

DISTRICT SCHOOL BOARD ONTARIO NORTH EAST POLICY MANUAL

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POLICY STATEMENT

District School Board Ontario North East accepts and recognizes its responsibilities under the Municipal Freedom of Information and Protection of Privacy Act and further subscribes to the following underlying principles of the Act as follows:

- 1.0 Public information held by the Board, covered by legislation, should be available to the public;
- 2.0 Exemptions from the right of access to information should be limited and specific;
- 3.0 All personal information should be protected from unauthorized disclosure.

Pursuant to the requirements listed in sections 25 and 34 of the Act, the Head shall cause to make available for public inspection an index of all general records and personal information banks in custody or under the control of the Board.

Pursuant to section 3(2) of the Act, District School Board Ontario North East acknowledges that the Director or his/her designate shall serve as "Head" for all purposes outlined in the Act.

1st READING: June 3, 2008

Motion # 3370-08

2ND AND 3RD READING AND APPROVED: June 2, 2009

Motion # 3702-09

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**TITLE: Freedom of Information
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ADMINISTRATIVE REGULATIONS

1.0 Referenced/Related Documents

- 1.1 Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56
- 1.2 Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Regulation 823
- 1.3 The Education Act, R.S.O. 1990, Chapter E.2
- 1.4 Personal Health Information Protection Act, 2004, S.O. 2004, c.3.
- 1.5 Ministry of Education and Training Ontario Student Record Guidelines(OSR), 2000
- 1.6 DSB Ontario North East Records Retention Policy # 1.2.19
- 1.7 DSB Ontario North East Hiring Procedure Policy # 1.2.22

2.0 Purpose

District School Board Ontario North East acknowledges its responsibilities regarding the access to records and protection of privacy under the Municipal Freedom of Information and Privacy Act (M.F.I.P.P.A.) This procedure gives further details on how the Board carries out its obligations under the Act.

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3.0 Definitions

3.1 Consistent Purpose

Personal information is to be used or disclosed only for the purpose for which it was collected and for which the individual might reasonably expect it to be disclosed.

3.2 Institution

For the purpose of the Act" institution" includes a School Board

3.3 Commissioner

The Information and Privacy Commissioner means the Commissioner appointed by the legislation to perform the duties prescribed by the Acts under section 4(1) of the Freedom of Information and Protection of Privacy Act.

3.4 Personal Information

Under M.F.I.P.P.A. section 2(1), "personal information" means recorded information about an identifiable individual including:

- (a) Information related to the race, nationality or ethnic origin, religion, colour, age, sexual status of the Individual;
- (b) Information relating to the education or medical, psychiatric psychological, criminal or employment history of the individual;
- (c) Any identifying number, symbol or other particular assigned to the individual;

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3.5 Personal Information (Cont'd)

- (d) The address, address, telephone number, fingerprints or blood type of the individual;
- (e) The personal opinions or views of the individual except if they relate to another individual;
- (f) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- (g) The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

3.6 Professional Information

Under M.F.I.P.P.A. section 2 (2.1) personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

3.7 Record

Under M.F.I.P.P.A. section 2(1), "record" means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise and includes, correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, or any other documentary material.

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4.0 Administrative Procedure

4.1 Administration of the Freedom of Information Procedures

The Director of Education, as “Head” under the Municipal Freedom of Information and protection of Privacy Act and under section 49 (1) of the Act may delegate a Superintendent to be responsible for Freedom of Information. The Superintendent responsible for this will establish an administrator and procedures for managing Freedom of Information requests and responsibilities. In District School Board Ontario North East the Superintendent of Human Resources shall perform this role.

