paramountcy problem, and survey the possible outcomes of a paramountcy analysis.

**Module 5** “The Changing Landscape of Information Access and Protection of Privacy Legislation.” This module identifies the specific areas that may be targeted for reform and the rationale behind purposing changes to the Access to Information Act and the Privacy Act. By looking at specific legislation in different provinces students will get a more thorough understanding of the range of responses that are necessary to address these issues.

**Module 6** “Putting It All Together: Applying IAPP Concepts, Current Trends and Future Challenges.” In this module we review the tools that administrators can use to implement the concepts and principles of IAPP legislation. We will then identify trends in IAPP administration, both in Canada and internationally. Also, we will identify issues that may present challenges to IAPP principles in the future.

**Required Readings**

All required readings for this course are found on BbLearn and in the Course Pack.


Office of the Privacy Commissioner of Canada, “Fact Sheet: Determining the appropriate form of consent under the Personal Information Protection and Electronic Documents Act,” at http://www.priv.gc.ca/resource/fs-fi/02_05_d_24_e.asp Location: Module 3 Readings

Privacy Commissioner of Canada. "Testimony" (Testimony Regarding Bill C-36, the Anti-Terrorism Act, to the House of Commons Standing Committee on Justice and Human Rights, 23 October 2001). Online: Office of the Privacy Commissioner of Canada http://www.privcom.gc.ca/speech/02_05_a_011024_e.asp


Graded Assignments

Discussion Boards:

Grade Value: 5%

Students are required to participate in all 5 online discussions. Each online discussion will consist of an initial posting on the discussion topic and response postings (comments) either in response to a classmate’s posting or as an augmentation of your initial posting. Students will have approximately one week to meet the requirements of each discussion board. Focused online discussions allow students to express their understanding of information that is covered in each of the modules, to discuss that information with classmates and their instructor, and to integrate the results of those discussions into their own learning.

Essay 1:

Grade Value: 20%
Requirements: 750 words, double spaced and 12 pt. font.

Essay 2:

Grade Value: 20%
Requirements: 750 words, double spaced and 12 pt. font.

Final Assignment:

The final assignment is cumulative. Students are given one week to complete the assignment.
Grade Value: 35%

Evaluation Criteria
Essays

Essays in all courses are evaluated according to the following criteria:

Thesis (Grade Weight = 20%)

<table>
<thead>
<tr>
<th>Excellent (A: 86–100)</th>
<th>Good (B: 72–85)</th>
<th>Satisfactory (C: 60–71)</th>
<th>Poor (D–F: 0–59)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• thesis is clearly stated, creative, original and insightful</td>
<td>• thesis is clearly stated and insightful</td>
<td>• thesis is lacking in clarity and precision</td>
<td>• thesis is poorly stated, ambiguous or absent</td>
</tr>
<tr>
<td>• presents a Point of View (POV) based on a critical analysis of factual evidence and relevant theory</td>
<td>• presents a POV based on an assessment of factual evidence and may refer to relevant theory</td>
<td>• presents a POV based on a limited assessment of factual evidence and on common knowledge, generalizations and some theory</td>
<td>• fails to present a POV or presents a POV that is not based on analysis of factual evidence relevant theory or any other viable form of support</td>
</tr>
</tbody>
</table>
### Background and Course Content (Grade Weight = 20%)

<table>
<thead>
<tr>
<th>Excellent (A: 86–100)</th>
<th>Good (B: 72–85)</th>
<th>Satisfactory (C: 60–71)</th>
<th>Poor (D–F: 0–59)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• elaboration of the thesis is concise, focused explicitly situated (relevant to the community of learners and practitioners), contextualized (related to real life scenarios for practitioners) and draws on the student’s personal experiences</td>
<td>• elaboration of the thesis is clear and somewhat situated and contextualized</td>
<td>• elaboration of the thesis is somewhat clear, but too much time is given to contextualizing and situating the thesis</td>
<td>• the thesis is neither situated nor contextualized in terms of practical professional experiences and/or situations</td>
</tr>
<tr>
<td>• the essay contains some background information that is not central to the thesis so the focus on the thesis sometimes waivers</td>
<td>• the extra emphasis on the background and context tends to draw the focus of the essay away from the central thesis</td>
<td></td>
<td>• focus on the thesis is poor or absent</td>
</tr>
</tbody>
</table>

