
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

1) PURPOSE

Hastings and Prince Edward District School Board, in the the course of meetings its statutory duties and responsibilities, will collect, use, retain and disclose personal information to support the provision of educational services to its students and the employment of school board employees, and/or as required and authorized by law. The school board operates under the authority of the *Education Act* and its associated regulations.

The management of personal information collected by the school board for these purposes is in accordance with the provisions of the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the *Personal Health Information Protection Act* (PHIPA) and all other relevant statutes and regulations.

Hastings and Prince Edward District School Board is committed to the protection of personal and confidential information under its custody or control and to an individual's right of privacy regarding personal information that is collected, used, retained and disclosed in the school system. The principles set out in this administrative procedure confirm the board's commitment. They are based on globally recognized fair information practices and grounded in privacy legislation.

2) DEFINITIONS

Access: authority or permission to consult records or to obtain restricted information.

Confidential information: recorded information that has been deemed by the board or third party to be of confidential nature and requires protection against unauthorized access or disclosure.

Control: the authority to manage records throughout their life-cycle, including directing and administering its use or disclosure.

Custody: responsibility for the care of records based on their physical possession. Custody does not always include legal ownership or the right to control access to records.

Disclosure: process of making records or information available or for release.

Education Act: provincial law that governs education in Ontario. It enables the school board to operate its business and to deliver programs and services to students.

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA): provincial privacy legislation that governs school boards. The Act gives individuals the right to access government information, including most general records, and records containing their own personal information, subject to very specific and limited exemptions. The Act also provides specific provisions for how personal information may be collected, used, retained, disclosed and disposed of.

Personal information: recorded information about an individual that renders that individual identifiable, including: name, address, phone number; race, ethnic origin, religious or political beliefs or associations; age, sex, sexual orientation, mental or family status; any identifying number or symbol; fingerprints, blood type or inheritable characteristics; medical history; educational, financial, criminal, or employment history; and personal views or opinions about that individual.

Personal Health Information Protection Act (PHIPA): provincial health specific legislation that establishes rules for the collection, use and disclosure of personal health information in a broad range of circumstances. In a school board, PHIPA applies to the collection of personal health information for speech and language and psychological assessments.

Record: documented proof of a transaction. This can refer to any activity which falls within the normal routine of the school board or school. Records can exist in any format - paper, electronic or otherwise.

3) PRIVACY STANDARD COMMITMENTS

- a) The board is committed to developing and maintaining an information culture that respects privacy, mitigates risks and enhances public trust and confidence. The protection of personal and confidential information held by the board is guided by the following ten principles.

(1) Accountability and Responsibility

Under the *Municipal Freedom of Information and Protection of Privacy Act*, the board is responsible for personal information under its custody or control. The director of education shall be designated and serve as “Head” for all purpose of this legislation.

Under the *Personal Health Information Protection Act*, health information custodians are responsible for personal health information and may designate an individual within the school board to assist with compliance with privacy legislation.

The director of education is accountable for the organization’s compliance with privacy legislation.

(2) Specified Purposes

The purposes for which personal information is collected, used, retained and disclosed must be specified, and individuals notified of the purpose(s) at or before the time personal information is collected. Notice must include the legal authority for the collection and the title and contact information of an individual who can answer questions about the collection of the information.

(3) Consent

An individual’s informed consent is required for the collection, use, and disclosure of personal information, except where otherwise permitted by law.

(4) Limiting Collection

The collection of personal information is fair, lawful, and limited to that which is necessary for the specified purposes.

(5) Limiting Use, Retention, and Disclosure

The use, retention, and disclosure of personal information is limited to the specified purposes identified to the individual, except with consent of the individual or as authorized or required by law. Personal information shall be retained in accordance with applicable legislation and the board’s records retention schedule.

(6) Accuracy

Personal information that is collected, used or disclosed should be as accurate, complete, and up-to-date as is necessary in order to fulfill the specified purposes for its collection, use, disclosure, and retention.

(7) Security Safeguards

Personal information is secured and protected from unauthorized access, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

(8) Openness and Transparency

Policies, procedures and practices relating to the management of personal information are made readily available to the public.

(9) Access and Correction

- (a) Upon request, an individual has the right to access his/her personal information and will be given access to that information in accordance with privacy legislation, subject to any mandatory or discretionary exemptions.
- (b) An individual has the right to challenge the accuracy and completeness of the information and request that it be amended, as appropriate, or to have a letter/statement of disagreement retained on file.
- (c) Any individual to whom the disclosure has been granted in the year preceding a correction has the right to be notified of the correction/statement.
- (d) An individual is to be advised of any third party service provider requests for his/her personal information in accordance with privacy legislation.

(10) Compliance

An individual may address or challenge compliance with the above principles to the director of education or designate.

Legal References:

- *Education Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- *Personal Health Information Protection Act*

District Resources:

- Administrative Procedure 147: Technology Use
- Administrative Procedure 148: Staff Password Procedure
- Administrative Procedure 170: Communications and Media Relations
- Administrative Procedure 195: Records and Information Management
- Administrative Procedure 196: Privacy Breach Protocol
- Administrative 312: Ontario Student Record
- AiM – Achievement in Motion for Student Success