

LEARNER RECORDS & INFORMATION – COLLECTION, ACCESS & WAIVERS

Reviewed : Academic Council **June 12, 2008**
Approved Board of Governors **June 24, 2008**

POLICY

Information that forms part of the learner record is collected under the authority of the Post-Secondary Learning Act of the Province of Alberta, the Alberta Freedom of Information and Protection of Privacy Act, the Statistics Act (Canada) and the Taxation Act (Canada). Information is protected under provisions of the Freedom of Information and Protection of Privacy Act and is used to determine eligibility for admission and financial assistance, to advise learners about BOW VALLEY COLLEGE academic programs, and to assist the College in the administration of its affairs.

Also See:

Policy CS-14 College Records Retention & Disposal Policy

Retention & Disposal Guidelines

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GUIDELINES

- BOW VALLEY COLLEGE is committed to taking every reasonable step to protect the confidentiality and privacy of the information contained in learners' records. Information contained in a learner record is disclosed to relevant Bow Valley College academic and administrative departments for the purposes of, administration of BOW VALLEY COLLEGE policies and procedures, programs and services, registration, providing tax receipts, determining eligibility for scholarships, awards and graduation, distributing follow-up educational information, College research, and College alumni programming. In addition, specific elements of information will be disclosed to the federal and provincial governments to meet reporting requirements and to the BOW VALLEY COLLEGE Students' Association and other cooperating educational, funding and workplace agencies in accordance with contractual agreements. If granted an award, pertinent information will be released to the donor of the award and to provincial funding bodies. Awards and credentials awarded to a learner are part of the public record and may be disclosed to third parties upon request.
- By applying for admission to BOW VALLEY COLLEGE, learners accept and acknowledge the College's right to collect and disclose pertinent personal information. Learners also agree that all documentation which they submit to BOW VALLEY COLLEGE in support of an application for admission, financial award or any appeal or petition becomes the property of the College.
- The creation, management and retention of learner records are vested in the Registrar. Therefore, in accordance with this procedure, the Registrar has the responsibility and authority to grant or deny access to learner records. All matters pertaining to the interpretation of this procedure should be referred to the Registrar.
- This procedure applies to all versions of the learner record, whether in computerized databases, microfilm or hard-copy files, and to all offices where that record may be stored, whether collected by that office or duplicated from the Registrar's official record. The entitlement to access certain records does not include the authority to release information from the record except as provided in this procedure.

Learner information which is collected and maintained by other offices and for purposes other than those specified below in Section 'A', (i.e., is not part of the learner record) does not come under this procedure but is under the jurisdiction of the Head or Manager of that office.

- A record of a learner's BOW VALLEY COLLEGE academic history (transcript) at BOW VALLEY COLLEGE is preserved permanently, but all other documentation contained in the learner's file will be destroyed when no longer required.

A. DEFINITION OF LEARNER RECORDS

A learner's record consists of the following:

- personal information (e.g. name, address, telephone, date of birth, nationality, next of kin)

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- basis of admission (e.g. application, record of previous studies, test results)
- enrolment information (programs of study, dates of attendance, registration activity)
- BOW VALLEY COLLEGE academic performance information (warning letters, midterm and/or final grades, BOW VALLEY COLLEGE academic standing, degrees obtained)
- results of petitions and appeals filed by the learner
- medical information relevant to a learner's BOW VALLEY COLLEGE academic performance, and provided by or at the request of the learner, or with the consent of the learner
- financial and awards information
- learner conduct information (e.g. complaint reports, resolution agreements, sanctions, appeals)

The learner record may be in the form of hard copy or electronic files. Each learner's hard copy file will normally contain:

- all letters and forms which bear the signature of the learner; official supporting documents provided by, or at the request of, the learner (e.g., record of previous studies, test scores, medical certificates)
- documents pertaining to the learner's program, or the evaluation of the learner's work at BOW VALLEY COLLEGE
- other factual documentation considered pertinent to the learner's program

The electronic file will contain all the information required to monitor the progress and performance of the learner, produce periodic performance reports, and provide records of achievement and official transcripts. Electronic files also form the basis of information needed for the administration and operation of the College and for enrolment reports and statistical information required by government agencies.

