



| <b>ADMINISTRATIVE PROCEDURE</b>   |  |
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| <i>Approval Date</i><br><b>2017</b>   | <i>Replacing</i><br><b>All previous procedures</b> |
| <i>Review Date</i><br><b>2022</b>   | <i>Page</i><br><b>1 of 9</b>                       |
| <i>Contact Person/Department</i><br><b>District Manager of Corporate Communications</b> | <i>Identification</i><br><b>BD-2031</b>            |

## **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

### **1.0 PURPOSE**

Trillium Lakelands District School Board recognizes and acknowledges its responsibilities regarding access to records and protection of privacy under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

Included in the MFIPPA are specific provisions of how your personal information may be collected, used, retained, disclosed, and disposed. Personal information is to be used or disclosed only for the purpose for which it was collected and for which the individual might reasonably expect it to be disclosed.

Trillium Lakelands District School Board further subscribes to the three underlying principles of the Act as follows:

- 1.1 Public information held by the Board, covered by legislation, should be available to the public;
- 1.2 Exemptions from the right of access to information should be limited and specific;
- 1.3 All personal information should be protected from unauthorized disclosure.

### **2.0 REFERENCES/RELATED DOCUMENTS**

- 2.1 *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), R.S.O. 1990, CHAPTER M.56;*
- 2.2 *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), R.S.O. 1990, Regulation 823;*
- 2.3 *Personal Health Information Protection Act (PHIPA), 2004, S.O., 2004, c.3;*
- 2.4 *The Education Act, R.S.O. 1990, CHAPTER E.2;*
- 2.5 *Personal Information Protection and Electronic Documents Act (PIPEDA), S.O. 2000, c.5;*
- 2.6 Health Information Custodians in the Province of Ontario Exemption Order, SOR/2005-399;
- 2.7 Ministry of Education and Training Ontario Student Record Guidelines (OSR), 2000;

- 2.8 TLDSB Policies and Procedures:
  - 2.8.1 BD- 2035/2036 Records Retention Policy and Procedure
  - 2.8.2 OP-6026/6027 Video Surveillance Policy and Procedure;
  - 2.8.4 BD-2080/2085 Accessible Customer Service, Monitoring and Feedback Policy and Procedure
  - 2.8.5 BD-2120 /2121 Privacy and Information Management Policy and Procedure;
  - 2.8.6 HR-4534/4535 Progressive Discipline Policy and Procedure;
  - 2.8.7 SO-6524/6525 OSR Policy and Procedure;
  - 2.8.8 BU-3035 / 3036 Appropriate Use of Information/Communication Technology and Technology Services Policy and Procedure.

### **3.0 TERMS AND DEFINITIONS**

#### **3.1 INSTITUTION**

For the purposes of MFIPPA 'institution' includes a school board.

#### **3.2 COMMISSIONER**

The Information and Privacy Commissioner means the commissioner appointed by the legislature to perform the duties prescribed by MFIPPA under section 4(1) of the Freedom of Information and Protection of Privacy Act.

#### **3.3 PERSONAL INFORMATION**

Under MFIPPA section 2(1), '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 status of the individual;
- b) Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual;
- 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 that individual;
- 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.

#### 3.4 PROFESSIONAL INFORMATION

Under MFIPPA section 2 (2.1) personal information does not include the name, title, contact information or designation of an individual that identifies the individual in a business, professional or official capacity.

#### 3.5 RECORD

Under MFIPPA section 2(1), '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;
- b) subject to the 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.

#### 3.6 HEAD

Head means the Director of Education or designate.

#### 3.7 ACCESS

Access refers to the authority or permission to consult records or to obtain restricted information.

#### 3.8 DISCLOSE

To disclose means to make the information available or to release it to another institution or to another person.

#### 3.9 INFORMAL ACCESS

Informal access means oral requests for personal information should be granted if a head may give access to information under the MFIPPA.

#### 3.10 NOTICE OF COLLECTION

Notice of collection means:

- a) Before disclosing a record, the head shall cause notice to be given to any person to whom the information in the record relates, if it is practicable to do so;

- b) Written notice to the applicant regarding an extension to respond to a MFIPPA request for information;
- c) Written notice to the applicant and to any person to whom the information in the record relates of the decision to disclosure or refusal to disclose, including appeal procedures;
- d) Written notice regarding the legal authority for the collection, the principal purpose or purposes for which the personal information is intended to be used, and a contact individual who can answer questions regarding the collection.

