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<b>Subject</b>	<b>MANAGEMENT OF PERSONAL INFORMATION – STUDENT</b>
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<b>Links</b>	FORM A1450 -1; FORM A1450 -2; FORM 1450 - 3; FORM A1450 – 4; FORM A1450-5
<b>Contact</b>	Freedom of Information/Records Management Officer

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## **1. Definitions**

- 1.1 “Personal information” refers to information about an identifiable or potentially identifiable individual and includes, but is not limited to, personal health information and opinions about the individual.
- 1.2 “Personal health information” is information about an individual that pertains to health care, including information about an individual’s physical or mental health, receipt of health care services and health number.
- 1.3 “Privacy” is the right or interest of an individual to control collection, use and disclosure of their personal information. Privacy is a legislated right and school boards are required to comply with provincial privacy laws.
- 1.4 “Confidentiality” is a duty imposed on an organization or individual by laws or professional and ethical standards to restrict access to or disclosure of certain information, which may include personal and/or business information.
- 1.5 “Security/Control” refers to measures designed to protect personal information regardless of media.

## **2. Legal Framework**

Personal information is legislated by a legal framework of laws, regulations and standards.

### **2.1 Privacy Laws**

- 2.1.1. The protection of privacy in Ontario school boards is legislated by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and the *Personal Health Information Protection Act, 2005* (PHIPPA). These laws require that the Board protect the privacy of individuals with respect to personal information about themselves held by institutions and to provide individuals with a right of access to their own personal information. The protection of privacy includes the appropriate collection, use, retention and disclosure of personal information, including the use of appropriate security measures to protect information from unauthorized access.
- 2.1.2. The *Municipal Freedom of Information and Protection of Privacy Act* also gives individuals a right of access to Board records, with some exceptions.
- 2.1.3. If an individual feels his or her privacy has been compromised by a government organization governed by the Act, (i.e. a school board), he or she may complain to the Ontario Government’s Provincial Information and Privacy Commissioner (1-800-387-0073) who will investigate the complaint.



- 2.1.4. Both MFIPPA and PHIPA also give individuals the right to correct their personal information or attach a statement of disagreement.
- 2.1.5. Information about a student is “personal information” and may require the student and/or the student’s parent or guardian to consent to its use and/or disclosure.
- 2.1.6. Where a student is under 16, his/her parent or guardian may exercise the student’s privacy rights on the student’s behalf.
- 2.1.7. Staff shall only access, use and disclose personal information within the custody and control of the Board in performance of their professional duties.

## 2.2 Education Act

- 2.2.1. The *Education Act* sets out the authority of a school board to collect and use personal information of students for the provision of educational services to students. Personal information is collected in accordance with section 265(1)(d) of the *Education Act*, which states that information may be collected in accordance with the Act, Regulations or Guidelines issued by the Minister. Additionally, section 266 of the *Education Act* provides for the establishment of the student’s Ontario Student Record (OSR) in accordance with the OSR Guideline and Board APM 7610.
- 2.2.2. Section 266 of the *Education Act* requires that every person shall preserve secrecy in respect of the content of an OSR that comes to the person’s knowledge in the course of his or her duties or employment, and no such person shall communicate any such knowledge to any other person except, (a) as may be required in the performance of his or her duties; or (b) with the written consent of the parent or guardian of the student where the student is a minor; or (c) with the written consent of the student where the student is an adult.

## 2.3 The Ethical Standards for the Teaching Profession

- 2.3.1. The *Ethical Standards for the Teaching Profession* represents a vision of professional practice. The standard of respect states: “Intrinsic to the ethical standard of *Respect* are trust and fair-mindedness. Members honour human dignity, emotional wellness and cognitive development. In their professional practice, they model respect for spiritual and cultural values, social justice, **confidentiality**, freedom, democracy and the environment.”
- 2.3.2. Ontario College of Teachers Act - Professional Misconduct  
The *Ontario College of Teachers Act*, Regulation 437/97 defines the following as professional misconduct for the purposes of section 30 (2) of the Act: Releasing or disclosing information about a student to a person other than the student or, if the student is a minor, the student’s parent or guardian. The release or disclosure of information is not an act of professional misconduct if, the student (or if the student is a minor, the student’s parent or guardian) consents to the release or disclosure, or if the release or disclosure is required or allowed by law.

### **3. Responsibilities**

3.1 Principals/Managers and Superintendents are responsible for:

- 3.1.1. implementing reasonable security measures and safeguards to protect student personal information;
- 3.1.2. ensuring that staff are aware of and adequately trained in their responsibilities as set out in this document and other Board policies, procedures and guidelines;
- 3.1.3. ensuring that agreements with service providers contain privacy protection provisions with regard to the protection, collection, use, retention and disclosure of personal information.

3.2 Staff are responsible for:

- 3.2.1. complying with legislation, professional standards, Board directives, procedures and agreements when using personal information;
- 3.2.2. protecting personal information by following proper procedures and best practices as outlined in this document and as directed by the Manager/Supervisor/Principal;
- 3.2.3. reporting any suspected privacy or security breaches of which they are aware;
- 3.2.4. taking reasonable steps to ensure the personal information within their custody and control is secured and protected;
- 3.2.5. participating in training regarding their duties and obligations to protect personal information.

