



POLICY REVIEW COMMITTEE
Report No. 25-011

10 APRIL 2025

**APPROVAL OF REVISIONS TO P 128 GOV - PRIVACY - MUNICIPAL
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT
(MFIPPA) AND RESCISSION OF P 093 SCO CONFIDENTIAL
COMMUNICATION BETWEEN STUDENTS AND STAFF**

**Key Contact: Jesse Mark, General Counsel - Legal and Governance
Services**

PURPOSE:

1. To seek approval for revisions to Policy P 128 GOV - Privacy - Municipal Freedom Of Information And Protection Of Privacy Act (MFIPPA) and for the rescission of P 093 SCO - Confidential Communication between Students and Staff.

STRATEGIC LINKS:

2. This report is tied to the OCDSB's legal obligations regarding privacy.

CONTEXT:

3. Policy P 128 GOV has not been updated since it was first issued in 2010. Updates are necessary to modernize the language, conform to the new policy format and styles, and address contemporary privacy considerations.

KEY CONSIDERATIONS:

4. Consolidating Confidentiality and Privacy
This report suggests consolidating two policies, one related to privacy and one related to confidential communications with students. The two policies each address the same overarching issue - privacy. Privacy is usually broken down into the broad sub-topics of collection, use, access, disclosure, and retention. Confidentiality, in essence, another term for disclosure - it is about when information can be disclosed to someone else. There is no need for a separate policy on this sub-topic as it can be neatly consolidated with the privacy policy.

5. Student Health Information

The other most significant change to the policy is to clarify that student health information is managed by the OCDSB, not by individual employees who are health care practitioners. Until now, it has been unclear whether health information is managed by the OCDSB as an organization or by individual OCDSB employees such as social workers, psychologists, or speech-language pathologists.

Districts across Ontario have taken different approaches to this issue. While [Toronto](#) and [Halton](#) assign responsibility to the organization, [Upper Canada District School Board](#) assigns responsibility to “all non-teaching Student Services staff”.

Assigning responsibility to an individual employee has the potential to cause confusion when that employee leaves the district. If the employee is responsible under law for the records, then the records must leave when the employee leaves. This policy change ensures student health information stays at the OCDSB even if an individual employee leaves.

6. Other Revisions to the Policy

Revisions to the consolidated policy are highlighted in yellow and include the following:

Section	Change
Title	More specificity in response to feedback heard from trustees.
Rationale	Adding the <i>Personal Health Information Protection Act (PHIPA)</i> to the applicable legislation.
3.1, 3.2, 3.3	Simplifying the language.
3.4	New clause originally in P 093 SCO.
3.5	Explicitly stating the right to appeal the Board's privacy decisions to the Information and Privacy Commissioner of Ontario.
3.6	Using the legislative language regarding the accountability of the Director to implement this policy and their right to delegate this responsibility.
3.7	Establishes OCDSB as Health Information Custodian under <i>PHIPA</i> .
3.8	Language migrated from P 093 SCO and simplified to clarify

	rights and responsibilities.
4.3 (a-e), 4.5	Removing detailed, procedural language already covered by our umbrella obligation to comply with privacy legislation.
4.6	Simplifying the language while maintaining it at a high level appropriate for policy writing conventions.
4.8	Simplifying content using legislative language.
4.9	This provision is redundant. <i>MFIPPA</i> dictates the access regime, and OCDSB's policy cannot purport to adjust or supplement this regime.
4.11	Consistent use of "District" or "Board" throughout the policy.
4.12	Simplifying language.
Reference Documents	Removing redundant Regulations.
Appendix A	Removing definitions not used in the body of the policy and those not adding to what is a typical dictionary definition.

RESOURCE IMPLICATIONS:

7. There are no financial or other resource implications arising from the proposed revisions and consolidation of the two policies.

COMMUNICATION/CONSULTATION ISSUES:

8. The draft policy presented in [Report 24-129](#) was shared with the public through the Engage platform to elicit feedback between 16 December 2024 and 31 January 2025. A total of 5 submissions were received and the highlight of those was the concern around the right of students to not share their health information with their parents/guardians. Legal compliance with the *PHIPA*, along with consultations with the trustees, and internal consultations with legal counsel and healthcare practitioners in Learning Support Services informed the proposed revisions in this report.

RECOMMENDATIONS:

THAT:

- A. The proposed revisions to Policy P 128 GOV - Access to Information and Privacy Protection, attached as Appendix A to Report 25-011, be approved; and
- B. The standing [Policy P 093 SCO - Confidential Communication Between Students and Staff](#), attached as Appendix C to Report 25-011, be rescinded.

Jesse Mark
General Counsel, Legal and
Governance Services

Pino Buffone
Director of Education and
Secretary of the Board

Appendices

Appendix A: P 128 GOV - Access to Information and Privacy Protection (Proposed Revised Draft)

Appendix B: P 128 GOV - Privacy - Municipal Freedom Of Information And Protection Of Privacy Act (MFIPPA) (Standing Policy)

Appendix C: Policy P 093 SCO - Confidential Communication Between Students and Staff (Standing Policy)