### 3.11 RECORDS RETENTION

Records retention means the minimum amount of time to keep a record as determined to be necessary by law or other authority. Original records cannot be destroyed until the retention time, as specified in the TLDSB BD-2036 Records Retention Procedure, has expired. Likewise, records should not be retained longer than the retention time without good reason.

### 3.12 SECURITY

Security means the protection of personal information.

## 4.0 ADMINISTRATIVE PROCEDURE

### 4.1 ADMINISTRATION OF FREEDOM OF INFORMATION PROCEDURES

The Director of Education, as 'Head' under the Municipal Freedom of Information and Protection of Privacy Act and under section 49(1) of the Act may select a designate be responsible for freedom of information. The designate responsible for freedom of information will establish an administrator and procedures for managing freedom of information requests and responsibilities.

### 4.2 RESPONSIBILITY FOR FREEDOM OF INFORMATION REQUESTS AND OTHER DUTIES

The administrator responsible for freedom of information will take responsibility for the administration and communication to the system regarding the following areas:

- 4.2.1 administering and ensuring compliance with respect to the collection, use, disclosure and retention of personal information in accordance with MFIPPA;
- 4.2.2 receiving all requests for information under MFIPPA;
- 4.2.3 consulting with appropriate senior management and other staff on interpretation and administration of the legislation in relation to access requests;
- 4.2.4 retrieving and reviewing Board records;

- 4.2.5 preparing correspondence related to notification and access, including tracking of requests;
- 4.2.6 preparing Board records for access, including severing of private information;
- 4.2.7 where necessary, informing requestors of rights to appeal and defending decisions made under MFIPPA in an appeal;
- 4.2.8 preparing the Board's Annual Report to the Information and Privacy Commissioner;
- 4.2.9 coordinating staff training related to implementation of privacy legislation;
- 4.2.10 overseeing the administration of fees and financial reporting for requests made under MFIPPA, in cooperation with the Finance Department; and
- 4.2.11 ensuring that a Notice of Collection is on appropriate and applicable forms and requests for information.

#### 4.3 REQUESTS FOR INFORMATION

- 4.3.1 Persons wishing to access information they believe to be in the custody and control of Trillium Lakelands District School Board may informally request access to a record from the appropriate source.
- 4.3.2 If the request is for access to a student's OSR, parents and legal guardians of a student under the age of 18 may also choose to make a request for access to a student's records using the provisions in the Education Act.
- 4.3.3 If informal access to any record is denied, the requestor may contact the designate responsible for freedom of information for the Board and make a formal request for access under the MFIPPA.
- 4.3.4 A request for access to a record under Part I of MFIPPA or for access to or correction of personal information under Part II of the Act shall be made using the form in Appendix A or shall be in any other written form that specifies that it is a request made under the Act as legislated under MFIPPA Reg. 823 section 11.

- 4.3.5 A request must provide sufficient detail to enable an experienced employee of the Board to identify the record(s) requested. Should the request not be clear, the designate responsible for freedom of information will offer assistance to reformulate the request under section 17 of MFIPPA.
- 4.3.6 Persons wishing to access information under MFIPPA must pay the \$5 application fee as legislated under MFIPPA Reg. 823 section 5.2.
- 4.3.7 Requests will be processed according to legislative requirements and a response made within the 30 day timeframe outlined in section 19 of MFIPPA and/or the conditions for extension of time outlined in section 20 of MFIPPA.
- 4.3.8 If a person is granted access to a record they must pay the fees for searching and accessing records as outlined in MFIPPA Reg. 823 sections 6 and 6.1. A fee schedule based upon this regulation is available in Appendix B.
- 4.3.9 If a person is denied access to information under MFIPPA, they must be notified of their right to appeal to the Privacy and Information Commissioner as legislated under section 22 of the Act.

#### 4.4 PROTECTION OF PRIVACY

- 4.4.1 Personal information shall only be collected directly from the individual (or his/her legal guardian) to whom the information relates except in accordance with section 29(1) of MFIPPA.
- 4.4.2 For any personal information collected on behalf of the Board, the individual to whom the information relates will be notified of the legal authority of collection, the principle purpose for which the information is intended to be used, and the contact information for the designate responsible for freedom of information who can answer questions about the collection of information per section 29(2) of MFIPPA.
- 4.4.3 Employees of the Board shall not disclose personal information in the Board's custody or control except in accordance with section 32 of MFIPPA.
- 4.4.4 TLDSB employees have a responsibility to maintain the safety and security of records entrusted to them and follow the Board's TLDSB BD-2035/2036 Records Retention Policy and Procedure and BD-2120/2121 Privacy Information Management Policy and Procedure.

