

Administrative Procedure 180

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The District shall make available to students, parents, staff members, and the public information on the activities of the District, its policies and procedures, its programs, and any other topic of interest, provided there is not an issue of privacy involved.

The District shall collect, use, retain and disclose information for a variety of purposes essential to its effective and efficient operation. These purposes shall be balanced carefully with the interests of individuals with respect to their own information and privacy.

Definitions

FOIP Coordinator is the individual delegated the responsibility for the overall management of the freedom of information and protection of privacy function in the District.

FOIP Head refers to the individual designated as the head of the District for the purposes of the *Freedom of Information and Protection of Privacy (FOIP) Act*. In accordance with section 95(a) of the Act, the Superintendent is the FOIP Head of the District.

Personal information means recorded information about an identifiable individual, including:

- An individual's name, home or business address, or home or business telephone number;
- An individual's race, national or ethnic origin, colour or religious or political beliefs or associations;
- An individual's age, sex, marital status, or family status;
- An identifying number, symbol, or other particular assigned to the individual;
- An individual's fingerprints, blood type, or inheritable characteristics;
- Information about the individual's health and health care history, including information about a physical or mental disability;
- Information about the individual's educational, financial, employment, or criminal history, including criminal records where a pardon has been given;
- The opinion of anyone else about the individual; and
- An individual's personal views or opinions, except if they are about someone else.

A Privacy Breach occurs when personal information is collected, retained, used or disclosed in contravention of the provisions of the *FOIP Act*. Privacy breaches also encompass the theft, loss or loss of control of personal information.

Record means a record of information in any form and includes books, documents, maps, drawings, photographs, letters, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner, but does not include software or any mechanism that produces records.

Procedures

1. Disclosure and Dissemination of Information

- 1.1 The District shall routinely publish and distribute the District Three-Year Education Plan and the District Annual Education Results Report.
- 1.2 The public Board meeting minutes and agendas, Board policies, and Administrative Procedures are all public documents, subject to the exceptions provided for under the *Freedom of Information and Protection of Privacy Act*. These documents and various manuals, guidelines, handbooks and other publications describing District programs and services shall be available for review on the District public website.
- 1.3 The Principal of each school in the District shall routinely publish and distribute to the school community:
 - 1.3.1 The school growth plan;
 - 1.3.2 Five years of achievement test and diploma examination results in relation to local targets and provincial standards;
 - 1.3.3 The percentage of students in grades 6 and 9 who write provincial achievement tests and student participation in diploma examinations; and
 - 1.3.4 The school budget.
- 1.4 The principals of schools in the District shall make available school manuals, school handbooks, newsletters and other school documents for the general public to review.
- 1.5 Requests for information not actively disseminated or routinely disclosed may be made to the Assistant Superintendent of the department or the Principal of the school concerned.

2. Collecting, Using, Retaining and Disclosing Personal Information

- 2.1 In accordance with the *Freedom of Information and Protection of Privacy Act*, the District is authorized to collect, use and disclose personal information when that information relates directly to and is necessary for an operating program or activity of the District.
- 2.2 For the purposes of delivering educational programming and ensuring a safe and secure school environment, the District is required under the provisions of the *School Act* and its regulations to collect, use and disclose personal information.
 - 2.2.1 In such instances, staff members of the District may, without consent, collect, use and disclose personal information that is necessary for performing a statutory duty of the District or for operating a legally authorized program of the District. When collecting, using or disclosing information in this manner, the District shall notify affected parties.
 - 2.2.2 Some examples in which consent need not be obtained include:
 - 2.2.2.1 Providing Alberta Education with student information to meet reporting requirements;
 - 2.2.2.2 Producing and transferring student records;
 - 2.2.2.3 Using students' information to deliver transportation services;
 - 2.2.2.4 Use of students' names and pictures for yearbooks and student identification cards;
 - 2.2.2.5 Use of students' names and related contact information for absenteeism verification;

