

Administrative Procedures 180 Local Authority Freedom of Information and Protection of Privacy

Adopted: June 28, 2011

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External References

- Office of the Privacy Commissioner of Saskatchewan
- Local Authority Freedom of Information and Protection of Privacy Act

Internal References

- AP 411 Communication and Confidentiality
- Form 180-1 Parent Permission
- Form 180-2 Local Authority Freedom of Information and Protection of Privacy Access to Information Request
- Form 180-3 Employee/Volunteer Permission for Publishing of Photographs
- Form 446-2 Volunteer Review of Code of Conduct

Background

The Local Authority Freedom of Information and Protection of Privacy (LAFOIP) Act governs public bodies including school divisions. As a public organization, the Division needs to collect personal information about students, parents, and employees. The Division also has a corresponding duty to protect the privacy of that information and to allow access to information. Please note that photos and/or videos of school activities that are open to the public may be taken and used for purposes within and outside of the school.

The Director is responsible to ensure:

- That appropriate privacy and freedom of information procedures are in place;
- That all students, parents and staff are aware of this administrative procedure;
- That employees and volunteers understand the importance of confidentiality;
- The collection of only information that is required for the purposes of the Division;
- The appropriate storage and security of records;
- The appropriate use, access and disclosure of records;
- The retention of records only for so long as they are required for the purpose of the Division and then dispose of them in an appropriate manner.

Procedures

1. General

- 1.1 The Director, or designate, shall act as the “head” under the Local Authority Freedom of Information and Protection of Privacy Act, and applications for information shall be made in accordance with that Act and its Regulations. A twenty (20) dollar fee must accompany Form 180-2 Local Authority Freedom of Information and Protection of Privacy Access to Information Request.
- 1.2 All Division employees shall keep confidential any and all information they acquire during their employment that would reasonably be considered to be personal or confidential. This includes, but is not limited to:

- 1.2.1 Personal information concerning students;
 - 1.2.2 Personal information concerning teachers and other employees of the Division;
 - 1.2.3 Confidential information obtained from third parties;
 - 1.2.4 Confidential information about matters under consideration by school administration, the Division or the Board;
 - 1.2.5 Confidential information concerning the business or operations of the Division or Board.
- 1.3 Specifically, any information obtained at work that would not be known by others outside the workplace is considered confidential information.
 - 1.4 No person shall disclose such information unless such disclosure is required within the course of employment.
 - 1.5 Information covered by this administrative procedure shall include that which is written, unwritten, or stored electronically.
 - 1.6 Subject to legislation and regulations, any personal or confidential information shall be released only as required in the necessary course of employment and only by those persons authorized to release such information.

2. Employees

- 2.1 All personal information collected by the Board or its employees shall be stored in a secure environment with adequate security precautions to prevent unauthorized access to the personal information.
- 2.2 It's the responsibility of the employee collecting or using information during the course of employment to follow procedures for the storage of such personal information and take reasonable precautions to ensure the security of all records.
- 2.3 An employee shall direct the inquiry for release of information to the immediate supervisor.
- 2.4 Any employee who knowingly, recklessly or negligently releases personal or confidential information without appropriate authority may be subject to disciplinary action up to and including termination of the employment contract.
- 2.5 Employees may give permission (Form 180-3 Employee/Volunteer Permission for Publishing) to have their photograph published.

3. Volunteers

- 3.1 All volunteers will be made aware of this administrative procedure and expected to adhere to its requirements.
- 3.2 Volunteers may give permission (Form 180-3 Employee/Volunteer Permission for Publishing) to have their photograph published.

4. Principals

- 4.1 The Principal is the legal authority for releasing information at the school level.
- 4.2 All inquiries regarding the release of personal information regarding students and staff are to be directed to the Principal.
 - 4.2.1 If necessary, the Principal may consult the Division privacy coordinator (Human Resources Manager).
- 4.3 Principals shall:
 - 4.3.1 Follow administrative procedures with regards to the storage and disclosure of information, including student and employee records.
 - 4.3.2 Only share personal information with those who need to know.
 - 4.3.3 Ensure all information collected is accurate and factual.
 - 4.3.4 Ensure that only parents who have either custody or access are entitled to educational information about their child.
 - 4.3.5 Consider the privacy interests of the child before releasing information. Depending on the maturity of the student and the type of information, the privacy rights of the student may outweigh disclosure even to a parent.