B. RETENTION OF LEARNER RECORDS

Hard copy files will normally be destroyed four (4) years after graduation or the last registration activity at BOW VALLEY COLLEGE with the exception of documents pertaining to disciplinary actions which will be kept permanently.

All portions of a learner's electronic record will be permanently maintained.

Documentation submitted by applicants who are not accepted, or by applicants who fail to enrol following acceptance, will normally be destroyed one year after the application term with the exception of documents pertaining to disciplinary actions which will be kept permanently.

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See Learner Records Registrar/Counselling Retention Schedule in Policy CS -14 for specifics pertaining to learner records retention.

C. ACCESS TO LEARNER RECORDS AND DISCLOSURE OF INFORMATION

Personal information is defined in the Freedom of Information and Protection of Privacy Act as recorded information about an identifiable individual. It includes such information as an individual's name; home or business address; home or business telephone number; race, national or ethnic origin; age; sex; marital or family status; identifying number; health and health care history; educational, financial, employment or criminal history; anyone else's opinions about the individual; and the individual's personal views or opinions, unless they refer to another party.

BOW VALLEY COLLEGE staff shall ensure that the personal information of its learners is not inappropriately disclosed. Staff working with learner records shall be required to sign a Confidentiality Agreement (Appendix A) and shall follow the approved Guidelines for Disclosure of Information Contained in Learner Records outlined in Appendix B.

1. Public Access

The following information is not deemed to be an unreasonable invasion of personal privacy under the FOIP Act and may therefore be released to a third party without the learner's consent. It is, however, the general practice of the College to require written consent from the learner to disclose such information to minimize misinterpretations of the Act and potential misuse of learner's personal information:

- name
- registration confirmation unless a non-disclosure request is in place
- certificate(s)/diploma(s) awarded from the college, graduation confirmation and "With Distinction" notations attached to the certificates/diplomas unless a non-disclosure request is in place
- attendance at or participation in a public event or activity related to the institution (e.g., graduation, awards ceremony or cultural event)
- personal information that exists in other public forums

Except as specified as follows, all other information will be disclosed only with the learner's written consent.

2. Learner Access

Learners have the right to inspect all information contained in their learner record.

Learners shall only be allowed to review the file under supervision. The right of access does not give a learner the right to remove, change or destroy information contained in the file. The file constitutes the College's record of decisions and transactions relating to the learner, and therefore, should not be altered unless both parties agree.

Learners have the right to request that erroneous information contained in their record be

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corrected and that recipients of any information found to be in error be advised of the correction.

Upon written request, learners who have no outstanding financial obligations to the College may obtain an official transcript of their record of studies or have copies thereof sent to a third party. All official transcripts will be complete and unabridged.

3. Staff Access

Faculty, staff and employees of the college may be given access to information contained in learner records provided the information requested:

- is necessary for them to perform their official duties, such as collecting debts owed the College or verifying a learner's suitability or eligibility for a program or benefit.

4. Students' Association Access

Personal learner information may be released to BOW VALLEY COLLEGE SA in accordance with contractual agreements.

5. Legally Mandated Access

Specified records, or portions thereof, may be provided to persons or agencies pursuant to:

- a court order, summons or subpoena directing the College to release information
- an enactment of Alberta or Canada that authorizes or requires the disclosure (e.g., reports to Statistics Canada)
- requirements of duly constituted professional licensing and certification bodies

6. Emergency Access

In an emergency situation involving the health and safety of an individual, or in compassionate situations such a death or injury of a spouse, relative or friend of a learner, the President, Registrar, or a VP/Director of the College may authorize the release of information needed to contact the learner or the learner's next of kin, if they consider it to be in the learner's best interest. In most cases, however, third party contact information will be taken and relayed to the learner immediately for follow-up by the learner.