### Research, Supporting Data and Analysis (Grade Weight = 25%)

<table>
<thead>
<tr>
<th>Excellent (A: 86–100)</th>
<th>Good (B: 72–85)</th>
<th>Satisfactory (C: 60–71)</th>
<th>Poor (D–F: 0–59)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• demonstrates a clear grasp of the complexity of the issues arising from the thesis</td>
<td>• demonstrates an understanding of the central issues arising from the thesis</td>
<td>• demonstrates an appreciation for some of the issues arising from the thesis</td>
<td>• fails to indicate an appreciation or understanding of issues that arise from the thesis</td>
</tr>
<tr>
<td>• refers to a full range of relevant current resources (course materials, external sources), and contemporary research findings</td>
<td>• refers to current sources, including contemporary research findings</td>
<td>• refers to current sources, research, opinions, and observations that support the thesis</td>
<td>• makes limited or no reference to current sources, contemporary research or other forms of factual evidence, opinions or analyses to support the thesis</td>
</tr>
<tr>
<td>• uses relevant data, analyses and conclusions to conduct a thoroughly and objective examination of the validity of the thesis</td>
<td>• draws on related analyses and conclusions that support the thesis</td>
<td>• the resources, evidence, and analyses used are somewhat limited in scope</td>
<td>• does not use the information that is presented to assess the validity of the thesis</td>
</tr>
<tr>
<td>• includes a critical analysis of the sources used</td>
<td>• uses a somewhat uncritical analysis of this information to examine the validity of the thesis</td>
<td>• information is used in an uncritical way to examine the validity of the thesis</td>
<td></td>
</tr>
</tbody>
</table>
Conclusions (Grade Weight = 15%)

<table>
<thead>
<tr>
<th><strong>Excellent (A: 86–100)</strong></th>
<th><strong>Good (B: 72–85)</strong></th>
<th><strong>Satisfactory (C: 60–71)</strong></th>
<th><strong>Poor (D–F: 0–59)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• conclusions are clear, creative and insightful</td>
<td>• conclusions are clear and valid</td>
<td>• conclusions are offered but in a disorganized way</td>
<td>• conclusions are vague or absent</td>
</tr>
<tr>
<td>• contain a clear, cogent reiteration of and support for the central points of the thesis</td>
<td>• contain a cogent reiteration of the central points of the thesis</td>
<td>• the central points of the thesis are reiterated</td>
<td>• there is little or no reiteration of the central points of the thesis</td>
</tr>
<tr>
<td>• thorough careful analysis confirms the superiority of this POV over other POVs.</td>
<td>• a careful analysis tends to support the superiority of this POV over a competing POV</td>
<td>• analysis supports the thesis but little consideration is given to other POVs.</td>
<td>• analysis is weak and offers limited support for the thesis and does not consider alternative POVs</td>
</tr>
<tr>
<td>• the conclusions are based on arguments that are developed throughout the essay and offer a convincing defense of thesis and a compelling, insightful closure</td>
<td>• the conclusions support the main hypothesis of the essay and provide a convincing sense of closure</td>
<td>• the thesis defense is somewhat successful but there is only a limited sense of closure</td>
<td>• fails to defend the thesis adequately and provides no sense of closure</td>
</tr>
</tbody>
</table>

Writing Style and Essay Structure (Grade Weight = 10%)

<table>
<thead>
<tr>
<th><strong>Excellent (A: 86–100)</strong></th>
<th><strong>Good (B: 72–85)</strong></th>
<th><strong>Satisfactory (C: 60–71)</strong></th>
<th><strong>Poor (D–F: 0–59)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• essay is very well organized</td>
<td>• essay is well organized</td>
<td>• some parts of the essay are less well organized</td>
<td>• essay lacks organization</td>
</tr>
<tr>
<td>• central ideas are presented very clearly, cogently and effectively</td>
<td>• central ideas are presented clearly, and effectively</td>
<td>• central ideas are fairly clear, but could be presented more effectively and consistently</td>
<td>• central ideas are unclear and poorly presented</td>
</tr>
<tr>
<td>• thesis is insightful and creative and functions as a unifying factor throughout the paper</td>
<td>• thesis is sound and imaginative and is referred back to frequently throughout the paper</td>
<td>• thesis is generally sound but utilized inconsistently as a unifying factor in the paper</td>
<td>• thesis is unclear and lacking in insight, creativity and soundness</td>
</tr>
<tr>
<td>• there is a critical analysis and integration of ideas throughout the paper</td>
<td>• paper is analytical and relationships between ideas are clearly developed</td>
<td>• paper presents some analysis and integration of ideas</td>
<td>• paper is neither analytical nor integrative</td>
</tr>
</tbody>
</table>
Grammar and Mechanics (Grade Weight = 10%)

