



POLICY P.128.GOV

TITLE: PRIVACY

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COMMITMENT TO INDIGENOUS RIGHTS, HUMAN RIGHTS, AND EQUITY

The Board recognizes its responsibility to ensure that this policy and associated procedures promote and protect Indigenous rights, human rights, and equity. The Board will strive to address and eliminate discrimination and structural and systemic barriers for students, staff, and community.

1.0 OBJECTIVE

To ensure the protection of personal information in the custody of the OCDSB in accordance with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and other privacy legislation as applicable.

2.0 DEFINITIONS

Please refer to Appendix A for a list of definitions of terms used in this policy.

3.0 GUIDING PRINCIPLES

- 3.1 The OCDSB acknowledges its responsibility to collect, use, retain, and disclose personal information in accordance with the statutory duties and responsibilities provided in the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the *Personal Health Information Protection Act* (PHIPA), and any other applicable legislation.
- 3.2 The Board recognizes that individuals have the right to access their personal information, challenge its accuracy and completeness, and be notified of all requests for access to their personal information from other individuals.
- 3.3 The denial of access to personal information shall be limited, specific and in accordance with the exemptions set out in *the MFIPPA*, with the ability for such decisions to be reviewed by an independent agency (i.e. the Information and Privacy Commissioner of Ontario appeal process).

- 3.4 Individuals have the right to address or challenge compliance with these principles through an appeal process in accordance with the *MFIPPA*.
- 3.5 The Board shall delegate the authority relative to the *MFIPPA* to the Director of Education/Secretary of the Board or designate to be accountable for compliance with all privacy legislation.

4.0 SPECIFIC DIRECTIVES

Awareness

- 4.1 The Director or designate shall ensure that all policies, procedures, manuals, and guidelines relating to the management of personal information are made readily available to the public.
- 4.2 The District shall provide training opportunities to staff, as required, with respect to the obligations under the privacy legislation, this policy, and associated procedures.

Implementation

- 4.3 The District shall be responsible for compliance with the *MFIPPA* with respect to:
 - a) the collection, use, disclosure, retention, and protection of personal information in its custody;
 - b) administering requests for access or correction of personal information;
 - c) defending decisions made under the *MFIPPA* at an appeal;
 - d) managing any privacy breaches; and
 - e) any other responsibilities that may arise with respect to the District's obligations under the *MFIPPA*.
- 4.4 For the purposes of records created by health care practitioners employed by the District, including psychologists, social workers and speech language pathologists, with respect to the provision of services to students, the OCDSB is the Health Information Custodian as defined by PHIPA.
- 4.5 The District shall ensure that the purposes for which personal information is collected are specified and noted in conjunction with legal authority for the collection, and the coordinates of an individual who can answer questions about the collection.
- 4.6 The Director or designate shall ensure an individual's informed consent is obtained for the collection, use, or disclosure of personal information, except where otherwise permitted by law. Such exceptions are set out in the law and include where legal, medical, or security reasons make it impossible or impractical to seek consent.
- 4.7 The District shall accept written, verbal, in-person, electronic, implicit, explicit or implied consent through the individual or their authorized representatives, as appropriate in the circumstances.

- 4.8 The Director or designate shall ensure personal information may only be used or disclosed for the purposes for which it was collected, other purposes consented to, or as required or permitted by law.
- 4.9 Personal Information may only be kept for as long as is necessary to satisfy the purposes for which it was collected, or as required, permitted by law or in accordance with the OCDSB's records and information management policy.
- 4.10 The Director or designate shall ensure any personal information that is collected, used or disclosed should be as accurate, complete and up-to-date as is necessary in order to fulfill the specified purpose for its collection, use, disclosure, and retention.
- 4.11 The District shall ensure the protection of personal information from unwarranted intrusion, release, or misuse by security safeguards that are appropriate to the sensitivity of the information. Safeguards may be physical, organizational, technological, contingency plans, or measures for using personal information off-site.
- 4.12 The District shall ensure that third party service providers who have custody of personal information on behalf of the OCDSB are held accountable for the required protection of that information. Third party service providers are obligated to abide by the OCDSB privacy policies, procedures, and practices.
- 4.13 The Director of Education/Secretary of the Board is authorized to issue such procedures as may be necessary to support this policy.