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PROCEDURES

APPENDIX A - LEARNER RECORDS CONFIDENTIALITY AGREEMENT

Employee Name (please print)

By signing this form, I attest to the following:

1. I understand that the Registrar's Office are responsible for safeguarding and maintaining the integrity of learner BOW VALLEY COLLEGE academic records at BOW VALLEY COLLEGE ("College");
2. I understand that all information concerning prospective, current and former learners is strictly confidential and may only be released in strictest in accordance with College policy and provincial and federal legislation, as amended from time to time;
3. I undertake not to reveal any information about prospective, current or former learners or groups thereof to anyone, except as required in the course of my duties and in accordance with the College's Learner Records policy and procedure, during my employment; and further not to remove or disclose any information whatsoever after the completion of my employment with the College;
4. I will not tamper with, destroy, falsify or otherwise improperly deal with any College records or files of any kind whatsoever;
5. I will not create any false record in the College's official records;
6. I acknowledge, that, if I should contravene any of the terms of this declaration, it shall constitute cause for discipline and the College reserves the right to seek prosecution of individuals committing such infractions;
7. I have carefully read and accept this declaration.

Signature of Employee

Date

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Signature of Witness

Date

APPENDIX B - GUIDELINES FOR DISCLOSURE OF INFORMATION CONTAINED IN LEARNER RECORDS

BOW VALLEY COLLEGE's use and collection of information contained in learner records is acknowledged by learners on their application for admission.

Guidelines for Disclosure of Learner Records:

1. Disclosure of Learner Information to Third Parties
2. Disclosure of Personal Information to the Learner
3. Correction of Personal Information
4. Distribution of Graded Examinations, Narrative Assessments and Assignments
5. Retention of Learner Examinations and Assignments
6. Posting Learner Grades
7. Letters of Reference

1. Disclosure of Learner Information to Third Parties

It is incumbent on all BOW VALLEY COLLEGE staff to ensure that the personal information of learners is not inappropriately disclosed. Personal information is defined in the Freedom of Information and Protection of Privacy Act as recorded information about an identifiable learner. It includes such information as a learner's name; home or business address; home or business telephone number; race, national or ethnic origin; age; sex; marital or family status; identifying number; health and health care history; educational, financial, employment or criminal history; anyone else's opinions about the learner; and the learner's personal views or opinions, except if they are about someone else.

While the disclosure of the following information may not constitute an unreasonable invasion of the learner's personal privacy, a written consent from the learner to disclose such information must be obtained by staff prior to disclosure:

- name
- registration confirmation unless a non-disclosure request is in place
- certificate(s)/diploma(s) awarded from BOW VALLEY COLLEGE including "With Distinction" notations attached to the certificates/diplomas
- graduation confirmation unless a non-disclosure request is in place
- attendance at or participation in a public event or activity related to the institution (e.g., graduation, awards ceremony or cultural event)
- personal information that exists in other public forums

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When individuals apply to be admitted to BOW VALLEY COLLEGE, they acknowledge that, although the above information is personal information and subject to consideration under the Freedom of Information and Protection of Privacy Act, it has been determined not to be an unreasonable invasion of personal privacy on this campus and may be disclosed to third parties.

You must refuse to disclose a learner's personal information to a third party if the disclosure would be an unreasonable invasion of the learner's privacy. It would be an unreasonable invasion of privacy to release the following kinds of information to a third party unless the disclosure is authorized:

- home address or telephone number
- information relating to an individual's race, national or ethnic origin; age; birth date; marital or family status; health or health care history
- educational history (with the exception of information specified above)
- ID number
- evaluative information
- timetable information
- fees information

You may disclose a learner's personal information to a third party if the learner has identified the information and consented in writing to the disclosure. Consent must be obtained prior to disclosure in the following kinds of cases:

- official transcript requests
- potential employer requests for an evaluation of a former or current learner
- learner requests that you write a reference letter in support of an application for admission to a graduate school

You may also disclose a learner's personal information to a specific third party if the disclosure is authorized under the Act (Freedom of Information and Protection of Privacy Act). Section 40(1) includes the following authorities:

- for the purpose for which the information was collected or compiled or for a use consistent with that purpose
- for the purpose of complying with a collective agreement
- for any purpose in accordance with an enactment of Alberta or Canada that authorizes or requires the disclosure (e.g. reports to Statistics Canada)
- to an officer or employee of BOW VALLEY COLLEGE if the information is necessary for the performance of his or her duties
- for the purpose of collecting a fine or debt owed by an individual to BOW VALLEY COLLEGE

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- for the purpose of determining or verifying an individual's suitability or eligibility for a program, award or benefit
- for the purpose of the administration of College policies and procedures
- to any prescribed body for audit purposes
- to contact the spouse, relative or friend of an injured, ill or deceased learner – to be done by a senior administrative officer of BOW VALLEY COLLEGE only

NOTE In all cases, the College should disclose personal information only to the extent necessary to enable the officer or employee to carry out the purpose described.

Section 40 of the Act enables disclosure; it does not require disclosure. Staff should not assume that the person requesting the personal information of a third party is authorized to receive the information. Although staff has a duty to assist any person who requests information, when the personal information of a third party is involved, the onus is on the applicant to provide evidence of authorization. At the same time, the onus is on the staff member of the College to ensure that information is not inappropriately disclosed.

Staff should:

- ensure that personal information is provided only to an individual who is entitled to the information. If you receive a request by phone and cannot confirm the identity of the caller, ask for some information that will allow you to identify the caller or verify the phone number and return the call yourself or respond by e-mail.
- ask a relative to provide identification and evidence that he or she has authority to act on a learner's behalf
- request that the bank provide evidence of consent to release specific financial information
- request that a learner provide written consent before you write a letter of reference or respond to a request for an oral evaluation

If the information cannot be disclosed or if the information is included with information that cannot be disclosed, the applicant may need to file a formal request for access to the information.

2. Disclosure of Learner Information to the Learner

The Freedom of Information and Protection of Privacy Act provides learners with a right of access to personal information about themselves held by BOW VALLEY COLLEGE.

This right, however, is limited by specific exceptions. The following guidelines will help staff who have custody of learner files to make appropriate decisions about the disclosure of personal information to the subject.

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You may routinely disclose information in the following categories:

- that portion of the learner file that is deemed to be accessible to the subject
- information supplied by the subject
- information copied to the subject
- transcripts
- graded assignments, exams, assessments

NOTE: The learner should only be allowed to review the file under supervision. The right of access does not give a learner the right to remove or destroy information contained in the file. The file constitutes the department's record of decisions, transactions relating to the learner, and therefore, should not be altered unless both parties agree.

The following categories of information should not be routinely disclosed:

- letters of reference supplied in confidence
- evaluative comments provided by anyone in a formal evaluation process
- documents relating to a grievance or appeal process
- documents relating to legal or administrative investigations
- letters of complaint, unless the author has consented to the disclosure
- other documents supplied to the College with the understanding that they be kept confidential

NOTE: If an applicant requests information that cannot be routinely disclosed or is included with information that cannot be routinely disclosed, the applicant may need to file a formal request for access.

3. Correction of Personal Information

Under the terms of the Freedom of Information and Protection of Privacy Act, BOW VALLEY COLLEGE is responsible for ensuring that personal information collected and maintained by the institution is accurate and complete. The Act also provides learners with the right to examine information held about them by the College and to request corrections of that information.

A learner does not need to file a formal request for correction of personal information for a routine change. Names, addresses, grades and other similar pieces of personal information are corrected or updated on a regular basis and this should continue to be done informally.

A learner who believes there is an error or omission in personal information held by the College may file a request for correction as per Section 36 of the Act. A learner may choose to file a formal request for a correction if, for example, the College has confused the records of two people with the same name. Information may be entangled, inaccurate linkages may have been made, and it may be a complex problem to sort out.

The College must review all formal requests for correction if:

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- the information is in the custody or under the control of the institution
- the information is a matter of fact, the college must not correct an opinion, including a professional or expert position

This provision of the Act cannot be used by a learner to compel destruction of records that document an activity, transaction, decision or relationship relating to the learner.