<table>
<thead>
<tr>
<th>Excellent (A: 86–100)</th>
<th>Good (B: 72–85)</th>
<th>Satisfactory (C: 60–71)</th>
<th>Poor (D–F: 0–59)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• all sources are cited accurately</td>
<td>• most sources are cited correctly</td>
<td>• some sources are cited incorrectly or inappropriately</td>
<td>• sources not cited or cited incorrectly or inappropriately</td>
</tr>
<tr>
<td></td>
<td>• a few spelling, punctuation, and grammatical errors</td>
<td>• some spelling, punctuation, and grammatical errors</td>
<td>• excessive spelling, punctuation, and grammatical errors</td>
</tr>
<tr>
<td>• essay submitted on time (or delayed, with instructor permission)</td>
<td>• essay submitted late (marks deducted at instructor’s discretion)</td>
<td>• essay submitted late (marks deducted at instructor’s discretion)</td>
<td>• essay submitted very late</td>
</tr>
</tbody>
</table>

Thesis (Grade Weight = 20%)
Background and Course Content (Grade Weight = 20%)
Research, Supporting Data and Analysis (Grade Weight = 25%)
Conclusions (Grade Weight = 15%)
Writing Style and Essay Structure (Grade Weight = 10%)
Grammar and Mechanics (Grade Weight = 10%)

Discussion Boards

Discussion Postings (includes initial and response postings) in all courses are evaluated according to the following criteria:

1. **Demonstrates an understanding of a course concept.** This applies to your initial and response posts, and includes the following elements:
   
   a. Are your posts relevant to the assigned topic and question?
   b. Do your posts demonstrate accurate understanding of course material?
   c. Does the subject field convey the essence of your post (in less than 10 words)?

**Important Note for Quality Posts:** While your posts will often draw on past experiences and informed opinions, the most successful posts will support personal opinions with reference to the course material.

2. **Advances the discussion by adding new knowledge.** This applies to your response posts, in which you should try to broaden the perspective presented in another post by building on their ideas or pushing those ideas in a new direction. Some possible ways to do this are:

   a. Apply references to course material/theoretical concepts.
   b. Provide a comparable example from your own work experience thereby extending the original idea, but with a new 'twist'.
   c. Provide a counter-example based on personal experiences that refute or weaken the position taken by the initial author (e.g. I hear you say this...., but my experience suggests this...)
   d. Apply a related concept from the course that the initial post did not refer to.
   e. Apply a related example from current events or some other resource.
Basic Requirements for Course Assignments

File Types: assignments must be submitted on the Course Site in MS Word .doc, .docx, or in .rft format. (These files types can be opened in Blackboard Learn and receive comments; other formats such as .wpd cannot).

All assignments should be in 12 Times New Roman (TNR) font, double-spaced with a 1” margin on each side. Each assignment should be approximately 10 pages in length.

Each page should include the student’s name and page numbers in the header or footer.

Each assignment should have a cover sheet as part of the document that has the following: course name, student’s full name, instructor’s name and essay title (i.e., Essay Assignment #1).

Software and Technology Requirements

This course will use Blackboard Learn S-14 (BBLearn) learning management system for class communications, content distribution, and assessments.

Log on to www.dal.ca/bblearn

To access the course:

Username: Your College of Continuing Education username cXXXX.cce

Initial Password: Your College of Continuing Education password (it is recommended that you change this password and keep it in a safe place as we are unable to reset it at the College).

For this course, you will need a reliable and frequent access to a computer and to the Internet. You might also need a headset with a microphone or speakers and a microphone to be able to listen to online resources and conduct other activities in the course (not needed in all courses).

Blackboard supports the most common operating systems:

PC: Windows 8, Windows 7, Windows Vista

Mac: Mac OS X Mavericks

Note: computers using Windows XP, Windows 8 RT and OS X 10.6 or lower are no longer supported. Also please ensure that you have the most recent Adobe program downloaded to be able to access certain types of files on Blackboard.

To check browser and computer compatibility follow the link that can be found on the course site under ‘Student Supports’:
https://help.blackboard.com/en-us/Learn/9.1_SP_14/Administrator/030_Browser_Support/010_Browser_Support_SP14

Technology issues are not an excuse for missing a course requirement – make sure your computer is configured correctly and address issues well in advance of deadlines.
Help Desk Information

For technology or computer issues, students should contact the Help Desk at Dalhousie University.

Phone: 902-494-2376     Toll-free: 1-800-869-3931   Email: helpdesk@dal.ca

Operating Hours

<table>
<thead>
<tr>
<th>Fall &amp; Winter Hours</th>
<th>Summer Hours (May – Aug)</th>
</tr>
</thead>
<tbody>
<tr>
<td>08:00am - 12:00am Monday - Friday</td>
<td>08:00am - 09:00pm Monday - Friday</td>
</tr>
<tr>
<td>10:00am - 12:00am Saturday - Sunday</td>
<td>08:00am - 06:00pm Friday</td>
</tr>
<tr>
<td></td>
<td>10:00am - 06:00pm Saturday – Sunday</td>
</tr>
</tbody>
</table>

You will find tutorials online under ‘Student Supports’ that will familiarize you with various aspects of BbLearn.

