

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The Division recognizes that the jurisdiction is governed by the provisions of the *Freedom of Information and Protection of Privacy Act and regulations*. The Division believes that access to information is a right of the general public. This right must be balanced by appropriate protection of privacy of personal information. Access to information of the Division will be provided subject to the following principles:

1. Right of access to records
2. Protection of the privacy of an individual's personal information
3. Right of access to one's own personal information
4. Right to request correction of personal information
5. Independent review of decisions made respecting access to information.

The Division believes the operation of a healthy, vibrant school environment includes school personnel and students being involved in programs and activities in addition to those imposed as statutory duty through the School Act. Types of activities where information may be collected or used include:

1. Honour Rolls or programs of recognition for students and/or staff
2. Awards Ceremonies for students and/or staff
3. Yearbook programs
4. School to parent newsletters
5. Christmas concerts, science fairs, winter carnivals, sports days
6. Extra-curricular athletic programs
7. Extra-curricular academic programs
8. Staff and student photograph displays within the school
9. In-school announcements over intercom or television
10. Use of student names in lists for planning, for emergency procedures, in managing issues and coordinating school activities.
11. Student photos for students' union cards or other identification purposes
12. Use of student names, related contact information and telephone numbers for absenteeism verification
13. Mandatory disclosure of both student and parent information to assist the Regional Health Authorities with communicable disease intervention and follow up (such as vision, speech, hearing, dental, immunization programs).
14. The circulation of information on a "need-to-know" basis regarding students who have severe or life-threatening medical conditions.

Procedures

1. The Division will provide access to information consistent with the *Freedom of Information and Protection of Privacy Act* and this administrative procedure.
2. The Division expects that records or segments of records identified as personal information must be protected through the efforts of employees making reasonable security arrangements against risks such as unauthorized access, collection, use, disclosure, or destruction.
3. The Superintendent shall designate the Head and the System Coordinator. Those individuals are responsible for ensuring that the Division complies with the provisions of the Act.
4. The Principals 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 System Coordinator.
5. The Head is hereby empowered to fulfill the duties described in the *Freedom of Information and Protection of Privacy Act* which include the establishing of procedures and practices to ensure appropriate management of the legislation.
6. The Division expects record applicants to pay a fee for accessing public information.

An applicant is required to pay an initial fee of \$25.00 when a non-continuing request for public information is made or an initial fee of \$50.00 when a continuing request is made. If the request results in costs, as described in Schedule 2 - FOIP Act, AR 200/95, in excess of \$150.00, the total amount is to be charged. If the request results in costs less than \$150.00, the initial fee of \$25.00/\$50.00 will be the only charge. Processing a request will not commence until the initial fee and half the estimated costs have been paid.

An applicant is not required to pay an initial fee when a request for personal information is made. If the request results in costs, as per item six (6) of the schedule below, in excess of \$10.00, the total amount is to be charged. If the request results in cost less than \$10.00, then no fee will be assessed. Processing a request will not commence until half the estimated costs have been paid.

Fees to be charged to applicants for record requests will be set annually.

7. Displaying student photographs in class groups in school corridors or as individuals who have graduated from a school in the school entrance has been traditional in Northern Lights School Division schools and is supported by the Division. This is also true for the creation and distribution of yearbooks and award ceremonies and honour roll where individual students are singled out for achievement in their studies. Involvement in high school provincial competitions requires the release of student information to help the provincial organization regulate team eligibility. The FOIP Act, Section 40(c) outlines expectations for the consistent use of personal information by a public body vis a vis consistent use. A public body is allowed to collect and use personal information if that information is necessary for operating a statutory duty or legally authorized program of the public body. If the use or disclosure is consistent with the purpose mandated by law or authorized by administrative procedure then the public body may use and disclose that personal information for their specified purpose. With such use or disclosure, consent is not required. In the event of a complaint to the Information and Privacy Commissioner, the school jurisdiction's decision of a "consistent "use may be challenged.

8. Christmas concerts, science fairs, winter carnivals, track & field meets, inter-school athletic competitions and other activities like these will be considered "public events". Schools should inform both students and parents that events like these are open to the public and often have invitations sent to the press to attend. Newspaper personnel and parents will take photos when in attendance. At public events there is an expectation that photographs may be taken and this is not an unreasonable invasion of privacy. Those who do not wish to participate should be able to exclude themselves from posed photographs. Achievements can and should be recognized within schools as part of school life -- again, this is not an unreasonable invasion of privacy.

Reference: Section 75, School Act
The Freedom of Information and Protection of Privacy Act