



System Review Notice

Background Information

To minimize the number of policies regarding a single subject matter, and ensure information regarding privacy is represented clearly, concisely, and in an up-to-date manner, board policies BP 1408-D “Municipal Freedom of Information and Protection of Privacy Act - Delegation” and BP 1409-D “Privacy Policy” have been combined into a new single document, now BP 1408-D “Privacy and Information Management”.

Upon approval of the new policy, current policies BP 1408-D ([available here](#)) and BP 1409-D ([available here](#)) will be rescinded and new procedures will be implemented to support it.

Board policy BP 1408-D is attached and can also be found on the board website (www.bwdsb.on.ca → About Us → Policies and Procedures → Policies Under Review).

Feedback

Feedback must be forwarded to Corporate Services to the attention of Crystal Myles (crystal_myles@bwdsb.on.ca) by March 15, 2021. Your attention to this timeline is appreciated and will ensure that your feedback is included when the policy is referred back to the Policy Standing Committee for final review.

Questions to Consider

When you are preparing your feedback please consider the following questions:

- Are there any obstacles that might be encountered due to this policy?
- Would you be able to easily follow the processes outlined in this policy?
- Can you identify any gaps in the information provided?

Thank You.

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Policy Title	Privacy and Information Management		
Date of Issue	January 24, 2006	Related Procedure	AP 1408-D; AP 1409-D; AP 1410-D
Revision Dates	February 21, 2012 (rev. Rationale-Strategic Plan)	Related Forms	
Review Date		Originator	Board of Trustees
References			
Education Act; Municipal Freedom of Information and Protection of Privacy Act; Personal Health Information Protection Act; Combined - MOE OSR Guidelines, 2000 and BWDSB AP 6701-D Ontario Student Record; Bluewater District School Board Classification and Retention Schedule; BP 7530-D/AP 7530-D "Progressive Discipline – Employees"			

1.0 RATIONALE

- 1.1 Bluewater District School Board policies will support and provide direction necessary to achieve the board's Vision, Mission and Strategic Plan priorities.
- 1.2 Bluewater District School Board recognizes its obligations regarding the appropriate collection, use, retention, and disclosure of information under the Education Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Personal Health Information Protection Act (PHIPA), and all other applicable legislation.

2.0 POLICY

- 2.1 Bluewater District School Board is committed to the protection of all personal information under its custody or control, while providing right of access to information in accordance with the MFIPPA.

3.0 DEFINITIONS

- 3.1 A **RECORD** is all the information held by the board, regardless of how it is recorded. This includes correspondence, minutes, reports, photographs, videotapes, computer discs/drives, email, drawings, and any other information that is in the control of the board. Additionally:
 - a. these records are not the personal property of individual staff members and may be requested by others under MFIPPA through a freedom of information (FOI) request;
 - b. the board/school is not required to provide information that has not been recorded, such as information discussed, but not written, by staff;
 - c. the board/school is not required to produce records that have been properly disposed of under the authority of its Classification and Records Retention Schedule.
- 3.2 **GENERAL INFORMATION** refers to recorded information in the custody or control of the board that is not of a personal nature and may be disclosed under the MFIPPA, unless an exemption to access applies. Examples of general information that can be routinely released include, but are not limited to board policies, Ministry of Education guidelines, public minutes, school events and programs.
- 3.3 Under the MFIPPA, **PERSONAL INFORMATION** is defined as recorded information about an individual that renders that individual identifiable, including:
 - a. name, address, phone number;
 - b. race, ethnic origin, or religious or political beliefs or associations;