5.0 APPENDICES

Appendix A: Policy Definitions

6.0 REFERENCE DOCUMENTS

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56

Regulation 372

Regulation 823

The Education Act, R.S.O. 1990, Chapter E.2

A Guide to Privacy and Access to Information in Ontario Schools. The Information and Privacy Commissioner of Ontario

Privacy Breaches Guidelines for Public Sector Organization, The Information and Privacy Commissioner of Ontario

OCDSB Policy P.027.GOV: Management of Official Business Records

OCDSB Policy P.047.FAC: Video Surveillance

OCDSB Policy P.018.GOV: Electronic Meetings of the Board and Committees and Meeting Attendance

OCDSB Policy P.074.IT: Information Technology Security

OCDSB Procedure PR.669.GOV: Privacy Breach

OCDSB Procedure PR.638.IT: Donation of Obsolete Computer Hardware

OCDSB Procedure PR.615.FAC: Video Surveillance

OCDSB Procedure [PR.564.IT: Information Technology Security](#)
OCDSB Policy [P.100.IT: Appropriate Use of Technology](#)
OCDSB Procedure [PR.622.IT: Appropriate Use of Technology \(Students\)](#)
OCDSB Procedure [PR.702.IT Appropriate Use of Information Technology \(Staff\)](#)
OCDSB Procedure [PR.672.IT: Electronic Communications Systems](#)
OCDSB Procedure [PR.510.GOV: Official Access and Correction Requests under the MFIPPA](#)
OCDSB Procedure [PR.516.GOV: Management of Official Business Records](#)

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APPENDIX A: POLICY DEFINITIONS

In this policy,

Access means the authority or permission to consult records or to obtain restricted information.

Collect means to gather, acquire, receive or obtain the information by means from any source.

Confidential Record means a record containing certain information that requires protection against unauthorized access or disclosure.

Disclose means to make the information available or to release it to another institution or to another person, but does not include using the information.

Informal Access means oral requests for personal information should be granted if a head may give access to information under the MFIPPA.

Informed Consent means informed consent is provided when the person consenting understands the nature of the information for which consent is sought, understands the potential consequences of signing the consent form, and is given the right to revoke the consent at any time.

Notice means:

- a) before disclosing a record, the head shall cause notice to be given to any person to whom the information in the record relates, if it is practicable to do so;
- b) written notice to the applicant regarding an extension to respond to a MFIPPA request for information;
- c) written notice to the applicant and to any person to whom the information in the record relates of the decision to disclosure or refusal to disclose, including appeal procedures; and
- d) written notice regarding the legal authority for the collection, the principal purpose or purposes for which the personal information is intended to be used, and a contact individual who can answer questions regarding the collection.

Personal Information means recorded information about an identifiable individual, including,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,

- c) any identifying number, symbol or other particular assigned to the individual,
- d) the address, telephone number, fingerprints or blood type of the individual,
- e) the personal opinions or views of the individual except if they relate to another individual,
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) the views or opinions of another individual about the individual, and
- h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

Personal information does not include information about an individual who has been dead for more than thirty years.

Personal Information Bank means a collection of personal information that is organized and capable of being retrieved using an individual's name or an identifying number or particular assigned to the individual.

Privacy means the quality or condition of being secluded from the presence or view of others. The state of being free from unsanctioned intrusion: a person's right to privacy.

Privacy Breach means an infraction or violation with respect to the collection, use, disclosure, retention, or destruction of personal information that is inconsistent with privacy legislation.

Privacy Impact Assessment (PIA) means an assessment framework used to identify the actual or potential risks that a proposed or existing information system, technology, or program may have on an individual's privacy.

Privacy Standard means a set of rules, policies, procedures, guidelines, and characteristics that helps to foster a culture of privacy regarding the way the OCDSB collects, uses, disclosures, secures, retains, and disposes of personal information. It also ensures the right of individuals to have access to personal information about themselves and, as appropriate, to have it corrected.

Record means any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes,

- a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and
- b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of

computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.

Retention means the minimum amount of time to keep a record as determined to be necessary by law or other authority. Original records cannot be destroyed until the retention time has expired. Likewise, records should not be retained longer than the retention time without good reason.

Security means the protection of personal information regardless of the format in which it is held and includes, but is not limited to, physical measures such as locked filing cabinets and restricted offices, organizational measures such as limited access, and technological measures, such as a the use of passwords and encryption.

Third Party Service Provider means any outside individual (such as a consultant), a business or an organization that provides a service to, or acts on behalf of, the OCDSB.

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