



## ADMINISTRATIVE GUIDELINE

### **Title: Freedom of Information and Protection of Privacy – Staff and Students**

**Effective Date: May 25, 2000**

**Responsibility: Director of Education**

In accordance with the Municipal Freedom of Information and Protection of Privacy Act, the Near North District School Board is to fulfill its obligation with regard to the protection of, and access to, personal information pertaining to its staff and students, subject to the powers of the courts to compel the production of such documents.

Personal information may only be obtained as authorized in the Act and used for the specific purposes for which it is gathered. The management and safekeeping of such information is the responsibility of each designated employee. Confidentiality must be protected by each employee who is authorized to have access to this information for the purpose of personnel and personal education program management, the provision of personnel services, various educational services and administrative maintenance to the file.

For student files, Ontario Student Records (OSR), anecdotal notes and records must be kept in accordance with Ministry of Education and Training Guidelines and District School Board Administrative Guidelines.

Access will be granted in accordance with the following regulations.

#### **1. Informal Requests**

Informal requests for access to an employee's or student's personal information can be gained upon appointment, during normal business hours and is available to:

##### **1.1 Staff**

- a) The employee, in the presence of a Supervisory Officer, or the Manager of Human Resources,
- b) Other parties (ie. legal counsel for the employee) with specific written consent of the employee,
- c) An employee's Principal, Supervisory Officers, Manager of Human

Resources, administrative and designated support staff for the purposes of personnel program management, the provision of personnel services and administrative services to the files.

## 1.2 Students

- a) The student who is 18 years of age or his/her agent with the specific written consent of the student,
- b) The parent(s) or guardian(s) of a student who is not 18 or his/her agent with specific written consent of the parent(s) or guardian(s),
- c) The parent(s) or guardian(s) of a student who is 18 with the specific written consent of the student.
- d) Under both the Children's Law Reform Act and Divorce Act, 1985, the legal right of a non-custodial parent to have access to a child includes the right to make inquiries and to be given information concerning the child's health, education and welfare.
- e) Supervisory Officers, Principals, Vice-Principals and the teachers of the student and designated office staff for administrative purposes.  
Para-professionals: ie. Speech and Language Pathologist, Psycho-educational Consultants, Attendance Counsellor with the written permission of the parent(s) or guardian(s) of a student who is not 18 years of age,
- f) Central Administrative staff for storage purposes.

1.2.1 Each file shall be maintained in a comprehensive manner as specified by The Ontario Student Records (OSR) Guideline 2000 from the Ministry of Education and Training and shall contain a record of those employees who have had access to it.

1.2.2 Any specific personal or sensitive personal information on students shall be provided to the members of the District School Board only through the Director of Education, if required as part of the trustee's decision making process.

1.2.3 Any personal information of a student that is no longer required for administrative purposes, and the retention is not regulated by statute or District School Board/School guidelines, shall be destroyed on an annual basis by each school principal/designate, in a confidential manner.

1.2.3 Schools are not at liberty to provide class lists of student names to parents/guardians without the individual permission of each child's parent/guardian.

## 2. **Formal Requests**

### 2.1 **Staff**

Formal written applications made under the Municipal Freedom of Information and Protection of Privacy Act will be passed in the first instance to the Head/Designate for registration. The request will then be directed through the Superintendent of Business to the Manager of Human Resources in accordance with the “Information Management Request Procedure” and the following guidelines:

- a) The decision for granting the complete or partial release, or refusing the request will be made by the Manager of Human Resources in consultation with the Head/Designate and guided by the relevant clauses of the Act.
- b) All responses to a formal application for access to information whether granted or denied shall be directed to the Head/Designate for review and final documentation and then forwarded to the person making the request within thirty days after the application was received.
- c) In the event that a response to an application for access can not be completed within the thirty day time limit, the Head/Designate shall be notified and he/she shall give the person who made the request written notice of the extension setting out:
  - i) the length of the extension,
  - ii) the reason for the delay and,
  - iii) that the person who made the request may ask the commissioner to review the extension.
- d) Copies of any personal information will only be provided to the employee or his/her agent with the specific written consent of the employee. A record of all such transactions must be kept on file.
- e) Each file shall be maintained in a comprehensive manner by the Human Resources Department and shall contain a record of employees who have had access to it.
- d) Any specific personal or sensitive personal information on employees shall be provided to the members of the District School Board only through the Director of Education, if required as part of the Trustees’ decision-making function. Any information provided shall be supplied strictly in accordance with the Freedom of Information and Protection Privacy Act.
- g) Any personal information of an employee that is no longer required for either administrative, financial, legal or historical purposes and its retention is not regulated by any statute, shall be destroyed by the Manager - Human Resources on an annual basis, in a confidential manner.

## 2.2 Students

- a) All requests for access to personal information of a student of the District School Board, made under the Education Act, will be passed to the Principal's/Vice-Principal's office or Guidance Department of the school the student is attending or the school the student last attended.
  - b) Any written applications for access to personal information made under the Municipal Freedom of Information and Protection of Privacy Act, will in the first instance be passed to the Head/Designate for registration and to enact the "Information Management Request Procedure".
  - c) Access to or release of personal information of a student may be granted for compassionate, health or safety reasons without the written consent of either the student who is an adult or the parent(s) or guardian(s) of a student who is not an adult.
  - d) An individual whose request for access to a student's OSR made under the Education Act or the Municipal Freedom of Information and Protection of Privacy Act is denied shall be notified in writing of the right and process of appeal.
3. Specific Records Management issues are located in the *Administrative Guideline – Records Management – May 25, 2000*.