### **4. Collection and Use of Student Personal Information**

4.1 Where student personal information is collected and used for the provision of educational services in accordance with the *Education Act* for a student who has registered in the Board, consent of the parent/guardian/student is not ordinarily required. However at time of collection individuals must be given notice of the legal authority for collection, the purpose(s) of its intended use and the title and contact information of an individual who may respond to specific questions regarding the collection.

4.2 In general, teacher(s), principal(s) and supervisory officer(s) may collect, use and disclose a student's personal information for the purpose of planning and delivering educational programs and services that best meet student needs. "Educational programs and services" include ancillary services such as student transportation. For example, student addresses may be provided to the Transportation Consortium and bus operators for the provision of home to school transportation.

4.3 Ordinarily personal information will be collected directly from the student or his/her parent or guardian for purposes necessary for the creation and delivery of appropriate educational program(s) for the student or for the proper administration of any other lawfully authorized activity.



- 4.4 Where consent to collect, use or disclose personal information is required, consent shall ordinarily be sought from a parent or guardian for students under the age of 16 and from the parent/guardian and the student for students 16 to 17. Consent will be sought from students 18 and older unless there are reasons to believe that the student is incapable of consenting on his or her own behalf. See forms A1450 – 2; A1450 – 3, A1450 – 4; or A1450 – 5.
- 4.5 A student's personal information may be used by officers or employees of the Board who need the information, including access to a record, in the performance of his or her duties – i.e. student personal information may be shared internally on a limited need-to-know basis. Use of personal information for this purpose is in accordance with MFIPPA and the *Education Act*.
- 4.6 The Board shall publish annually a Notice of the Collection and Use Student Personal Information which outlines student personal information that is routinely collected and used for the provision of educational services to students. (see Form A1450 - 1). This notice statement shall be reviewed annually, included in student handbooks, and posted on the Board website. Consent to the collection and use of information as outlined in the aforementioned notice is not required; however parents/guardians/students are invited to communicate any concerns they may have to the school principal. Where a parent communicates an information-related concern that does not affect the delivery of services to the student, the principal shall comply with their wishes. In all other cases, the principal shall consult with their Superintendent of Education.
- 4.7 Use and disclosure of student personal information for a purpose other than planning and delivering educational programs and services that best meet student needs or in accordance with the specific exceptions outlined in MFIPPA and PHIPA will generally require written consent. See forms A1450 – 2; A1450 – 3, A1450 – 4; or A1450 - 5.
- 4.8 A student who is under 16 will generally have his or her privacy rights exercised by a parent or guardian, on the student's behalf without specific authorization. Where the student is 16 or 17, both the parent and the student shall consent to the collection, use and disclosure of personal information, except in circumstances where the student is not capable to exercise his/her rights.
- 4.9 Students aged 16 and 17 may withdraw from parental custody. If a student aged 16 or 17 has informed the Principal about such a withdrawal in writing the student's sole consent for the collection, use and disclosure of his/her personal information shall be sufficient authority. For information about access to the OSR see APM A7610.



## **5. Collection, Use and Disclosure of Personal Health Information**

- 5.1 The Board utilizes the services of and employs health professionals (e.g. speech language pathologists, psychologists, social workers) who are required to treat personal health information in accordance with the *Personal Health Information Protection Act, 2004* and applicable professional standards. Personal health information will only be disclosed with appropriate consent.
- 5.2 The Board collects personal health information from health professionals with the consent of the parent/guardian/student and only as is reasonably necessary for the purpose of planning and delivering educational programs and services that best meet student needs. A signed consent form describing the purposed use of the personal health information is presented to the health professional authorizing the release of the record(s).
- 5.3 Personal health information received by Board staff may be used for the purposes identified in the consent form and may be shared only with staff members if it is necessary for them to perform their duties – i.e. ordinarily to staff members who are working directly with or have responsibility for the student.
- 5.4 Where a student has been diagnosed with an illness, disease or disorder that may be transmitted through bodily fluids, the Board's requirement that all releases of bodily fluids require the implementation of Universal Precautions will protect students and staff, without requiring the release of that student's personal health information.
- 5.5 Sharing the personal health information of the student with staff will only be necessary in limited and specific circumstances requiring the creation of a Student Safety Plan. Consultation with the Superintendent will be necessary before a Safety Plan is created and the student's personal health information is shared with staff.
- 5.6 The Board may ask for a student's health card number to facilitate emergency care during field trips and co-curricular activities, but will not require parents or students to provide a health care number as a condition of attending school or participating in a field trip or school-related event. Health cards numbers shall not be recorded in the student information system and shall be protected from unauthorized access.

## **6. Disclosure of Personal Information**

MFIPPA sets out when a Board may use or disclose personal information in its custody and control without the consent of the parent/guardian/student.

### **6.1 Consistent Purpose**

Information may be disclosed for the purpose for which it was obtained or compiled or for a consistent purpose provided that the individual about whom the information relates might reasonably have expected such a use or disclosure of the information.

## 6.2 With Consent

If the person to whom the information relates has identified that information in particular and consented to its disclosure, that information may be disclosed. When dealing with minors, it is a best practice to have consent in writing with an original signature from the parent/guardian and the minor, where the minor is 16 or 17.

