

## **POLICY – 201**

### **Freedom of Information and Protection of Privacy**

Area: Governance  
Source: Chief Information Officer – Freedom of Information and Privacy  
Approved: January 5, 1998  
Revised: November 9, 2015; November 9, 2020

#### **1. Introduction**

The Durham Catholic District School Board (the “Board”) is committed to ensuring that all personal information that it collects, uses, discloses and retains, is protected in compliance with its obligations under the Ontario Education Act, the Ontario Student Record (OSR) Guideline, and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

#### **2. Definitions**

**Personal Information** (as defined by the Municipal Freedom of Information and Protection of Privacy Act ((MFIPPA or the Act)) – 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.

### **3. Purpose**

The purpose of this policy is to provide a framework for all related administrative procedures to ensure that the Board complies with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and all other applicable legislation with respect to privacy and access to information.

### **4. Application / Scope**

This policy and its related administrative procedures apply to all Trustees and employees of the Board.

### **5. Principles**

5.1 The Board:

- 5.1.1 is committed to the protection of privacy of individuals with respect to personal information that is in its custody and/or under its control;
- 5.1.2 recognizes that all employees and Trustees are responsible for the protection of personal, confidential, and sensitive information entrusted to them;
- 5.1.3 acknowledges its responsibility to raise awareness on matters of public trust and confidence with respect to privacy;
- 5.1.4 believes that protecting privacy is key to ensuring human dignity, safety and self-determination.

### **6. Requirements**

- 6.1 The Director of Education, or designate, shall issue administrative procedures to support this policy and amend them thereafter as the need may arise.
- 6.2 In accordance with Ontario's access and privacy laws, the Board collects personal information from a parent, guardian, caregiver, or student if at least one of the following applies:
  - a. the collection is specifically authorized by a law such as the Education Act (e.g., collecting information for the OSR, or for student registration purposes).
  - b. the information is used for law enforcement purposes.
  - c. it is necessary to deliver educational services or other related activities.

d. in circumstances related to health and safety.

### 6.3 The Board:

- 6.3.1 cannot use or disclose the personal information in its custody for purposes other than those for which the personal information was collected, unless the Board has obtained the prior written consent of the individual to whom the information relates, or unless it is permitted/required to do so by law;
  - 6.3.2 must allow an individual access to certain records as well as their own personal information held by the Board in accordance with the provisions of the Education Act and MFIPPA, subject to any mandatory or discretionary exceptions;
  - 6.3.3 will take all reasonable precautions to ensure personal information is protected from unauthorized access, use, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information;
  - 6.3.4 ensure that procedures are in place, with regard to third-party service providers who have custody of personal information on behalf of the Board, to ensure that the third-party service providers comply with privacy legislation;
  - 6.3.5 will ensure an individual has the right to address or challenge the accuracy and completeness of the information through the appeal process provided for under MFIPPA and shall be informed of the process by which to appeal. The Board also reserves the right to prepare for and defend decisions made under MFIPPA at an appeal, where necessary;
  - 6.3.6 ensure that records within its custody or under its control are not altered, concealed, or destroyed with the intention of denying a right under MFIPPA to access the record or the information contained in the record; and
  - 6.3.7 will provide training opportunities to staff, as required, with respect to their obligations under MFIPPA and other applicable legislation.
- 6.4 The Board is dedicated to processing Freedom of Information (FOI) requests promptly and efficiently, while also ensuring compliance with legal requirements and protecting sensitive information as necessary. Board procedures for handling FOI requests are in accordance with the rules of the [Information Privacy Commissioner](#) and are designed to balance the public's right to access information with other legitimate interests, such as privacy and confidentiality.
- 6.5 All employees and Trustees must follow the Board's established Privacy Breach Protocol Administrative Procedure (AP201-2), when there has been a potential breach of privacy.

## **7. Sources**

- 7.1 Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) RSO 1990
- 7.2 Education Act, RSO 1990
- 7.3 Personal Health Information Protection Act (PHIPA) RSO 2004
- 7.4 Personal Information and Protection of Electronic Documents Act (PIPEDA) RSO 2000
- 7.5 Occupational Health and Safety Act, 1990
- 7.6 The Immunization of School Pupils Act, 1987
- 7.7 Copyright Act 1985
- 7.8 Ontario College of Teachers Act, 1996, Reg. 437/97
- 7.9 Ontario College of Teachers Foundations and Professional Practice, Revised 2012
- 7.10 Child Youth and Family Services Act, 2018
- 7.11 Youth Criminal Justice Act, 2002
- 7.12 Ontario Student Record Guideline, 2000
- 7.13 Information and Privacy Commissioner

## **8. Related Policies and Administrative Procedures**

- 8.1 Children's Aid Society Data Sharing Protocol Administrative Procedure (AP201-1)
- 8.2 Privacy Breach Protocol Administrative Procedure (AP201-2)