- 2.2.2.6 Use of students' names on lists such as honour rolls, scholarships, or other awards within the District.
- 2.3 Consent shall be sought when personal information is used and/or disclosed for purposes which are not necessary for performing a statutory duty of the District or for operating a legally authorized program of the District.
 - 2.3.1 Consent may be sought as the need arises or multiple consent may be sought during the school opening procedure.
 - 2.3.2 With the exception of the provisions established in this Administrative Procedure, consent must be obtained in writing.
 - 2.3.3 The instrument for collecting the requested consent must:
 - 2.3.3.1 Indicate the purpose of the collection;
 - 2.3.3.2 Indicate that consent is voluntary;
 - 2.3.3.3 Indicate that consent may be revoked at any time and indicate the person to contact;
 - 2.3.3.4 Indicate the period of time during which consent remains valid; and
 - 2.3.3.5 Be retained by the school or originating department for a period of no less than one year past the expiry date of the consent.
 - 2.3.4 When consent has been requested but has been denied, or no answer has been received, the District cannot use or disclose the information in question.
- 2.4 Rules surrounding the use of electronic consent:
 - 2.4.1 The District may collect consent in electronic form in addition to normal practices of collecting consent in writing, in accordance with section 7 of the *Freedom of Information and Protection of Privacy Regulation*.
 - 2.4.2 Except where prohibited by law or this Procedure, the District may collect consent in electronic form for all uses and disclosures where consent is obtained under sections 39(1)(b), 40(1)(b) and 40(1)(d) of the *FOIP Act*.
 - 2.4.3 Electronic consent may not be obtained for any purposes relating to requests for access to records under Part 1 of the *Freedom of Information and Protection of Privacy Act*.
 - 2.4.4 Electronic consent must:
 - 2.4.4.1 Include an electronic signature that meets the District's security and metadata standards and is clearly associated with the electronic consent;
 - 2.4.4.2 Be producible or reproducible at any time; and
 - 2.4.4.3 Be protected in accordance with its security designation.
 - 2.4.5 Prior to implementing electronic consent, departments should consult with the FOIP Coordinator. Legal advice should be obtained from General Counsel as necessary.
- 2.5 Records containing personal information must be stored and disposed of in a manner that maintains the confidentiality of the information.
- 2.6 If an individual's personal information is used to make a decision that directly affects the individual, the information must be retained for at least one year after it is used.

- 2.7 Transitory records must be destroyed when they are no longer required. The handling of all other records should adhere to District retention and destruction schedules, as outlined in Administrative Procedure 185 – District Records Management.
- 2.8 Records containing personal information must be accessed only by authorized persons and must be used in a manner that maintains the confidentiality of the information.
- 2.9 Unless otherwise permitted, personal information must be disclosed for the purpose for which it was collected or for a use consistent with that purpose.
- 2.10 Each time personal information is collected, affected individuals are to be notified of the purposes for the collection, the legal authority for collecting the information, and who to contact if they have any questions.
- 2.11 Students and members of the public can take photos or videos of students at school activities that are open to the general public. These activities include, but are not limited to, sporting events, graduation ceremonies, field trips, concerts, and cultural programs. It is beyond the District's ability to control the use, or further distribution, of personal information acquired in these instances.
- 2.12 Requests for any record that contains personal information about the individual making the request may be made to the Assistant Superintendent of the department or the Principal of the school concerned.
- 2.13 If the student's participation in a recreation or community service activity involves the disclosure of personal information to another board or a not-for-profit organization, the District shall have entered into a prior agreement with that board or organization.
- 2.14 A Privacy Impact Assessment or a Privacy Scan should be considered when the District is developing or changing any policy, system, project or activity that significantly impacts the District's collection, use and/or disclosure of personal information.
 - 2.14.1 These privacy assessments are to be completed by the department(s) responsible for developing, changing and/or implementing the policy, system, project or activity.
 - 2.14.2 Departments must inform the FOIP Coordinator of any assessments or scans prior to undertaking any such formal privacy review. The FOIP Coordinator will provide templates and instructions on how to complete privacy assessments, and shall provide feedback to the relevant department(s) throughout the process.
 - 2.14.3 Completed privacy assessments are to be signed by relevant department heads and the FOIP Coordinator.
3. In the event of a privacy breach, staff members are required to adhere to the provisions of the District's [Privacy Breach Protocol](#). With the assistance of the FOIP coordinator, staff members should complete the Privacy Breach – Reporting form, which will be provided by the FOIP Coordinator.

4. Requests for Access to Information

- 4.1 If a request for access to information is made to an Assistant Superintendent or a Principal and is denied, a formal request for access to information may be made under the *Freedom of Information and Protection of Privacy Act*.
- 4.2 To submit a formal FOIP request, contact the District's FOIP Coordinator at the Lumen Christi Catholic Education Centre.
- 4.3 An initial application fee is required for all general information requests. At the discretion of the District, additional fees may be levied in accordance with Schedule 2 of the *Freedom of Information and Protection of Privacy Regulation*.
- 4.4 The FOIP Coordinator shall determine whether or not the information is to be released under the terms of the *FOIP Act*.
- 4.5 If the information is withheld in whole or in part, the requestor will be advised of their right to appeal to the Office of the Information and Privacy Commissioner of Alberta.

Adopted: April 3, 2000

Reviewed/Revised: June 12, 2002, March 15, 2005, June 28, 2013, June 30, 2017, January 15, 2019

Reference: Section 61, 75, 113, School Act
Freedom of Information and Protection of Privacy Act
Freedom of Information and Protection of Privacy Regulation (AR 186/2008)