## 6.3 In Performance of Assigned Duties

Personal information may be made available to an officer, employee, consultant or agent of the School Board who needs the record for the performance of his/her duties and if the information is necessary and proper for the discharge of the institution's functions. Information shall be limited to that which is necessary for the required purpose.

## 6.4 Legal Authority

Personal information may be disclosed for the purpose of complying with an Act of the Legislature or an Act of Parliament, an agreement or arrangement under such an Act. Contact your Superintendent of Education or the Freedom of Information/Records Management Officer with any questions related to disclosures of this kind.

## 6.5 Law Enforcement

Personal information may be disclosed to an institution or a law enforcement agency in Canada to aid an investigation undertaken with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result. Examples include police, the Ministry of Community and Social Services Eligibility Review Officers. In non-urgent situations, police shall provide a written statement that personal information is required for investigative purposes.

6.5.1. The contents of the OSR may be made available to the police in the following circumstances:

- 6.5.1.1. with the written permission of the parent or guardian of the student or, where the student is an adult, with the written permission of the student;
- 6.5.1.2. through a warrant requiring the surrender of an OSR to the police.

## 6.6 Health and Safety

Personal information may be disclosed in compelling circumstances affecting the health or safety of an individual, if, upon disclosure, notification is mailed to the last known address of the individual to whom the information relates. When disclosing information under this section the imminence and reasonableness of the risk to health and safety must be considered and balanced with the invasion of privacy and the Superintendent of Education must be consulted.



## **7. Access to Information**

Access to OSR and non-OSR information is governed as follows:

### **7.1 Parents**

- 7.1.1. All parents/legal guardians have a right to examine the OSR, request corrections and the removal of information, subject to the dispute resolution mechanisms outlined in the *Education Act*, until their child turns 18 unless this right is limited by a court order or a separation agreement. MFIPPA provides for a right to request copies of records from the OSR. In accordance with MFIPPA a charge of twenty cents per page may be charged for copies of records retained in the OSR. Principals may consult with the FOI/RM Officer regarding this process.
- 7.1.2. Custodial parents and non-custodial parents with a right of access to their child (“access parents”) also have a general right to be given information concerning their children’s health, education and welfare unless this right is limited by a court order or a separation agreement. Non-custodial parents with access have a right to information and may examine an OSR in accordance APM A7610.
- 7.1.3. In the absence of a court order or separation agreement, a parent who had legal custody continues to have access to the same information about the student’s health, education and welfare until the student turns 18 or turns 16 or 17 and removes him/herself from care and control of his/her custody/parent.
- 7.1.4. The following points further clarify parental access to information:
  - 7.1.4.1. Custodial parents and access parents with a general right to information may be provided with: an opportunity to attend parent-teacher interviews; report cards, school newsletters, and other similar information; and, other information about their children customarily given to parents;
  - 7.1.4.2. A non-custodial parent does not have access to the child at school unless it is specifically set out in the access order that access to the child at school shall be permitted;
  - 7.1.4.3. After age 16 a child can remove him or herself from the custody of his/her parents. The school shall not use force to require the child to meet with a parent. If the child is age 16, the child may, in writing, deny custodial parent and non-custodial parent access to information. This would be the child’s rights under MFIPPA;
  - 7.1.4.4. Access rights give a parent access to information found in the OSR (i.e. records of student achievement, suspension and expulsion letters). It does not give rights to access personal information about the other parent or other individuals. Access to other information not contained in the OSR (or on the way to being part of the OSR) is governed by MFIPPA;
  - 7.1.4.5. A person who has access rights to the OSR also has the right to receive a copy of anything in the OSR. A student has access to his/her OSR at any age and is entitled to receive copies; however, access shall occur in the presence of the Principal, who can provide explanations about the records.

### **7.2 Third Party Requests**



- 7.2.1. Information shall not be disclosed to third parties, including the student's lawyer, without the express consent of the parent/guardian/adult student and signatures shall be original. A duly executed release form which clearing identifies the information requested may be used as authority to release the information. If a consent form is required see Form A1450 - 2.
- 7.2.2. Staff shall take reasonable care to authenticate the request, which may include contacting the parent/guardian/adult student or requesting identification or credentials.
- 7.2.3. Consent forms for access to OSR records shall be retained in the OSR in accordance with APM A7610.
- 7.2.4. Staff shall not:
  - 7.2.4.1. provide letters supporting parenting capability or otherwise provide student information for the sole purpose of supporting a parent's litigation;
  - 7.2.4.2. agree to participate in an interview with a parent's lawyer;
  - 7.2.4.3. complete testing or assessment reports that do not comply with established Board testing criteria; or
  - 7.2.4.4. provide assessments or opinions on matters other than a student's educational progress or educational needs.

### 7.3 Court Orders

- 7.3.1. A court order defines the rights of the custodial parent and additionally may set out any limitations regarding access to students and information. Where a parent has provided a court order which prescribes custody and access to a student and information for inclusion in the OSR, the principal shall abide by the court until a more current order is shared with the school.
- 7.3.2. Upon receiving requests from non-custodial parents for access to a student's records, school principals shall include a copy, if any, of a court order or separation agreement which, in some way, controls access of a separated or non-custodial parent in the student's OSR.
- 7.3.3. In the absence of a court order or agreement, parents who had legal custody before the family break-up continue to have access to the same information about the student's health, education and welfare.
- 7.3.4. Where a principal is presented with a minutes of settlement (may be handwritten, is signed, but not sealed), the principal shall request that parent provide the school with a copy of the final, sealed court order as soon as it is received. In the absence of the final order sealed order, the principal may want to contact both parents to confirm the validity of the written order. Contact your Superintendent of Education should any problems arise.
- 7.3.5. Principals shall abide by court orders, however they are not responsible for enforcing the order and should problems arise, the parent must enforce the court order.



