



Emergency Disclosure of Personal Information at the University of Toronto – A Guideline Published Jointly by the Freedom of Information and Protection and Privacy Office, and the Crisis Manager

The University of Toronto is committed to maintaining a community where students, academic and other staff, and members of the public can safely pursue the many opportunities that the University offers. This commitment to safety is met through the deployment of various resources such as Counselling Services, the Community Safety Office, Campus Police, the Student Crisis Response Program, residence deans, and many others.

The University of Toronto is covered by the *Freedom of Information and Protection of Privacy Act* (“*FIPPA*”) and its health information custodians have responsibilities under the *Personal Health Information Protection Act* (“*PHIPA*”). The University takes steps to protect the privacy of personal information in accordance with these Acts.

In normal circumstances, disclosure of personal information is handled through **consent** (both express and implied) and, within the University, is **limited to those who need to know** the information in order to discharge their duties. Confidentiality is respected and the many University staff who handle personal information are well-informed, through the FOIPP office, training, existing policies and other means, regarding their responsibilities.

At times, the commitment to safety and the commitment to protection of privacy intersect. This intersection requires those having discretion and decision-making authority to exercise sound judgement regarding potential disclosure in the interests of safety. **In addition to the typical consent mechanisms or where otherwise legislatively authorized *FIPPA* permits disclosure of personal information in the University’s custody and control “in compelling circumstances affecting the health or safety of an individual if upon disclosure thereof notification is mailed to the last known address of the individual to whom the information relates” (s. 42(1)(h)). Personal information may also be disclosed “in compassionate circumstances, to facilitate contact with the spouse, a close relative or a friend of an individual who is injured, ill or deceased” (s. 42(1)(i).**

When a University employee (this term includes all faculty and staff) is faced with circumstances where the normal consent and other statutorily-permitted routes for disclosure are not available and where compelling health or safety interests are at stake or significant compassionate considerations are involved, the following procedures are to be followed:

- the employee is required to consult with the employee's supervisor (and, if the employee's supervisor does not have an administrative role, also with a relevant administrative or academic-administrative manager).
- Considering the nature of the issue and the obligations and freedoms under *FIPPA*, they are to assess jointly whether disclosure should be made.
- In cases of doubt, the reviewing employees are required to contact one of the following or their designates (current incumbents identified):
 - the Vice-Provost Students (Jill Matus);
 - the Vice-President Human Resources and Equity (Angela Hildyard);
 - the Director of the Freedom of Information and Protection of Privacy Office (Rafael Eskenazi);
 - or one of the University's internal legal counsel working in this area (Steve Moate or Nora Gillespie).
- In the case of UTM and UTSC the Vice-President and Principal and/or one of the above should be called.
- Wherever possible, a brief record of the disclosure decision should be maintained in a confidential file.
- The obligation to write, upon disclosure, to the individual to whom the information relates must be kept in mind.

As stated by the Information and Privacy Commissioner, "life trumps privacy" and this paramount principle must be considered as a starting point in protecting health and safety as effectively as possible when making difficult judgement calls. Support in making the appropriate judgement calls will be facilitated by the wide variety of skilled resources available within the University.

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