A formal request for correction of personal information must be in writing and must be directed to the Registrar.

If a correction is made under Section 36 of the Act, the College must notify any other public body or any third party to whom the incorrect information had been disclosed during the year prior to the date the correction was requested, that a correction has been made. If the College deems the correction not necessary, a note should be put on the file that a correction has been requested.

4. Distribution of Graded Examinations, Narrative Assessments and Assignments

Section 38 of the Freedom of Information and Protection of Privacy Act states that the head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.

In view of the provisions of the Act, the practice of placing graded examinations and assignments in a public place for pick up is considered an unreasonable invasion of privacy and not acceptable.

Examinations and assignments should be returned directly to the learner. Learners should not be allowed to handle exams or assignments other than their own. Learners may mark the exams of other learners if it is deemed to be part of the educational program.

Acceptable procedures include the following:

- return exams and assignments during class time
- place exams and assignments in sealed envelopes and allow learners to retrieve them from the department office

Exceptions are permitted only if the faculty member:

- acquires prior written consent from the learner to openly distribute their graded examinations and assignments. If faculty decides to go this route, they should consider configuring the exam or assignment so that comments and grades are either on or attached to the last page.

5. Retention of Learner Examinations and Assignments

Section 35 of the Freedom of Information and Protection of Privacy Act states that any personal information used by the public body to make a decision that directly affects the individual must be retained for at least one year. The intention is to ensure that the individual has a reasonable opportunity to obtain access to it.

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Graded examinations and/or assignments which are not returned to the learner are considered to be personal information that is used by the College to make a decision that directly affects the individual. In accordance with Section 35 of the Act, these records must be retained for a period of one (1) year from the date of decision Unless the College has the written consent of the learner to destroy these records earlier. This would not affect the Learner Appeal timeline.

6. Posting Learner Grades

Section 38 of the Freedom of Information and Protection of Privacy Act states, that the head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.

In view of the provisions of the Act, the practice of posting learner grades in identifiable form, either by name or by learner identification number sorted in alphabetical order, is considered an unreasonable invasion of privacy and not appropriate.

Acceptable alternative: When posting or circulating grades, the learner's name should be stripped from the list and the marks given in a non-identifiable form sorted in a random numeric sequence by learner number. The Registrar's Office can provide this sorting option.

7. Letters of Reference

Faculty and staff who provide verbal or written references should ensure that the learner fills out an appropriate consent form and provides the requested referee with a copy. If this is not possible, the learner or employee should provide the faculty or staff member with some evidence of consent. The request or even a copy of the application or CV in which a faculty or staff is named as a referee can be forwarded by mail, e-mail or fax and will serve as consent if necessary.

The referee or department must keep a copy of the consent and any information provided for one (1) year, these documents are accessible subject to certain limitations.

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APPENDIX C - DECLARATION OF APPLICANT

To be completed by the Learner as part of Application for Admittance to Bow Valley College

ABORIGINAL STATEMENT

Alberta Education is collecting this personal information pursuant to section 33(c) of the Freedom of Information and Protection of Privacy (FOIP) Act as the information relates directly to and is necessary to meet Ministry and School Board mandates and responsibilities to measure system effectiveness over time and develop policies, programs and services to improve Aboriginal learner success. This information will also be used to determine the provincial First Nations, Métis and Inuit Funding Allocation provided to school jurisdictions. For further information or if you have questions regarding the collection activity, please contact the office of the Director, Aboriginal Policy, Policy Sector, Strategic Services Division, Alberta Education, 10155-102 Street, Edmonton AB, T5J 4L5, (780) 427-8501.

