

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background:

The Division recognizes information in its control and custody is governed in accordance with the fundamental principles of the *Freedom of Information and Protection of Privacy (FOIP) Act*, respecting the right of access to information and protection of individual privacy. Staff must balance the requirement to facilitate routine access to and active dissemination of recorded information with the obligation to protect the privacy of individuals in accordance with the *FOIP Act*.

Procedures:

1. The Superintendent has been named the Head of the Local Public Body for the purposes of FOIP.
2. The Superintendent may delegate responsibilities under the *FOIP Act* to a Division FOIP Co-ordinator.
3. The Principal or Director shall be responsible to ensure the protection of personal information in their school or department. The Principal or Director shall direct inquiries about disclosure of information to the FOIP Co-ordinator.
4. All Division employees are expected to assist with the administration of FOIP and the protection of personal information as defined in the *FOIP Act*.
5. All Division policies, administrative procedures and routine disclosures shall be consistent with the *FOIP Act*.
6. The Division shall, in accordance with the *FOIP Act*, stipulate the manner in which its agents collect, use, disclose, safeguard and dispose of personal information.
7. Information shall be collected directly from the individual, parent or guardian. At the time of collection, the individual must be notified of the:
 - 7.1. purpose for which the information is being collected;
 - 7.2. specific legal authority for the collection; and
 - 7.3. title and contact information of who can answer questions about the collection.
8. No personal information may be collected unless the collection is specifically authorized by the *Education Act*, other provincial legislation or the information relates directly to and is necessary for an operating program or activity of the Division.
9. Administration shall ensure the appropriate form is used for the collection of personal information as follows:
 - 9.1. The information provided through the online New Student Registration Form and Correction and Verification Form processes satisfies the Division's requirement to notify the parent or guardian of the ways in which the personal information may be used in the school context.
 - 9.2. The [Consent for Media or Third-Party Use of Student Information Form](#) (Form 180-1) ensures informed consent from the parent or guardian when interviews are undertaken or when photos, videos or videoconferences are taken and used by

- the media or an outside organization and where an individual student is identified by name or face, and the material is to be used for purposes outside of the school.
- 9.3. The [Teacher Portfolio Permission Form: Student Work and Images](#) (Form 180-3) ensures informed consent from the parent or guardian when a staff member wants to include student work, photographs or video that may include a child's image or likeness as part of the teaching portfolio.
10. In accordance with the *FOIP Act*, staff shall follow the guidelines outlined in the Division [Best Practices Regarding Use of Personal Information](#) (Appendix 180-A).
 11. The Division shall allow an individual, parent or guardian the right of access to their own personal information, and for that individual to access records in the Division's custody or control subject only to those limited and specific exceptions stated in the *FOIP Act*.
 12. The Division has a duty to maintain accurate and complete personal information that is used to make decisions. Under the *FOIP Act*, an individual has the right to request a correction when the applicant believes an error or omission has been made.
 13. All formal FOIP requests shall immediately be forwarded to the FOIP Co-ordinator for action.
 14. All requests from law enforcement officials for release of personal information shall be submitted through the [Law Enforcement Disclosure Form](#) (Form 180-2).
 15. All persons making a request for release of information shall be notified of the appeal procedures related to FOIP.
 16. A Directory of Personal Information Banks shall be compiled, maintained and made available to the public as outlined in the *FOIP Act*.
 17. All information breaches shall be reported to the FOIP Co-ordinator. Action and communication surrounding the breach will be co-ordinated according to the *FOIP Act* and Division internal processes.
 18. Request for information fees shall be assessed and charged up to the maximum allowable in the FOIP Regulation.

Reference:

Sections 52, 53, 65, 68, 222 *Education Act*
Freedom of Information and Protection of Privacy Act
FOIP Regulation 200/95

[Appendix 180-A: Best Practices Regarding Use of Personal Information](#)