4.2 Responsibility for Freedom of Information Requests and Other Duties

The Superintendent of Human Resources will take responsibility for the administration and communication to the system regarding the following areas:

- (a) Receiving all requests for information under the Act;
- (b) Consulting with appropriate Senior Management and other staff on interpretation and administration of legislation in relation to access requests;
- (c) Retrieving and reviewing Board records;
- (d) Preparing correspondence related to notification and access, including tracking of requests;
- (e) Preparing Board records for access, including severing of private information;
- (f) Where necessary informing requestors of rights to appeal and defending decisions made under the Act in an appeal;
- (g) Preparing any Board reports to the Information and Privacy Commission;
- (h) Coordinating staff training related to implementation or changes of legislation;

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4.0 Administrative Procedures (Cont'd)

4.2 Responsibility for Freedom of Information Requests and Other Duties (Cont'd)

- (i) Overseeing the administration of and financial reporting for requests made under the Act, in partnership with the Business and Finance Department;
- (j) Ensuring that a notice of collection is an appropriate and applicable form for request of information, and;
- (k) Act as a liaison with the Superintendent responsible for records management.

4.3 Requests for Information

4.3.1 Persons wishing to access information they believe to be in the custody and control of District School Board Ontario North East may informally request access to a record from the appropriate source.

4.3.2 If the request is for access to a student's OSR, parents and legal guardians of a student under the age of 18 may also choose to make a request for access to a student's records using the provisions of the Education Act.

4.3.3 If information access to any record is denied, the requestor may contact the Superintendent of Human Resources for the Board and make formal request for access under MIFPPA.

4.3.4 A request for access to a record under Part 1 of the Act or for access to or correction of personal information under Part 11 of the Act shall be made using the form in Appendix A or shall be any other written form that specifies that it is a request made under the Act as legislated under MIFPPA Reg 823 section 11.

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OPERATIONAL PROCEDURES

4.0 Administrative Procedures (Cont'd)

4.3 Requests for Information (Cont'd)

4.3.5 The request must provide sufficient detail to enable an experienced employee of the Board to identify the record(s) requested. Should the request not be clear, The Superintendent of Human Resources will offer assistance to the requestor with reformulating the request under section 17 of MIFPPA.

4.3.6 Persons wishing to access information under the MIFPPA must pay the \$5.00 application fee as legislated under MIFPPA Reg 823 section 5.2

4.3.7 Requests will be processed according to legislative requirements made within the 30 day timeframe outlined in section 19 of the MIFPPA and/or the conditions for extension of time in section 20 of MIFPPA.

4.3.8 If a person is granted access to a record they must pay the fees for searching and accessing records as outlined in MIFPPA Reg. 823 sections 6 and 6.1. A fee schedule based on the regulation will be made available from the Superintendent of Human Resources.

4.3.9 If a person is denied access to information under the Act, in accordance with the MIFPPA they must be notified of their right to appeal to the Commissioner as legislated under section 22 of the Act.

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<p>OPERATIONAL PROCEDURES</p> <p>4.0 Administrative Procedures (Cont'd)</p> <p>4.4 Protection of Privacy</p> <p>4.4.1 Personal information shall only be collected directly from the individual to whom the information relates except in accordance with section 29(1) of MIFPPA.</p> <p>4.4.2 For any personal information collected on behalf of the Board, the individual to whom the information relates will be notified of the legal authority of collection, the principal purpose for which the information is intended to be used and the contact information for the Superintendent of Human Resources who can respond to questions about the collection of information per section29(2) of MIFPPA.</p> <p>4.4.3 Employees of the Board shall not disclose personal information in the Board's custody or control unless in accordance with section32 of MIFPPA.</p> <p>4.4.4 DSB Ontario North East employees have a responsibility to maintain the safety and security of records entrusted to them and follows Board's Records Retention Policy and Procedures.</p> <p>4.4.5 Should an employee be asked directly by a requestor for informal access to a record that the employee is uncertain if he/she can grant access to; the employee should contact the Superintendent of Human resources for clarification prior to granting access.</p> <p>4.4.6 Employees who violate privacy rights of students or any other staff member or act in contravention of the Act may be subject to progressive discipline.</p>	
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