

KNOW YOUR CA

Privacy and Surveillance

By Vincent Mosco
Department of Sociology

Article 23

The new collective agreement reflects QUFA's goal to address the quality of work life. Nowhere is

this more evident than in the provisions on surveillance and privacy where QUFA has joined other knowledge workers, including educators but also media, civil service, and high-tech workers, in making the quality of work, including protection against unjustified surveillance, a significant issue.

Article 23 clearly establishes our right to privacy and provides precise guidelines on surveillance. It sets forth the right to professional and personal privacy in both print and electronic form subject to certain specific constraints on the use of electronic networks. The Vice-Principal (Academic) can authorize access to computers and to network use only if there are reasonable grounds to believe a QUFA Member's use is threatening the security and integrity of the computing or network facilities, violating any software licensing agreement, or attempting to access another user's account or data without that user's permission. The University also retains the right to manage the network to filter spam, viruses and similar malicious

communications and files.

The contract also describes the conditions under which permissible surveillance can take place and what can and cannot be done with the data. Any surveillance must abide by the university's Freedom of Information and Protection of Privacy guidelines, as well as the relevant statute, the Freedom of Information and Protection of Privacy Act. Article 23 stipulates that, except in cases where there is a "pressing and substantial threat of unlawful activity," public places requiring video surveillance must be identified by a posted notice. Moreover, surveillance of offices and laboratories is not permitted without the relevant Member's approval. Furthermore, data gathered from surveillance cannot be used in disciplinary actions unless it shows evidence of unlawful activity. It can only be disclosed to Queen's Security and to the Vice-Principal (Operations and Finance) unless there is evidence of unlawful activity (and should be shared with police) or if there is the need to share it in order to protect the health, safety, and security of QUFA Members, students, and other employees. Finally, such data cannot be used in any evaluation of teaching or research performance, in any renewal, promotion or tenure proceeding, or be made part of an official file.

Article 23 also requires the University to log all instances of surveillance and give access to QUFA upon request. The log must indicate who initiated the surveillance, its duration,

where the images or audio recordings are being stored, who has access, and for how long they are to be retained.

Article 23 marks an important first step in an area of growing concern. While QUFA is ahead of many unions, it is joining a growing trend among faculty bargaining units. Nevertheless, there is a lot of work to be done. The new collective agreement calls on the University to consult with QUFA in developing privacy and surveillance policies. Changes in technology, the law, and in the values of the University's many constituencies, require constant attention as does the University's commitment to make QUFA a central participant in this important policy area.

Vincent Mosco can be reached at moscvo@queensu.ca.



QUFA encourages you to print out and post Know Your CA in a visible place in your department or unit. Thank you!

Know Your CA is archived on the QUFA Web site, at <http://www.qufa.ca/ca/>.

Know Your CA is edited by Robert G. May.