



POLICY REVIEW COMMITTEE
Report No. 24-129

12 December 2024

**TIER 2 REVISIONS TO P.128 GOV PRIVACY POLICY- MUNICIPAL
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
(MFIPPA)**

Key Contact: Richard Sinclair, General Counsel - Legal Services

PURPOSE:

1. To seek input into the proposed revisions to Policy P.128.GOV Privacy - Municipal Freedom Of Information And Protection Of Privacy Act (MFIPPA).

STRATEGIC LINKS:

2. A policy on privacy and access to information is a legislative requirement for public institutions in Ontario. Creating a workplace culture that respects privacy, has accountability mechanisms for privacy breaches, and ensures the high standard expected to protect student health information, is connected to the 2023-2027 Strategic Plan pillar of social responsibility.

CONTEXT:

3. The Board commits to a five-year review cycle for its policies as per Policy P.001.GOV Policy Development and Management. Although serving the District well in meeting its legislated obligations, staff believe a Tier 2 review to the 2010 Policy P.128.GOV Privacy - Municipal Freedom Of Information And Protection Of Privacy Act (MFIPPA) is necessary to modernize the language of the policy, meet the most recent writing conventions adopted by staff, and to address issues that arose in the last 10 years.

KEY CONSIDERATIONS:

4. The OCDSB Control of Student Health Records
The most significant change to the policy pertains to the collection, use, and disclosure of student health information. The key amendment clarifies that records created by health care practitioners employed by the District - such as social workers, psychologists, and speech language pathologists - are under the

custody and control of the District, rather than the individual health care practitioners. Previously, there was ambiguity regarding who held the role of Health Information Custodian (HIC) for these records.

The Personal Health Information Protection Act (PHIPA) imposes specific obligations on HICs. This clarification ensures that student health records are managed consistently even when staff who provided the health care services are no longer employed by the District. Additionally, it establishes that the access provisions of PHIPA apply to these records instead of those outlined in the MFIPPA. This change has a significant impact. It affirms that students under the age of 16 who have the capacity to do so have the right to withhold consent for the disclosure of their health records to parents or guardians.

5. Other Minor Revisions to the Policy

Other revisions to the policy include:

- Removing MFIPPA from the title as PHIPA also applies;
- Applying the new policy template;
- Using gender-neutral language; and
- Shuffling the content to enhance the readability and the flow of the policy.

RESOURCE IMPLICATIONS:

6. There are no financial or other resource implications arising from these revisions.

COMMUNICATION/CONSULTATION ISSUES:

7. Internal consultations with healthcare practitioners in Learning Support Services have been informed of the proposed revisions. On the other hand, the draft policy presented in this report will be shared with the public through the Engage platform to elicit feedback between 12 December 2024 and 31 January 2025. A revised draft based on the trustees' and the public feedback will be presented to the Policy Review Committee on 10 April 2025 for approval.

GUIDING QUESTIONS:

- Are there any considerations not covered in the proposed revisions to the policy?
- How will the clarified designation of the District as the HIC affect students, staff, and parents, particularly regarding access to and control over student health records?

Richard Sinclair
General Counsel

Pino Buffone
Director of Education and
Secretary of the Board

Appendices

Appendix A: Proposed revised draft of Policy P 128 GOV

Appendix B: Standing Policy P 128 GOV