- 7.3.6. Unless a court order prescribes otherwise, both the custodial parent and the access parent shall have access to the OSR. Additionally the *Child's Law Reform Act* and the *Divorce Act* allow access parents to make inquires and receive information about the child's education and welfare.
- 7.3.7. All relevant staff shall be made aware of any custody orders regarding their students, which include any limitations on a parent's right to information about a student.

## **8. Release of Information**

### **8.1 Government Agencies**

Government agencies or officials may request student personal information in the course of conducting their duties. Board staff members shall take steps to ensure the request is properly authorized and that the legal authority is valid. If uncertain, Board staff members shall consult with their Superintendent of Education or Freedom of Information/Records Management Officer. Such requests may include:

#### **8.1.1. Children's Aid**

In accordance with the *Child and Family Services Act*, the Children's Aid may collect information about a student under 16 when investigating child protection cases. (See APM A7620).

#### **8.1.2. Ministry of Education**

In accordance with section 8.1 of the *Education Act*, the Minister of Education may collect personal information directly or indirectly, for purposes related to the following matters, and may use it for those purposes:

- 8.1.2.1. administering the *Education Act* and the regulations, and implementing the policies and guidelines made under the *Education Act*,
- 8.1.2.2. ensuring compliance with the *Education Act*, the regulations, and the policies and guidelines made under the *Education Act*,
- 8.1.2.3. planning or delivering programs or services that the Ministry provides or funds, in whole or in part, allocating resources to any of them, evaluating or monitoring any of them or detecting, monitoring and preventing fraud or any unauthorized receipt of services or benefits related to any of them;
- 8.1.2.4. implementing risk management, error management or activities to improve or maintain the quality of the programs or services that the Ministry provides or funds, in whole or in part;
- 8.1.2.5. conducting research and statistical activities that relate to education and are conducted by or on behalf of the Ministry.

### **8.2 Medical Officer of Health**

8.2.1. Section 266(2.1) of the *Education Act* states that the following information is available, upon request, to the Medical Officer of Health serving the area in which the Board is located:

- 8.2.1.1. the pupil's name, address and telephone number;

- 8.2.1.2. the pupil's date of birth; and,
- 8.2.1.3. the name, address and telephone number of the pupil's parent or guardian.

8.2.2. The required information is normally requested through the appropriate Superintendent and forwarded to the Medical Officer of Health.

8.2.3. Personal information may also be required to support Mandatory Public Health Programs, e.g., communicable disease and oral health, under the *Health Protection and Promotion Act*. Staff shall comply with these requests in accordance with APM 7670 Communicable Diseases.

### 8.3 The Office of the Children's Lawyer

8.3.1. The Office of the Children's Lawyer is appointed by the court to act on a child's behalf. Upon receipt of the signed consent of the parent/guardian, the student's lawyer or their designate may examine an OSR in accordance with the *Education Act*, may interview staff about the child's academic progress and may interview the child at school if they request to do so.

8.3.2. Before participating in an interview with a lawyer, psychologist or social worker from the Office of the Children's Lawyer or providing a written assessment to the Office of the Children's Lawyer, Board staff members shall seek input from their Superintendent of Education.

8.3.3. Board staff members may provide the Office of the Children's Lawyer with the same information that would ordinarily be provided to a parent, as outlined above, including a fair and accurate assessment of a child's educational progress or educational needs.

8.3.4. Teachers and administrators shall take reasonable care to ensure that all factual information conveyed is true and provides a fair, accurate and appropriate assessment of the student.

### 8.4 Youth Criminal Justice Act

The *Youth Criminal Justice Act* (YCJA) protects the privacy and identity of young persons involved in the criminal justice system. The provisions of the YCJA prohibits all persons, including police, youth courts and school board officials, from disclosing the identity of a young offender. Disclosure is allowed between police services and school authorities to ensure safety of staff, students or other persons or when authorized by a court order. The YCJA also includes provisions that deal with the disclosure, security, storage and destruction of information pertaining to young offenders. The sharing of information must take into account a balance between the need to share information in a timely fashion, particularly when safety is a concern, and the need for personal privacy.

### 8.5 Media Coverage at School

Principals shall ensure that student interaction with the media is conducted in accordance with the following guidelines:

8.5.1. Principals must validate the credentials of any member of the media before inviting



him/her onto school grounds, and in doing so, must collect and record the following information:

