

# POLICY

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No. B.15

## COLLECTION, PROTECTION OF AND ACCESS TO PERSONAL INFORMATION OF PRIVATE INDIVIDUALS

*Adopted: 94-12-12*  
*Reviewed: 05-03-14*  
*Reviewed: 09-02-10*  
*Reviewed: 12-01-10*  
*Amended: 14-03-03*  
*Reviewed: 15-01-12*  
*Reviewed: 15-10-13*  
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*Reviewed: 17-10-10*

### Policy

In accordance with the *Freedom of Information and Protection of Privacy Act*, hereafter referred to as "the *Act*", employees of the Board responsible for collecting personal information on private individuals will do so in accordance with the *Act* and, to the best of their abilities and knowledge, ensure the accuracy of that information.

The Board shall safeguard the confidentiality of personal information pertaining to private individuals. All personal information held by School District 84 shall be protected from unauthorized collection, use and disclosure. Personal information may only be obtained as authorized by 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. Employees who have access, either authorized or unauthorized, to personal information held by the District may not disclose that information except as authorized under the *Act*.

# REGULATION

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*Reviewed: 15-10-15*  
*Reviewed: 16-10-01*  
*Reviewed: 17-10-10*

### Regulation

1. School District 84 may collect personal information on individuals if it is expressly authorized under an Act.
  - a. Personal information may include data such as unique identifiers (PEN/SIN), school records, gender, medical history, education, employment, psychiatric history, behavioural assessments, personnel evaluations, digital images, audio and video recordings, racial or ethnic origin, or religious beliefs, as well as contact information such as name, address, phone number, and e-mail address.
  - b. Personal information can be collected if it relates directly to and is necessary for a program or activity of the District, or
  - c. With respect to personal information collected for a prescribed purpose,
    - i. the individual the information is about has consented to that collection; and,
    - ii. a reasonable person would consider that collection appropriate in the circumstances;
  - d. Personal information can also be collected by observation at a presentation, ceremony, performance, sports meet or similar event at which the individual voluntarily appears and that is open to the public.
2. The District must collect personal information directly from the individual the information is about unless another method of collection is authorized by the individual, a commissioner or another enactment, or the collection of information is necessary for the medical treatment of an individual and it is not possible to collect the information directly from that individual, or obtain authority for another method of collection.
3. Access to an individual's personal information can be gained during normal business hours, upon appointment, and is available to:
  - a. the individual, in the presence of the appropriate supervisor or designate;
  - b. a representative of the individual (e.g. legal counsel for the individual) only if within the scope of the representative's duties or powers;
  - c. an appropriate person as defined in the *Freedom of Information and Protection of Privacy Regulation*, if the individual is deceased.
4. Copies of any personal information will only be provided to the individual or his/her representative with the specific written consent of the individual. A record of all such transactions must be kept in the file where the information resides.

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5. Each file shall be maintained in a comprehensible manner and shall contain a record of those employees who have had access to it that would usually not have access.
6. An applicant may make an oral request for access to a record if the applicant's ability to read or write English is limited, or the applicant has a physical disability that impairs his/her ability to make a written request.
7. Any other request for access to personal information of a private individual made under the *Act* shall be in writing, and will be passed in the first instance to the Freedom of Information Coordinator's office for registration. The request will then be directed to the appropriate department for action.
8. The decision for granting the complete or partial access or refusing the request will be made by the Superintendent of Schools/Secretary-Treasurer or his/her designate, in consultation with the Freedom of Information Coordinator and guided by the relevant clauses of the *Act*.
9. All responses to a request for access to information, whether granted or denied, shall be directed to the Freedom of Information Coordinator for review and final documentation and then forwarded to the individual making the request within 30 days after receipt of the application.
10. The Superintendent of Schools/Secretary-Treasurer may extend the time for responding to a request for up to 30 days if:
  - a. the applicant does not give enough detail to identify a requested record;
  - b. a large number of records are requested or must be searched and meeting the time limit would unreasonably interfere with the operations of the District;
  - c. more time is needed to consult with a third party or other public body before the Superintendent of Schools/Secretary-Treasurer can decide whether or not to give the applicant access to a requested record;
  - d. the applicant has consented, in a prescribed manner, to the extension.
11. If the time for responding to a request is extended, the Superintendent of Schools/Secretary-Treasurer must tell the applicant the reason for the extension, when a response can be expected and that the applicant may complain about the extension as outlined in the *FOIPOP Act*.
12. Fees
  - a. An applicant who makes a request may be required to pay a fee to the District for locating, retrieving and producing the record, preparing it for disclosure, shipping and handling the record, and providing a copy of the record.
  - b. Fees are not applicable if the request is for the applicant's personal information.
  - c. The applicant will not be required to pay for the first three hours spent locating and retrieving a record or the time spent severing information from a record.
13. Disputes between the Freedom of Information Coordinator and the responding department will be forwarded to the Superintendent of Schools/Secretary-Treasurer for resolution.

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14. Any personal information of a private individual that is no longer required for either administrative, financial, legal or historical purposes and its retention is not regulated by any statute, may be destroyed in a confidential manner (i.e. shredding).
15. The Superintendent of Schools/Secretary-Treasurer is authorized to issue any procedures required to support this policy.