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**FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

APPROVED: 2007.05.29

REVISED: 2008.02.05

***POLICY***

All business in School District No. 57 will be conducted in compliance with the provisions of the *Freedom of Information and Protection of Privacy Act*.

***DEFINITIONS:***

“**The Act**” is the *Freedom of Information and Protection of Privacy Act*.

“**Contact information**” means information to enable an individual in the school district to be contacted, and includes the individual’s name, work title, work telephone number, work fax number, work address and work e-mail address.

“**Contractor**” means a person or an organization retained under contract to perform services for the school district.

“**Employee**” means an employee of the Board, a student teacher or a volunteer in the school district.

“**FOIPOP**” means freedom of information and protection of privacy.

“**Personal information**” means recorded information about an identifiable individual, other than contact information.

“**Record**” includes, books, documents, maps, drawings, photographs, letters, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

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Responsibility Centre: Superintendent of Schools

References: *Freedom of Information and Protection of Privacy Act*

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**PREAMBLE**

The *Freedom of Information and Protection of Privacy Act*, which applies to all public bodies in British Columbia, regulates the public's access to information held by the school district and the school district's responsibilities to protect personal information from unauthorized disclosure.

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**REGULATIONS:**1. GENERAL

- 1.1. In accordance with Section 77 of the *Freedom of Information and Protection of Privacy Act*, the Superintendent of Schools is designated as the head of the school district for the purposes of the Act.
- 1.2. The Superintendent of Schools is responsible for ensuring that district operations comply with the Act, and for making final decisions regarding the release or withholding of requested information.
- 1.3. The Superintendent shall designate a FOIPOP officer to administer the Act and this policy and to respond to requests and complaints.
- 1.4. The Superintendent will appoint a district privacy and security committee, which will include members of senior administration, the FOIPOP officer and representatives from each of the district's union groups. This committee will provide leadership and coordination in matters related to freedom of information and protection of privacy in the district.
- 1.5. Each school will have a privacy and security committee, established by the principal, with representation from administration, PGDTA, CUPE and PEA where applicable.
- 1.6. The Superintendent will ensure that the central administration office has a privacy and security committee, with representation from each department.

2. FREEDOM OF INFORMATION

- 2.1. Every individual has the right to access any record held by the district that contains information about that individual.
- 2.2. In accordance with the *School Act*, persons delivering health services, social services or other support services will be given access to information in student records that they require in order to carry out those services.
- 2.3. The following documents will be available to the public without a formal request for access under the Act:
  - 2.3.1. Agendas of public Board meetings;



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- 2.3.2. Minutes of public Board meetings;
  - 2.3.3. Records of matters discussed at in camera meetings, in accordance with Section 72 of the *School Act*;
  - 2.3.4. District budget and financial statements;
  - 2.3.5. Collective agreements;
  - 2.3.6. District policies and regulations;
  - 2.3.7. Reports presented at public Board meetings;
  - 2.3.8. Statement of financial information, in accordance with the *Financial Information Act*;
  - 2.3.9. Other information as determined by the Superintendent of Schools.
- 2.4. Requests for documents listed in Regulation 2.3 should be directed to the office of the Secretary Treasurer. Copying fees may apply.
  - 2.5. Release of information other than that listed in Regulation 2.3 requires a formal written request for access under the Act. Such requests should be directed to the FOIPOP officer. Search and copy fees may apply.
  - 2.6. All records, electronic or otherwise, relating to school district business are subject to disclosure in accordance with the Act.
  - 2.7. All records, electronic or otherwise, stored on school district media or on school district property are subject to access and monitoring by the Superintendent of Schools or designate. (See also Policy 6179 Acceptable Use of Networks.)
3. PROTECTION OF PRIVACY
- 3.1. Personal information must be collected only:
    - 3.1.1. When authorized under an Act, or
    - 3.1.2. For the purposes of law enforcement, or



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- 3.1.3. When it is necessary for the operation of a program or the provision of a service, or
- 3.1.4. With the written permission of the person to whom the information belongs.
- 3.2. When personal information is requested from an individual, the individual must be informed of the purpose for collecting the information, the legal authority for collecting it, and the name of the district employee to whom questions may be directed. In a school, this person will be the principal; at the district level, this will be the Superintendent of Schools or designate.
- 3.3. Every effort must be made to ensure that personal information held by the district is accurate and complete.
- 3.4. An individual who believes there is an error or omission in his or her personal information should contact the principal of the school if the information is held by a school, or the head of the appropriate department if the information is held by the district.
- 3.5. Every reasonable precaution must be taken to protect personal information from unauthorized access, collection, use disclosure or disposal.
- 3.6. Access to personal information must be provided only to employees who require the information for the performance of their duties.
- 3.7. Employees who have access, either authorized or unauthorized, to personal information held by the district may not disclose that information except as authorized under the Act.
- 3.8. Agreements with contractors that involve or require the sharing of personal information must include confidentiality clauses to ensure the protection of that information and compliance with the Act.
- 3.9. Personal information will be held by the district only as long as is necessary for the operation of a program, the provision of a service, or as required by legislation, after which time it will be destroyed.
  - 3.9.1. Retention periods mandated by legislation or the district's records management program will be adhered to.