- 8.5.1.1. the name and nature of the media corporation the person represents;
- 8.5.1.2. the topic of the feature/story (e.g. student achievement, school closures, health education);
- 8.5.1.3. the type of information the reporter would like to gather from the student (regardless of what will actually be publicized), e.g. team photo, name of students, school, or individual student photo, opinion on school activity.
- 8.5.1.4. When a principal invites a member of the media on to school grounds to report on school related activities, they must receive the consent of the parent/guardian/adult student from each student who participates in interviews or is featured in an interview or photo session. These interviews shall be conducted under the supervision of a staff member.
  - 8.5.1.4.1. Students must receive written notice of the possibility of media exposure and of the principal's inability to control or prevent media exposure when a school-sponsored activity occurs off school grounds or when a school-sponsored activity occurs on school grounds but is open to the general public. The required notice is included in the annual notification of routine use and disclosure and may also be conveyed on the consent to participate form, or sent home on a separate flyer. It may also be published in the student handbook, which is distributed at the beginning of every school year or semester to students.
  - 8.5.1.4.2. Knowledge and acceptance of the possibility of media exposure at open events may be made a condition of participation in the activity. This notice may be conveyed on the September Notification of Routine Use and Disclosure form, the school handbook and/or the consent to participate form.
  - 8.5.1.4.3. Even if notice of media exposure has been given, consent must be obtained before a member of the media is permitted to photograph or speak to individual students. See FORM A1450-4.
  - 8.5.1.4.4. Crowd photos in which individual students are not identifiable do not require specific consent, but notice is required.
  - 8.5.1.4.5. Where it is not possible to get express consent of the parent in advance of the interview, the principal may accept a verbal consent and shall note on the form that the parent has provided verbal consent.

## **9. Privacy Breaches**

9.1 A privacy breach occurs when personal information is lost, stolen, or inadvertently disclosed contrary to the *Education Act* or the MFIPPA. This includes the loss of computers, personal devices or media that contain personal information. In accordance with MFIPPA, individuals shall be informed when the security of their personal information is breached. If staff becomes aware of a privacy breach, they must immediately notify their supervisor to ensure that immediate action can be taken to mitigate the impact/results of the breach. For information about responding to a privacy breach, contact your Superintendent of Education or the Freedom of Information/Records Management Officer .

## **10. Ontario Education Number**

10.1 The Ontario Education Number (OEN) is a unique number assigned to each person who is enrolled in or who seeks admission to be enrolled in a school.

10.2 The *Education Act* allows for the OEN to be collected, used, or disclosed for purposes such as the provision of educational services and for purposes related to education administration, funding, planning, research and for providing financial assistance to students.

10.3 No person shall, collect, use, or disclose another person's OEN except as provided by the *Education Act*.

## **11. Security of Personal Information**

### **11.1 Workplace Security**

11.1.1. Paper and electronic files containing personal/sensitive information shall be kept secure at all times. For example, when transporting records, laptops, CDs, etc. care shall be taken to keep them secure.

11.1.2. All documents or files containing personal information shall not be left unattended and left or in open view while in use.

11.1.3. To preserve integrity and availability of records:

11.1.3.1. Take records off-site only when absolutely necessary; whenever practical, the original shall remain on-site and only copies removed. OSRs shall not be removed from the school.

11.1.3.2. Copies of documents containing personal information (for example IPRC packages) shall be clearly identified as such and destroyed when no longer needed.

11.1.3.3. A sign-in/sign-out procedure including sign out date to monitor removed files shall be established.

11.1.3.4. Records shall be returned to a secure environment as quickly as



possible, for example, at the end of a meeting or the end of the day.

- 11.1.4. All working copies of paper files containing personal information shall be returned to the office or a secure environment for destruction. Records containing personal or confidential information shall never be discarded in an individual's or a public trash or recycling bin.
- 11.1.5. Visitor access to areas where confidential information is being worked on or is stored shall be controlled. Unknown persons seen in operational areas shall be questioned e.g. Can I help you? Are you looking for someone? etc.
- 11.1.6. Areas of the building where personal information is stored shall be secured after normal business hours.
- 11.1.7. Keys and access to locked file cabinets and locked areas shall be controlled and monitored.
- 11.1.8. When discussing a student, staff shall ensure that the conversations are professional, appropriate and respectful of the audience.

## 11.2 Computers and Electronic Information

- 11.2.1. Email messages shall not contain sensitive personal information about an identifiable individual unless absolutely necessary. Where it is necessary to include such information in an email, consider using the individual's initials, symbols or a code rather than a full name to help maintain anonymity of the individual.
- 11.2.2. Computer monitors shall be positioned to minimize unauthorized viewing of the information displayed on the monitors.
- 11.2.3. Monitors displaying personal information shall never be left unattended and password protected screen saver options shall be used during periods of inactivity.
- 11.2.4. Computer hard drives and file storage media must be rendered unusable when disposed of. Contact the Helpdesk for guidance.

## 11.3 Mobile Devices

- 11.3.1. Mobile devices include, but are not limited to, board-owned laptops/notebook computers, integrated hand helds/Personal Digital Assistants (PDAs), cellular phones removable media (flash drives, memory sticks, removable drives) that are connected to board computing devices and used to store and/or transport information to another device. Do not share or leave file storage media containing personal information unattended. Ensure that it is secured when not in use.
- 11.3.2. All mobile devices must be must be secured against improper access by a password.
- 11.3.3. Personal or sensitive information shall not be stored on laptop hard drives. In the event that it is necessary to store data containing personal information on the hard drive of a laptop, password protect the file and try to maintain the anonymity of the individual by initials or codes, etc.



- 11.3.4. Care must be taken when communicating personal information while using a cellular or cordless telephone, as this type of communication can be easily intercepted.

