

THE UNIVERSITY OF BRITISH COLUMBIA



MEMORANDUM

To: The University Community

From: Access & Privacy Manager, Office of the University Counsel

RE: **The *Freedom of Information and Protection of Privacy Act* and
Online Surveys**

Disclaimer: The information contained in this memorandum is intended to provide general information only with respect to the *Freedom of Information and Protection of Privacy Act* and online surveys. It is not a substitute for proper legal advice. Please note that the information in this memorandum may be updated without notice.

Under section 30 of the BC [Freedom of Information and Protection of Privacy Act](#) (the “Act”) a public body has an obligation to protect personal information in its custody or under its control from unauthorized access, collection, use, disclosure or disposal.

Schedule 1 of the Act defines personal information as recorded information about an identifiable individual other than contact information. And contact information means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business e-mail or business fax number of the individual.

Contact information of students is considered personal information and must be protected.

The Act places restrictions on public bodies and service providers from storing, accessing or disclosing personal information outside of Canada. Pursuant to section 30.1 of the Act, a public body (and its service providers) must ensure that personal information is stored only in Canada and accessed only in Canada as follows:

A public body must ensure that personal information in its custody or under its control it store only in Canada and accessed only in Canada, unless once of the following applies:

- (a) if the individual the information is about has identified the information and has consented, in the prescribed manner, to it being stored in or accessed from, as applicable, another jurisdiction;
- (b) if it is stored in or accessed from another jurisdiction for the purpose of disclosure allowed under this Act;
- (c) if it was disclosed under section 33.1(1)(i.1).

Section 30.1 has an impact when it comes to using online surveys. Two popular online survey companies that are routinely used are Survey Monkey and Zoomerang. Both of these companies are located in the United States and maintain their servers in the US. In order to use these companies a list of email addresses needs to be provided to the online survey company so that survey participants can be contacted regarding a survey. Email addresses are considered personal information, unless they are a business e-mail addresses, and cannot be disclosed to survey companies outside of Canada without the consent of the individuals.

In order to be in compliance with the Act, Canadian companies with servers located in Canada should be used for survey purposes instead of using online survey companies located outside of Canada.

Right here on campus we have the services of Applied Research and Evaluation Services (ARES). ARES are survey specialists and can assist you with online survey needs including the design of survey questions. To find out more about ARES's services, please contact ARES as follows:

- By telephone at **604-822-4145**
- By e-mail at projects@ares.ubc.ca
- By visiting their website at: www.ares.ubc.ca.

If you have any questions regarding the information in this memorandum, please contact the Access & Privacy Manager, Christina Ulveteg, directly by e-mail at Christina.ulveteg@ubc.ca or by telephone at **604-822-2451**.

References: The *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165

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