*For issues related to course content and requirements, please contact your instructor.*

Student-Instructor Interaction

Instructors are committed to providing a learning experience through thoughtful planning, implementation and assessment of course activities. They are committed to being readily available to students throughout the course by:

1. Replying to emails within 24-48 hours.
2. Returning graded course work with feedback within 7-10 days of each assignment due date.

Blackboard and Privacy

While connected to Dalhousie University’s Learning Management System (Blackboard), students may be tracked for their use of the features and tools. For the life of the online course/program, all administrators and instructors with access to the course can request full or partial reports of tracked data for any student(s). Instructors may use tracked information to help determine grades—specifically date stamps on discussion postings and assignment file uploads are used to determine if activities were completed by a specific deadline, and to calculate late penalties if applicable.

Aggregate class and data is used by administrators to study usability, access, and pedagogical issues in the online learning environment.

Blackboard tracks each student’s use of all course tools and features, including:

- entry time into each tool and feature
- exit time from each tool and feature
- time spent in each tool and feature per session
- time spent in each tool and feature during the entire course
- total time in Blackboard
- number of Blackboard sessions
- discussion messages read
- discussion messages posted
mail messages read
mail messages sent
calendar entries viewed
calendar entries added
assignments read
assignments submitted
content files viewed
web links viewed
media Library collections viewed
media Library entries viewed

**Academic Integrity**

The commitment of the College of Continuing Education is to graduate future leaders of business, government, and society who manage and lead with integrity. So when you submit any work for evaluation in this course or any other, please ensure that you are familiar with your obligations under Dalhousie University’s Academic Integrity Policies. Dalhousie offers many ways to learn about academic writing and presentations; so that all members of the University community may acknowledge the intellectual property of others. Knowing how to find, evaluate, select, synthesize and cite information for use in assignments is called being “information literate.” Information literacy is taught by Dalhousie University Librarians in classes and through online tutorials. See guides and tutorials at [http://www.dal.ca/dept/university_secretariat/academic-integrity/student-resources.html](http://www.dal.ca/dept/university_secretariat/academic-integrity/student-resources.html)

Do not plagiarize any materials for this course. Further guidance on what constitutes plagiarism, how to avoid it, and proper methods for attributing sources, please see [http://plagiarism.dal.ca/Student%20Resources/](http://plagiarism.dal.ca/Student%20Resources/)

Furthermore, the University’s Senate has affirmed the right of any instructor to require that student papers be submitted in both written and computer readable format, and to submit any paper to a check such as that performed by Safe Assign anti-plagiarism software. As a student in this class, you are to keep an electronic copy of any paper you submit, and the course instructor may require you to submit that electronic copy on demand.

**Diversity and Nondiscrimination**

Dalhousie University is committed to maintaining a community that recognizes and values the worth and dignity of every person. The University recognizes the diversity of its students and is committed to providing a learning experience in which students are able to participate, without discrimination on grounds prohibited by the Nova Scotia Human Rights Act. In particular, the University is committed to facilitating students’ access to the University’s academic programs, activities, facilities and services.

The University seeks to develop and nurture diversity and encourages each individual to reach his or her own potential. Dalhousie University prohibits discrimination against any member of the university community on the basis of race, religion, color, age, gender, ethnic, national or aboriginal origin, marital status, parental status, disability, source of income, political belief and sexual orientation.
The University is obliged to make every reasonable effort short of undue hardship to take substantial, timely and meaningful measures to eliminate or reduce the discriminatory effects of the learning and community environment.

**Course Evaluation**

At the end of each course, you will be invited and encouraged to complete a formal course evaluation. Evaluations provide an opportunity to provide honest and anonymous feedback on course content and instruction quality. Your feedback contributes to continuous improvement of our courses. We would appreciate hearing your thoughts and opinions on the course/program. Thank you for engaging in this process. All responses will be held in strictest confidence.

**Special Needs and Accommodation**

It is the student’s responsibility to self-identify and make a request for accommodation. The request for accommodation must be made reasonably in advance of the course or program in relation to which accommodation is being sought so that a decision can be made. The University will consider a request for accommodation made by a third party (physician, family member, caregiver, advocate or other representative) only where the student has provided prior written consent.

A request for accommodation must include the reasons for the accommodation, supporting documentation, the accommodation being requested and suggestions as to how the accommodation can be achieved, copies of medical reports (if applicable) to substantiate the request and where the request relates to a learning disability, a report describing the nature of the disability.

**Disability Statement**

In an effort to create a classroom environment that maximizes the success of all students, we encourage you to make us aware of any barriers that may inhibit your learning. Please feel free to ask any time about concerns or questions you may have about assignments, activities, or examinations.

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