#### 11.4 General

- 11.4.1. When communicating personal, confidential or sensitive information, consider the physical setting and try to ensure that no one overhears the conversation, i.e. hallways, main office, etc. public telephones, etc.
- 11.4.2. Care must be used when transmitting personal information via a fax machine. If it is necessary to fax highly sensitive personal information, ensure that someone is ready to receive the transmission prior to sending it.
- 11.4.3. When the work environment is not conducive to privacy while collecting or communicating personal information end and reschedule the conversation or move to a more private environment.

#### 11.5 Working from Home

- 11.5.1. Employees working from home must ensure that they take reasonable steps to protect any personal information they use in their home work location by:
  - 11.5.1.1. designating a secure work area as "office space" which can only be accessed by the employee. Store all work records and sensitive information in the most secure manner possible;
  - 11.5.1.2. using the Board voice messaging system for conducting Board business particularly where personal information is being used;
  - 11.5.1.3. avoiding saving personal work information on home computers. Use password protected storage media, or web enabled programs;
  - 11.5.1.4. ensuring that any documents containing personal information that needs to be disposed of is returned to an appropriate work location for shredding and not disposed of in the household garbage.

## 12. Retention and Destruction of Personal Information

- 12.1 In accordance with MFIPPA, personal information that has been used shall be retained for a minimum of one year.
- 12.2 Personal information may be destroyed prior to the one year minimum retention period with the agreement of both parties.
- 12.3 The Board's Records Classification Schedule and Retention Schedule set the retention and destruction requirements of all Board records. (To be approved during the 2009-2010 school year.)



- 12.4 Staff must ensure that records containing personal information be destroyed in a method appropriate to the medium, i.e. paper-shred, computers - rendered unusable.

*Approved*

March 1, 1997

Revised

December 2009

***Issued under the authority of the Director of Education***

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### **Notification of the Collection and Use of Student Personal Information**

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The purpose of this communication is to notify you of how the Simcoe County District School Board and your school use the personal information you provide to us in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. The *MFIPPA* is a law that sets guidelines that schools and district school boards must follow when this collecting, using and/or and disclosing students' personal information. Under this *Act*, personal information refers to recorded information about an identifiable individual.

The *Education Act* sets out duties and powers of the Board and authorizes school boards to collect personal information for the purpose of planning and delivering educational programs and services which best meet students' needs and for reporting to the Minister of Education as required. This Act requires that the school principal maintain an Ontario Student Record (OSR) for each student attending the school. The OSR is a record of a student's educational progress through school in Ontario and follows students when they transfer schools. The Ontario Student Record Guideline sets out how record is to be managed. The Simcoe County District School Board adheres to this OSR guideline.

Under the *MFIPPA*, personal information may be used or disclosed by the Simcoe County District School Board:

- for the purpose for which it was obtained or a consistent purpose (a purpose consistent for the reason collected);
- to Board officers or employees who need access to the information in the performance of their duties if necessary and proper in the discharge of the Board's authorized functions;
- to comply with legislation, a court order or subpoena or to aid in a law enforcement investigation conducted by a law enforcement agency; and,
- in compelling circumstances affecting health or safety (providing notice of the disclosure is sent to the student's home).

Prior to releasing confidential information for any other purpose, the school will seek informed consent from the parent/guardian for children under 16 years of age, from the parent/guardian and the student where the student is 16 and 17, and from the student where the student is over 18 or the student is 16 or 17 years of age and has withdrawn from parental control, in accordance with both *MFIPPA* and the *Education Act*.

It is our practice to include a notice statement on forms used to collect personal information to advise you how we will use and disclose the information. To help you understand how we use the information you provide to us, we draw your attention to the following routine uses and/or disclosures of student personal information so that you may express any concerns you may have regarding the release and sharing of the information:

- The student's OSR will be used by school and board staff to support the classroom teacher in developing an educational program which best meets the student's needs. Staff working with the classroom teacher or directly with the student may include individuals working in areas such as Special Education, guidance counselling, student success, etc.
- In keeping with the requirements of the *Education Act* and the *Personal Health Information Protection Act*, informed consent will be sought prior to conducting intelligence or behavioural tests, or prior to the involvement of Psychological, Speech and Language or Social Worker staff.
- Secondary schools will receive information about registered Grade 8 students in advance of the student attending the secondary school to help establish an appropriate program for the student.
- The secondary school will share information about each student's progress through secondary school with the student's previous elementary school to support continuous improvement of the elementary school program for all students.
- Student home addressees may be released to the Simcoe County Student Transportation Consortium and the contracted bus company responsible for transporting students to and from school in order to administer the Board's contracted bus program.
- School activities may be reported in school and Board newsletters, and on school and Board websites. Individual students will only be photographed and identified with appropriate consents.

