




---

**POLICY P 128 GOV**

**TITLE: ACCESS TO INFORMATION AND PRIVACY PROTECTION**

**Date Authorized: 12 February 2010**

**Last Revised: 29 April 2025**

**Last Reviewed: 29 April 2025**

---

**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 the community.

---

## **1.0 RATIONALE**

To ensure public transparency through access to information in the custody of the OCDSB, and 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)*, the *Personal Health Information Protection Act (PHIPA)*, 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, disclose, and destroy Personal Information in accordance with the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, the *Personal Health Information Protection Act (PHIPA)*, and other applicable legislation.
- 3.2 Every individual has the right to access information in the OCDSB's control, including the individual's own Personal Information. Every individual also has the right to challenge the accuracy and completeness of their Personal Information and to be notified of requests for access to their Personal Information from other individuals in accordance with the law.
- 3.3 The Board recognizes that it must balance a student's right to privacy with the rights of parents/guardians and others to know certain information shared between students and staff in accordance with the law.

- 3.4 Employees have a duty to report child protection concerns to the Children's Aid Society of Ottawa, and this duty supersedes the privacy protections in *MFIPPA* and *PHIPA*.
- 3.5 The Board's privacy decisions are subject to an appeal to the Information and Privacy Commissioner of Ontario
- 3.6 Under *MFIPPA* many privacy decisions must be made by the "Head" of the OCDSB. *MFIPPA* allows the Board to designate a person to be the Head to make those privacy decisions. The Board designates the Director of Education as the Head for the purposes of *MFIPPA*. The Director of Education may delegate this authority to a member of staff.
- 3.7 For the purposes of *PHIPA*, the OCDSB is the "Health Information Custodian" for all personal health information collected or created by OCDSB employees, including psychologists, social workers, behaviour analysts, speech-language pathologists or any other employee who is working as a health care practitioner.
- 3.8 The Board recognizes that when students choose to interact with staff about personal issues, staff might have legal or professional obligations to disclose that information to parents/guardians or others, depending on the circumstances. Staff should be aware of these limits on confidentiality and, where applicable, should make students aware of these limits.

## 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 readily available to the public.
- 4.2 The District shall provide training opportunities to staff, as required, with respect to the obligations under the applicable privacy legislation, this policy, and associated procedures.

### Implementation

- 4.3 The District shall comply with the *MFIPPA*, the *PHIPA*, and other applicable privacy legislation.
- 4.4 The District shall obtain an individual's informed consent when collecting, using, or disclosing Personal Information, except where otherwise permitted by law.
- 4.5 The District shall accept all forms of consent, including written, verbal, in-person, electronic, implicit, explicit, or implied. Consent may be obtained from the individual or their authorized representatives.
- 4.6 The District shall only use or disclose Personal Information for the purpose it was collected or for a consistent purpose unless otherwise permitted by law.

- 4.7 The District shall only keep Personal Information as long as is necessary to satisfy the purposes for which it was collected or as required or permitted by law. Record retention shall be in accordance with the OCDSB's Policy P 027 GOV - [Management of Official Business Records](#).
- 4.8 The District shall ensure any Personal Information that is collected, used or disclosed is as accurate, complete, and up-to-date as is necessary to fulfill the specified purpose.
- 4.9 The District shall ensure Personal Information is protected against improper release or misuse by implementing safeguards appropriate to the information's format and sensitivity.
- 4.10 When contracting with a Third-party Service Provider, the District shall, as best as it can given the circumstances, ensure through any applicable contract, that the Third-party Service Providers is accountable for the required protection of the Personal Information, and that the Third-party Service Provider agrees to abide by the privacy principles outlined in OCDSB policies, procedures, and practices.
- 4.11 The Director of Education 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  
[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 Organizations, 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](#)

## APPENDIX A: POLICY DEFINITIONS

In this policy,

**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 identifiable 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.

**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 applicable 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.

**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.