- c. age, sex, sexual orientation, mental health status, or family status;
 - d. any identifying number or symbol or other particular assigned to the individual;
 - e. fingerprints, blood type, or inheritable characteristics;
 - f. medical, educational, financial, criminal, or employment history;
 - g. personal views or opinions of the individual except if they relate to another individual;
 - h. views or opinions of another individual about the individual;
 - i. 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; or
 - j. 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 (e.g., a student photo and a student name would be considered personal information).
- 3.4 Under the PHIPA, **PERSONAL HEALTH INFORMATION** is defined as identifying information about an individual in oral or recorded format, if the information:
- a. relates to the physical or mental health of the individual, including information that consists of the health history of the individual's family;
 - b. relates to the provision of health care to the individual, including the identification of a person as a provider of health care to the individual;
 - c. is a plan of service for the individual within the meaning of the Long-Term Care Act;
 - d. relates to payments or eligibility for health care, or eligibility for coverage for health care, in respect of the individual;
 - e. relates to the donation by the individual of any body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance;
 - f. is the individual's health number; or
 - g. identifies an individual's substitute decision-maker.
- 3.5 A **PRIVACY BREACH** occurs when personal information is collected, used, disclosed, retained, or destroyed in any way that is not in accordance with the provisions of relevant privacy legislation (MFIPPA and PHIPA).

4.0 SYSTEM EXPECTATIONS

- 4.1 Personal information will only be collected, used, retained, and disclosed by Bluewater District School Board in the course of meeting its statutory duties and responsibilities. The board will not use, retain, or disclose personal information for purposes other than those for which it was collected, for a consistent purpose, or where otherwise permitted by law.
- 4.2 The director of education will serve as the freedom of information head for all purposes outlined in the MFIPPA, in accordance with s. 3. (1), and the corporate services officer as the freedom of information and privacy coordinator, in accordance with s. 49 (1).
- 4.3 It is the responsibility of all employees, trustees, third party agencies/contractors, volunteers, and students to comply with this policy and its related procedures, AP 1408-D "Privacy and Information Management", AP 1409-D "Privacy Breach" (in the event of a privacy breach), and AP 1410-D "Employee Personal and Medical Information – Collection and Use".
- 4.4 All school board employees are responsible for the protection of personal, confidential, and sensitive information entrusted to them. Employees who violate privacy rights of a student(s), or another employee, or act in contravention of applicable legislation, may be subject to progressive discipline, in accordance with BP 7530-D/AP 7530-D "Progressive Discipline – Employees".
- 4.5 Bluewater District School Board supports the 10 principles that make up the Privacy Standard, as adapted for Ontario School Boards from the Canadian Standards Association (CSA) Fair Information Privacy Principles. These commitments are intended to foster a culture of privacy with respect to how the board collects, uses, discloses, secures, retains, and disposes of personal

information and confidential records. It also ensures the right of individuals to have access to personal information about themselves and, as appropriate, to have it corrected.

The 10 principles are:

1. Accountability

- a. Under the MFIPPA, the board is responsible for all personal information and confidential records under its care or control and may designate an individual within the board that will be accountable for compliance with privacy legislation (see section 3.2).
- b. Under the PHIPA, health information custodians (HICs) are responsible for personal health information and may designate an individual as an agent to assist in compliance with privacy legislation.

2. Specified Purposes

- a. The board will specify the purposes for which personal information is collected, used, retained, and/or disclosed, and individuals will be notified at or before the personal information is collected.

3. Consent

- a. An individual's informed consent is required for the collection, use, and disclosure of personal information, except where otherwise permitted by law.

4. Limiting Collection

- a. The collection of personal information must be fair, lawful, and limited to that which is necessary to the specified purpose. Personal information shall be collected only when it is necessary for providing for the education of students, the employment of staff, or as required and authorized by law.

5. Limiting Use, Disclosure, and Retention

- a. Unless the individual consents otherwise or it is required by law, personal information can only be used or disclosed for the purposes for which it was collected. Personal information must only be kept as long as required to serve those purposes.

6. Accuracy

- a. The board shall ensure that personal information and confidential records are accurate, complete, and up-to-date in order to fulfill the specified purposes for its collection, use, disclosure, and retention.

7. Safeguards

- a. To the extent it is able, the board shall ensure that personal information is secured and protected from unauthorized access, disclosure, use, or modification or inadvertent loss or destruction.

8. Openness and Transparency

- a. Policies and practices relating to the management of personal information and confidential records are made readily available to the public.

9. Access and Correction

- a. An individual has the right to access their personal information and will be given access to that information, subject to any restrictions.

10. Compliance

- a. An individual may address or challenge compliance with the above principles to the director of education or the board's freedom of information and privacy coordinator.