- The media, such as newspapers, television and radio, may be invited to the school for the purpose of reporting on newsworthy events or activities such as graduations, student achievements/awards, and current events. Their reports may include non-identifying photos of groups of students. Individual students would only be photographed or identified with appropriate consent.
- Parents/guardians/adult students shall be aware that when students participate in extra-curricular or non-compulsory activities off school grounds, the school principal is unable to control or prevent any media exposure which may occur. Students may be recorded or photographed by their classroom teacher in school or during school activities as part of their educational program. Photos may be shared with the class and parents as appropriate.
- Students may participate in video conferencing (a technology which allows for two or more locations to interact via simultaneous two-way video and audio transmissions) to support the classroom program. Conferences may be organized with students in other SCDSB schools, students in other countries and or as virtual field trips.
- Phone numbers will be used on telephone lists. Examples include:
  - emergency contact lists to facilitate contact with parents during emergencies (e.g. inclement weather);
  - safe arrival programs, which may be staffed by parent volunteers, to contact parents where a student is absent and the parent/guardian has not notified the school of the absence;
  - volunteers, authorized by the Principal, to contact parents regarding school-related activities which benefit the student and the school community and require parent involvement.
- Parents/guardians/adult students are asked to complete Student Medical/Health Data forms for the purpose of developing a medical emergency plan for the student or Administration of Medication in School forms for the purpose of administering medication to the student. Medical emergency plans may also be provided to the Simcoe County Transportation Consortium and/or contracted bus operators to aid in a medical emergency.
- In compliance with the *Personal Health Information Protection Act*, student health numbers (OHIP) will not be collected; however parents/guardians/students may be invited to volunteer such information for students going on field trips to facilitate medical services if needed.
- Student work, including student names, may be displayed in the classroom or in school hallways, or may be shared with the public through science fairs, school and board newsletters, writing/colouring/poster contests, community events, fairs, and similar events/locations outside the school setting.
- Student accidents that take place during school or on school-sponsored activities will be reported to the SCDSB insurer. Reports include the name of the injured student(s) and details about the incident as well as the name and contact information of witnesses to the accident.
- Birthday congratulations may be announced over the PA system and/or in the classrooms.
- Class lists with student first names and last initial only may be distributed to other parents for the purpose of addressing greeting cards or invitations in connection with holidays, birthday parties, etc.
- Surveillance equipment may be used in schools and on buses to enhance the safety of students and staff, to protect property against theft or vandalism, and to aid in the identification of intruders and of persons who endanger the health, wellbeing or safety of school community members.
- Student names and/or photographs may be printed in school programs (e.g. commencement or graduation programs, school plays and musical productions, student awards, academic and athletic awards and plaques, school brochures, honour roll and classroom assignment during school and semester start up) and in school yearbooks.

Please communicate any concerns you have with regards to the sharing of personal information in any or all of the above-mentioned by contacting the school principal as soon as possible. The above will apply unless an objection is filed with the Principal and an alternative resolution can be found.



Questions regarding the information contained in this notification may be addressed to the School Principal or the Freedom of Information/Records Management Officer, 1170 Highway 26, Midhurst, LOL 1X0, (705) 734-6363 ext. 11265.

Sample

**CONSENT TO THE RELEASE OF OSR DOCUMENTS**

The Ontario Student Record (OSR) is a compilation of student's educational progress through school in Ontario and follows students when they transfer schools. It is used by school board staff to establish an educational program that best meets the student's needs. The *Education Act* requires that a school receive the consent of the parent prior to the release of the Ontario Student Record to any other party. Further, the *Municipal Freedom of Information and Protection of Privacy Act* requires the consent of the individual prior to the release of personal information which includes the Ontario Student Record. Please note that fees for copies may be applicable. Where the release of information is for a purpose other than the education of the student, a fee for copies may be charged.

Name of student \_\_\_\_\_

DOB \_\_\_\_\_

School \_\_\_\_\_

Resides with \_\_\_\_\_

**The Simcoe County District School Board is authorized to provide the following to the institution/individual named below:**

<input type="checkbox"/> complete Ontario Student Record (OSR)	<input type="checkbox"/> OSR Reports (please specify) :

**Organization/individual to receive information (name, address, telephone)**

Name (please print) \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City, Province \_\_\_\_\_

Postal Code \_\_\_\_\_

**Authorization**

Name of Parent/Legal Guardian/Adult Student \_\_\_\_\_

Signature of Parent/Guardian/Adult Student \_\_\_\_\_

Signature of Student (for students 16 or 17 years old) \_\_\_\_\_

Date \_\_\_\_\_

Please be advised that any information collected by this consent, is collected by the Simcoe County District School Board under the authority and restrictions of the *Municipal Freedom of Information and Protection of Privacy Act*. The information is supplied on the condition and understanding that it be used solely for the purpose of advocating the interests and wishes of the student to whom the information relates. It shall not be used to service the purpose of any other party. A copy of this consent form will be filed with any record which is disclosed as authorized above. Where this information is to be circulated, or disclosed, in whole or in part, in any form (including both verbal and written form) the recipient (above) shall ensure a copy of this consent including this note of legal condition is also provided. Questions about this collection shall be directed to the principal of the student's school or the Freedom of Information Officer for the Simcoe County District School Board, Midhurst, Ontario L0L 1X0, phone (705) 734-6363 ext 11265.



**Consent to the Collection and/or Release of Personal Information**

This form authorizes the collection and/or release of personal information for the purpose outlined. This consent is valid for the current school year and may be cancelled or changed by the authorizer in writing at any time, providing action has not already been taken on the basis of this authorization.