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION (FOIP)

The information collected on this form is collected under the authority of the Post-Secondary Learning Act, the Freedom of Information and Protection of Privacy Act, the Statistics Act (Canada) and the Taxation Act (Canada). All documentation submitted in support of this or any subsequent application for admission, financial award or any appeal or petition becomes the property of the College and will not be returned to you. This information will become part of your learner record and will be disclosed to relevant Bow Valley College departments for the purposes of administration of policies, procedures, programs, services, registration, tax receipts, scholarships and awards, graduation, follow-up educational information, research, and alumni programming. In addition, Bow Valley College may disclose or request information to and from the federal and provincial governments to meet reporting requirements and to determine eligibility for services and funding, as well as to the Bow Valley College Students' Association and cooperating agencies in accordance with contractual agreements. *For more information regarding the collection or use of this information, contact the Office of the Registrar at 332 – 6 Avenue SE, Calgary, Alberta T2G 4S6. Phone (403) 410-1400 or toll-free in Alberta 1-866-4-BVC-NOW.*

DECLARATION OF APPLICANT

I certify that I have read and understood all the instructions and information accompanying this application form and that all statements made in connection with this application are true and complete in all respects. I understand that misrepresentation, falsification of documents, or withholding requested information are serious offences which may result in the cancellation of my admission and/or registration at Bow Valley College. If I am admitted, I agree to be bound by the rules and regulations in existence or as amended from time to time by the Bow Valley College Board of Governors.

SIGNATURE	DATE
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APPENDIX D BOW VALLEY COLLEGE IMAGE COLLECTION: YEAR _____

The images and data collected on this form will be used to promote BOW VALLEY COLLEGE and College programs and may appear in College publications, brochures, displays, the BOW VALLEY COLLEGE website and other "not-for-sale" items. As stated in the attached release form, you will be credited, by name, whenever and however the image is used. Please complete both sides of this form.

Credit information will appear exactly as provided below.

FIRST NAME (as to appear in credit line)	LAST NAME (as to appear in credit line)	
LEARNERS: INDICATE PROGRAM + YEAR FACULTY: INDICATE BOW VALLEY COLLEGE ACADEMIC AREA	LEARNERS: HOMETOWN	LEARNERS: HIGH SCHOOL

Please provide the following information for each image you submit. Please print carefully. If you are providing digital images, please enter the file name in the designated area.

Image 1	TITLE		
	MEDIA	DIMENSIONS	DATE
	IMAGE REFERENCE OR DIGITAL FILE NAME: (NOT TO BE PUBLISHED)		

Image 2	TITLE		
	MEDIA	DIMENSIONS	DATE
	IMAGE REFERENCE OR DIGITAL FILE NAME: (NOT TO BE PUBLISHED)		

Image 3	TITLE		
	MEDIA	DIMENSIONS	DATE
	IMAGE REFERENCE OR DIGITAL FILE NAME: (NOT TO BE PUBLISHED)		

Image 4	TITLE		
	MEDIA	DIMENSIONS	DATE
	IMAGE REFERENCE OR DIGITAL FILE NAME: (NOT TO BE PUBLISHED)		

Image 5	TITLE		
	MEDIA	DIMENSIONS	DATE
	IMAGE REFERENCE OR DIGITAL FILE NAME: (NOT TO BE PUBLISHED)		

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PERSONAL INFORMATION

Please provide your contact information. If your work is used in printed materials we will forward a copy of the materials to you at the address on file so please ensure that you keep your address up to date with the BOW VALLEY COLLEGE Registrar's Office.

FIRST NAME (legal)	LAST NAME (legal)
DAY TELEPHONE	EMAIL
MAILING ADDRESS	

ARTWORK RELEASE AGREEMENT PROMOTIONAL REPRODUCTION + BROADCAST

I understand that the information provided, along with the provided image(s) of my work, will be used to promote BOW VALLEY COLLEGE and the College's programs. This agreement allows the BOW VALLEY COLLEGE to reproduce images of my work as part of BOW VALLEY COLLEGE's promotional publications, displays, advertising campaigns, brochures and website. I understand that the College will credit me, by name, when the image is used, and that BOW VALLEY COLLEGE representatives will be solely responsible for addressing issues of image placement and campaign design. I waive all rights to inspect and/or approve the finished product or any copy appearing in conjunction with my image. I am of full legal age and have the right to contract in my own name, and I have read and understood all of the above conditions prior to signing this release.

SIGNATURE	DATE
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