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- 3.9.2. Destruction of records containing personal information will be done using a method that ensures the information will not be retrievable.
  - 3.10. Personal information will be used only for the purpose for which it was collected or for a use consistent with that purpose, except as authorized by legislation or with the consent of the individual to whom the information pertains.
  - 3.11. Personal information will disclosed only:
    - 3.11.1. When authorized under an Act, or
    - 3.11.2. For the purposed of law enforcement, or
    - 3.11.3. For research or statistical purposed in accordance with Section 35 of the Act, or with the written permission of the person to whom the information belongs, or
    - 3.11.4. As otherwise permitted under the Act, as determined by the Superintendent of Schools.
  - 3.12. Personal information may be disclosed for archival or historical purposes, in accordance with Section 36 of the Act, only with the permission of the Superintendent of Schools.
  - 3.13. All requests to conduct research that involves access to personal information held by the district must be approved by the Superintendent of schools and the researcher must sign an agreement specifying terms and conditions that ensure compliance with Section 35 of the Act.
  - 3.14. Information that would normally not be release to the public may be released by the Superintendent of Schools in accordance with Section 25 of the Act, when it is clearly in the public interest to do so.
4. UNAUTHORIZED ACCESS
- 4.1. All incidents involving the unauthorized release or potential unauthorized release of personal information to persons who are not employees of School District No. 57 shall be reported to the FOIPOP Officer.



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- 4.1.1. A protocol, overseen by the Superintendent of Schools and/or the FOIPOPO Officer, will be followed to ensure:
- a. Containment – identification of the scope of the breach or potential breach, the containment of it and/or the recovery of the personal information.
  - b. Notification – identification of the individuals affected and, barring exceptional circumstances, notification of the individuals.
  - c. Investigation – determination of the cause(s) of the breach.
  - d. Remediation – actions to prevent a similar breach from reoccurring.
- 4.1.2. The FOIPOP Office will keep a record of all such incidents and the ensuing actions and decisions.
- 4.2. All incidents involving the unauthorized disclosure of personal information to employees of School District No. 57 shall be reported to the principal or department manager.

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***ADMINISTRATIVE PROCEDURES:***

1. GENERAL

- 1.1. The district privacy and security committee will be responsible for:
  - 1.1.1. Reviewing district practices and procedures to ensure they comply with the Act.
  - 1.1.2. Maintaining and updating a handbook of best practices, which will detail appropriate procedures related to privacy and security.
  - 1.1.3. Liaising with school privacy and security committees.
  - 1.1.4. Providing advice to senior administration on matters relating to the Act.
- 1.2. School and central administration office privacy and security committees will be responsible for:
  - 1.2.1. Reviewing practices and procedures to ensure they comply with the Act.
  - 1.2.2. Ensuring that all of their employees are made aware of the provisions of the Act, this policy and the expectations of the district regarding respect for privacy.
  - 1.2.3. Providing advice to the district privacy and security committee.

2. PROTECTION OF PRIVACY

- 2.1. District employees will maintain and secure personal information in their custody in a manner that respects the privacy of students, families and employees. Measures taken should include, but not be limited to:
  - 2.1.1. Storing records in locked cabinets or storage areas.
  - 2.1.2. Storing computer passwords securely and not disclosing them to other individuals.



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- 2.1.3. Taking special precautions when moving or traveling with personal information.
- 2.1.4. Ensuring that files containing personal information stored on mobile devices are encrypted or otherwise protected from unauthorized access.
- 2.1.5. Sharing personal information with other employees only as necessary for the operation of programs or provision of services.
- 2.1.6. Confirming the identity of persons requesting personal information and their authority to have that information.
- 2.2. For extremely sensitive information, additional security measures must be in place to control access, such as documentation of employee access by use of an access log, for paper documents, or installation of tracking software for electronic records.
- 2.3. When an employee ceases to be an employee of the district, his or her supervisor must ensure that:
  - 2.3.1. All personal information in the possession or control of the employee is returned to the district.
  - 2.3.2. All access privileges to district facilities and information held by the district are revoked.
  - 2.3.3. All ID badges, keys and other means of access are collected.
- 2.4. Documentation regarding the destruction of records must be kept.
  - 2.4.1. Contracts with third parties for the destruction of records must include provisions for the security of the records prior to destruction and written verification of the destruction.
- 2.5. Video surveillance will be used in school district buildings only in circumstances where less intrusive means have been shown to be ineffective or unworkable. Before introducing or expanding such a program, schools will work with the FOIPOP Officer to complete and analysis of the circumstances to ensure that video surveillance is justified.



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- 2.5.1. The installation and use of permanent video surveillance equipment must be approved by the district privacy and security committee.
- 2.5.2. The installation and use of temporary video surveillance equipment must be approved by the Superintendent of Schools.
- 2.6. Schools will adhere to the guidelines contained in the Distinct Privacy and Security Best Practices Handbook.

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