- 4.4.5 Should an employee be asked directly by a requestor for informal access to a record that the employee is unclear if he/she can grant access to, the employee should contact the designate responsible for freedom of information for clarification prior to granting access.
- 4.4.6 Employees who violate privacy rights of a student, another staff member, or act in contravention of MFIPPA may be subject to discipline under HR-4534/4035 Progressive Discipline Policy and Procedure.

## **5.0 APPENDICES**

- 5.1 Request Form
- 5.2 Fee Schedule



**Request Form**

Under the *Freedom of Information and Protection of Privacy Act (FIPPA)*/ *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* Please Note: A \$5.00 application fee is required for all requests.

|   |   |
|---|---|
| <b>Request for:</b><br><input type="checkbox"/> Access to General Records<br><input type="checkbox"/> Access to Own Personal Information<br><input type="checkbox"/> Correction to Own Personal Information | <b>Name of Institution Request is Made to:</b><br>FOI Officer<br>Trillium Lakelands DSB<br>300 County Road #36<br>Lindsay, ON K9V 4S4 |
|---|---|

If request is for **access to**, or **correction of**, own personal information records:  
 Last name appearing on records:  same as below, or \_\_\_\_\_

|   |                                      |
|---|--------------------------------------|
| <input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. | Last Name: _____                     |
| First Name: _____   | Middle Name: _____                   |
| Address (Street/Apt. No. / P.O. Box, RR No.):<br>_____  | City/Town: _____                     |
| Province: _____ Postal Code: _____  | Telephone Number : (    ) _____      |
|   | Telephone Number (Day): (    ) _____ |

Detailed description of requested records, personal information or personal information to be corrected (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the personal information, if known).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Note: If you are requesting a correction of personal information, please indicate the desired correction, and, if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.

|   |  |                  |             |
|---|--|------------------|-------------|
| <b>Preferred method of access to records:</b> | <input type="checkbox"/> Examine Original<br><input type="checkbox"/> Receive Copy<br><input type="checkbox"/> Electronic Copy | Signature: _____ | Date: _____ |
|---|--|------------------|-------------|

| <b>For Institution Use Only:</b> |                       |                 |
|----------------------------------|-----------------------|-----------------|
| Date Received: _____             | Request Number: _____ | Comments: _____ |

Notice of Collection: Personal information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act / Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the designate responsible for freedom of information for Trillium Lakelands District School Board, Lindsay Education Centre, P.O. Box 420, 300 County Road #36, Lindsay, Ontario, K9V 4S4, 705-324-6776.

**Fee Schedule for Requests made under the Municipal Freedom of Information  
and Protection of Privacy Act  
Fees based on Reg 823. s. 6 & 6.1**

**Fee charges for request for general information:**

Requests for information about a person other than yourself or about a program or activity are considered 'general information requests' and have different fees than for personal information requests. The following fees apply for requests for general information:

|                            |  |
|----------------------------|--|
| Application Fee:           | \$5.00 to be paid when you submit your request   |
| Search Time:               | \$7.50 for each 15 minutes spent by any person to search and retrieve records manually                   |
| Record Preparation:        | \$7.50 for each 15 minutes spent by any person to prepare records for release                            |
| Photocopying:              | \$0.20 per page  |
| Computer Programming:      | \$15.00 for each 15 minutes spent by any person to develop a program to retrieve information if required |
| Portable Electronic Means: | \$10.00 for each portable electronic device (e.g. USB)   |

**Fee charges for requests for personal information:**

If you are requesting information about yourself under MFIPPA, your request is considered a 'personal information request.' The following fees may apply to requests for personal information:

|                            |  |
|----------------------------|--|
| Application Fee:           | \$5.00 to be paid when you submit your request   |
| Photocopying:              | \$0.20 per page  |
| Computer Programming:      | \$15.00 for each 15 minutes spent by any person to develop a program to retrieve information if required |
| Portable Electronic Means: | \$10.00 for each portable electronic device (e.g. USB)   |

You will be given a fee estimate, if it is anticipated fees are more than \$25.00. If the estimate of fees to be paid is \$100.00 or more, you may be required to pay a 50% deposit.

**Other Fees**

|                   |         |
|-------------------|---------|
| Appeals- General  | \$25.00 |
| Appeals- Personal | \$10.00 |