

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The Division recognizes that all procedures for the collection and storing of information by Division staff in the course of affairs and procedures regulating the release of information to other parties must follow provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

The purposes of FOIP and Division administrative procedures are to:

1. Allow any person a right of access to the records in the custody or under the control of the Division subject to limited and specific exceptions as set out in the Act;
2. Control the manner in which a public body may collect personal information from individuals, to control the use that the Division may make of that information and to control the disclosure by the Division of that information;
3. Allow individuals, subject to limited and specific exceptions as set out in the Act, a right of access to personal information about themselves that is held by the Division;
4. Allow individuals a right to request corrections to personal information about themselves that is held by the Division; and
5. Provide for independent reviews of decisions made by the Division under the Act and the resolution of complaints under the Act.

Procedures

1. The Superintendent has been named the Head of the Local Public Body for the purposes of this legislation.
2. The Secretary-Treasurer or designate shall act in the capacity of FOIP Coordinator for the Division.
3. The principal of each school shall be the site coordinator for the purposes of the Act. Site coordinators are responsible to ensure the protection of personal information at their schools and to direct inquiries about disclosure of information to the FOIP Coordinator.
4. Fee schedules as they pertain to FOIP requests will be set from time to time by the Board as outlined in Section 87 of the FOIP Act. The fee schedule is attached as an appendix to this procedure.
5. All persons making requests for the release of information shall be notified as to appeal provisions under this Act.

Personal Information

6. No personal information may be collected unless collection is specifically authorized by the School Act or the information relates directly to and is necessary for an operating program or activity of the Division.
7. The Division may use or disclose personal information only for the purpose for which it was collected or compiled or for a use consistent with that purpose, or if the individual the information is about has identified the information and consented to the use, or for purposes referred to in sections 40 or 41 of the Freedom of Information and Protection of Privacy Act.
 - 7.1.1. For the purposes of release of personal information, the following forms are to be used in specific circumstances.
 - 7.1.2. Form 180-1 Interview, Photo or Video Consent Form. This is for use related to personal information released to the media outlets.
 - 7.1.3. Form 180-2 Student Release Form. This is for use related to personal information released for recognition of student achievement.
 - 7.1.4. Form 180-3 Student Copyright Release. This is for use of the child(ren) works for Division purposes.
 - 7.1.5. Form 180-4 Francophone Education Rights. This form is used to gather information about Francophone Education Rights under Section 23 of the Charter of Rights and Freedoms.
 - 7.1.6. Form 180-5 Consent for Release of Information. This form is to be used for the disclosure and/or to obtain personal information about a student with outside parties, necessary for their programming and support.
8. The Division has a duty to maintain accurate and complete personal information that is used to make decisions about the individual. Under the Act an individual has the right to request a correction when the applicant believes an error or omission has been made.

Publications and Databases

9. All publications, following release, will be available in the Division office, for review by members of the public.
10. Databases and data files are records.

Public Access

11. The Division provides access to Division publications.
12. Persons requesting information must first contact either the school or Division office, whichever is responsible for creating or maintaining the information in question.

13. Access to information through the Freedom of Information and Protection of Privacy Act is intended as a last resort-if other attempts to acquire information have failed.
14. If the requested information is not available from the school, then the person requesting the information may apply to the designated Coordinator with his/her request.

Reference: Section 33,52,53,65,68,197,222 Education Act
Freedom of Information and Protection of Privacy Act
FOIP Regulation 200/95
Administrative Procedure 213 - Inclusive Education Programs
Administrative Procedure 250 - Guidance and Comprehensive Counselling
Administrative Procedure 320 - Student Records