



FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The district recognizes that all procedures for the collection and storing of personal information by district staff in the course of affairs and procedures regulating the release of information to other parties must follow provisions of the Freedom of Information and Protection of Privacy Act (FIPPA).

The purposes of FIPPA and this district operational procedure are to:

- Allow any person a right of access to the records in the custody or under the control of the district subject to limited and specific exceptions as set out in the Freedom of Information and Protection of Privacy Act.
- Control the manner in which a public body may collect personal information from individuals, to control the use that the district may make of that information and to control the disclosure by the district of that information.
- Allow individuals, subject to limited and specific exceptions as set out in the Freedom of Information and Protection of Privacy Act, a right of access to personal information about themselves that is held by the district.
- Allow individuals a right to request corrections to personal information about themselves that is held by the district, and
- Provide for independent reviews of decisions made by the district under the Freedom of Information and Protection of Privacy Act and the resolution of complaints under the Act.

Definition

Personal Information

Recorded information about an identifiable individual including: their name, address, telephone number, or email address; birthdate; personal education number or other identifying numbers assigned to the individual; race, national or ethnic origin, colour, religious or political beliefs or associations; age, sex, sexual orientation, marital or family status; fingerprints, blood type or inheritable characteristics; health care history, including mental or physical disability; educational, financial, criminal or employment history; photographs and/or video footage in which the individual can be clearly identified.

Procedures

1. Delegation of Authority/Assignment of Coordinator

- 1.1 The superintendent of schools designates the secretary-treasurer as coordinator for the purposes of the Freedom of Information and Protection of Privacy Act and the secretary-treasurer is responsible for ensuring that the district complies with the provisions of the Act.

- 1.2 The coordinator 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.

2. **Collection, Use and Disclosure of Personal Information**

- 2.1 Under the School Act, school districts and/or schools are authorized to obtain personal information on students and employees for a specific purpose, namely: with regards to students, information to be used for the purpose of delivering the educational program; and with regards to employees, for the purpose of providing payroll and employee benefit administration, recruitment and selection of staff, to perform criminal record checks to ensure student safety, etc.
- 2.2 All individuals, under the Freedom of Information and Protection of Privacy Act, have a right to protection from unauthorized collection, use and disclosure of personal information. Therefore, written consent must be obtained prior to using personal information for purposes other than those stated above. Consents must be in writing, specify the personal information for which the individual is providing consent; and specify the duration for which the consent is being sought.
- 2.3 All district schools are annually required, by September 30, to distribute, and collect, the district's Student FIPPA/Personal Information Consent form from their students. Positive, signed consents are valid until September 30 of the next school year. Should a parent/guardian fail to return the Student FIPPA/Personal Information Consent form, the student is to be deemed as not having consent.
- 2.4 All Student FIPPA/Personal Information Consent forms, whether they are positive or negative, are to be entered as a 'yes' or 'no' in the FIPPA allow field in the district's student data management system by school secretarial staff.
- 2.5 All positive Student FIPPA/Personal Information Consent forms, after being entered into the student data management system, must be alphabetized, scanned and electronically filed by school secretarial staff in the school's appropriate file on the district shared drive (S://District/FIPPA & Verification Sheets – Student Records/FIPPA – Student Records). After they are successfully uploaded the forms can be shredded. If a parent/guardian changes their consent from a positive to a negative mid-year, the negative form needs to be retained, along with the original positive form. Student FIPPA/Personal Information Consent forms must be retained for 55 years from the date the student withdraws or graduates from school in accordance with Operational Procedure 320 (Student Records). Original negative forms can be destroyed and not filed after being entered into the student data management system.
- 2.6 Positive Student FIPPA/Personal Information Consent is required before any personal information about a student can be used in school and school district communications such as newsletters, brochures and reports; school and school district public websites, school portals, social media and online video accounts; newspaper and television photographs, videotape and interviews; news releases; videos, CDs and DVDs. The only exception is videos and photos collected by school and/or district personnel which is to be shared only with other school and/or district personnel for student identification purposes or for the consideration and development of that individual's educational program (i.e. student photos on medical alert notices or videos for consideration by student services).

- 2.7 Under the Freedom of Information and Protection of Privacy Act, the school and/or school district is responsible to ensure that any and all personal information in its care is used and stored in accordance with the provisions of the Act. Written consent provided to the school district and/or school is non-transferrable to a third party (i.e. – Parent Advisory Councils, employee unions). Should a third party wish to have parent and/or student information for such purposes as event notification, fundraising, etc. they must collect this information themselves. A Parent Advisory Council request of this nature can be included in a school newsletter or other forms of communication, but must be clearly identified that the Parent Advisory Council is collecting the information. School office/district staff cannot administer the collection of this information in any way.

3. **Freedom of Information Requests and Fees**

- 3.1 All Freedom of Information requests are to be directed to the secretary-treasurer as the coordinator.
- 3.2 All persons making requests for the release of information shall be notified as to appeal provisions under the Freedom of Information and Protection of Privacy Act.
- 3.3 When fees are to be levied under the Freedom of Information and Protection of Privacy Act, the rates adopted by the Government of British Columbia, as specified in Freedom of Information and Protection of Privacy Act Regulation shall be confirmed as the rates used by the district.

Reference: Sections 22, 65, 85 School Act
Freedom of Information and Protection of Privacy Act

Related Forms: [SD72 Form 143-1 Student FIPPA/Personal Information Consent Form](#)