Name of student (please print)

Parent/Guardian/Adult Student (please print)

Address

Home Phone

City

Province

Postal Code

School

Date of Birth: yy/mm/dd

**I hereby consent to the collection and/or release of personal information by:**

Name (please print)

Organization/School Name (please print)

Phone

Address

City

Province

Postal Code

**To:**

Name (please print)

Organization/School Name (please print)

Phone

Address

City

Province

Postal Code

**Describe the personal information and the purpose for collecting and/or releasing:**

\_\_\_\_\_

\_\_\_\_\_

Parent/Guardian/Adult Student Signature

Student Signature

Date

Witness Signature

Information is collected or released under the authority the *Education Act* and/or the signed authorization of the individual in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and will be used for the **purpose of identified above**. If you have any questions about the collection of personal information please contact the principal of the School or the Freedom of Information/Records Management Officer, 1170 Highway 26, Midhurst, Ontario L4N 7T4, phone (705) 734-6363 ext 11265.



**Photographs and Recording Consent, Waiver and Release**

I hereby grant permission to the Simcoe County District School Board (SCDSB) and its agents or representatives to take photographs, videos or audio recordings of me/my child to promote, publicize or explain the SCDSB and its activities and functions and for administrative or educational or training purposes as outlined below.

\_\_\_\_\_ *Date*

\_\_\_\_\_ *Event and Location (provide details)*

\_\_\_\_\_ *Who is involved (name of individual or class name)*

\_\_\_\_\_ *Describe what is being recorded.*

\_\_\_\_\_ *Primary Purpose*

I further grant to the SCDSB and its representatives the right to reproduce, use, exhibit, display, broadcast and distribute and create derivative works of these images and recordings and name in any media now known or later developed. I acknowledge that the SCDSB owns all rights to the images and recordings.

I further grant consent under the *Municipal Freedom of Information and Protection of Privacy Act* to the SCDSB to collect, use and disclose my image, voice, likeness and name in the video recordings/photographs for the promoting, publicizing or explaining the SCDSB and its activities and for administrative or educational purposes.

**Waiver and Release**

I hereby waive any right to inspect or approve the use of the images or recordings or of any written copy. I also waive any right to royalties or other compensation arising from or related to the use of the images, recordings, or materials.

I hereby release, and hold harmless the SCDSB, its officers, employees or agents from and against any claims, damages or liability arising from or related to the use of the images, recordings or materials.

I have read this document before signing below and I fully understand the contents, meaning and impact of this consent, waiver, and release. This consent, waiver, and release is binding on me, my heirs, executors, administrators and assigns.

I understand that by giving this consent, I am permitting personal information about me or my child to be used as outlined in this form and further understand that if consent were withheld this use would not occur. I have given this consent voluntarily.

\_\_\_\_\_ *Date*

\_\_\_\_\_ *School*

\_\_\_\_\_ *Name of Student (please print)*

\_\_\_\_\_ *Signature of Student*

\_\_\_\_\_ *Name of Parent/Legal Guardian/Adult Student (please print)*

\_\_\_\_\_ *Signature of Parent/Legal Guardian/Adult Student*

\_\_\_\_\_ *Witness*

\_\_\_\_\_ *Date*

Personal information including images and recordings in connection with this form is collected under the authority of the *Education Act* including s.170, 171, 198, 199, 264 and 265 and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and will be used for promoting, publicizing or explaining the SCDSB and its activities and for administrative, educational or training purposes. Personal information may be disclosed to outside service providers for processing and production. If you have any questions about the collection of personal information please contact the principal of the School or the Freedom of Information/Records Management Officer, 1170 Highway 26, Midhurst, Ontario L4N 7T4, phone (705) 734-6363 ext 11265.



**CONSENT TO PARTICIPATE IN  
MEDIA OR PROMOTIONAL ACTIVITIES**

(Date)

Dear Parent/Guardian, Adult Student or Adult Participant:

The Simcoe County District School Board and its schools cooperate with media and other organizations, within reason, to encourage the celebration of school achievements, sharing information about students and staff and their work and to report on newsworthy events. For example, an organization may want to: interview you/your child about a newsworthy event; to film/photograph or record digitally you/your child doing an activity; you/your child's work or accomplishments may be featured or the school may want to enter your child's work in a contest.

We recognize that there are instances where parents may not wish their children to participate in these activities and similarly for students at age of majority and other adults. The notice below provides details regarding the specific activity you/your child are being invited to participate in.

<b>Name of Organization</b>	<b>Purpose</b>
<i>Date</i>	<i>Event and Location (provide details)</i>
<i>Who is involved (name of individual or class name)</i>	<i>Describe what is being recorded.</i>

**How will it be used, i.e. newspaper, website, etc.**

All or portions of the work referred to above will become the property of the organization and may be adapted for other educational or non-educational applications, productions, broadcast, re-broadcast, publication, exhibition, reproduction and/or distribution in various media formats to a number of markets.

**CONSENT AND ACKNOWLEDGEMENT**

I, being the parent/legal guardian of the student named below or adult student/adult, have read and understand the information provided on this form.

I consent to my/my child's participation in the activity described above and to the subsequent use as described above.

I do not consent to my/my child's participation in the activity described above and its subsequent use as described above.

Date	School
Name of Student (please print)	Signature of Student
Name of Parent/Legal Guardian/Adult Student (please print)	Signature of Parent/Legal Guardian/Adult Student
Witness	Date

Personal information is collected under the authority of your signed consent and will be used as outlined above. If you have any questions regarding this collection, or the activity, please contact your school principal or the Freedom of Information/Records Management Officer at (705) 734-6363 ext. 11265.