

# AVON MAITLAND DISTRICT SCHOOL BOARD

## ADMINISTRATIVE PROCEDURE

### NO. 195

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

Legal References: *Municipal Freedom of Information and Protection of Privacy Act; Personal Health Information Protection of Privacy Act*

Related References: *Administrative Procedure 140 Computers: Acceptable Use and Security*

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### **1. Responsibilities**

- 1.1 The director of education recognizes and accepts responsibility under the *Municipal Freedom of Information and Privacy Act*.
- 1.2 The director subscribes to the following three underlying principles:
  - 1.2.1 Public information should be made available to the public;
  - 1.2.2 Exemptions from the right of access should be limited and specific; and
  - 1.2.3 All personal information should be protected from unauthorized disclosure.

### **2. System Expectations**

- 2.1 The director of education for Avon Maitland District School Board assures the availability to the public and individuals of all records to which they have specified rights under the *Municipal Freedom of Information and Privacy Act* (MFIPPA), while protecting the privacy of all individuals for whom the record(s) exist. Matters considered within Committee of the Whole Closed sessions of the Board of Trustees i.e. predominantly financial and property matters are not subject to MFIPPA.
- 2.2 **Director is Designated “Head”**  
In fulfilling the terms of this administrative procedure under the *Municipal Freedom of Information and Privacy Act*, the director of education shall be designated and serve as “Head” for all purposes outlined in the Act.

### **3. Privacy Protection Principles**

- 3.1 The protection of personal information held by the board is guided by the following principles:
- 3.2 **Accountability and Responsibility**
  - 3.2.1 Under MFIPPA, the Avon Maitland District School Board is responsible for personal information under its control. The director of education and/or designate is accountable for the organization's compliance with this law.
  - 3.2.2 Under the *Personal Health Information Protection of Privacy Act* (PHIPPA), health information custodians are responsible for personal health information in their custody and control and may designate an individual within their school board as an agent to assist with compliance with the Act.

### 3.3 Specified Purposes

The Board shall identify the purpose for which personal information is collected and individuals shall be notified of the purposes and any other information required by legislation at or before the time personal information is collected.

### 3.4 Consent

Personal information is collected for the provision of educational services to students in accordance with pertinent legislation. When required by this legislation, the knowledge and informed consent of an individual will be obtained for the collection, use and disclosure of personal information.

### 3.5 Limiting Collection

The Board shall limit the collection of personal information to that which is necessary for its specified purpose in accordance with its statutory duties and responsibilities.

### 3.6 Limiting Use, Retention and Disclosure

The Board shall not use, retain or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as authorized or required by legislation. The Board shall retain personal information in accordance with the Avon Maitland District School Board's Records and Information Management Policy and Program.

### 3.7 Accuracy

The Board shall implement processes to ensure that personal information is accurate, complete and current in order to fulfill the specified purposes for its collection, use, disclosure, and retention.

### 3.8 Safeguards

The Board shall ensure that personal information is secured and protected from unauthorized access, use, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

### 3.9 Openness and Transparency

The Board shall make readily available to the public specific information about its policies and practices relating to the management of personal information.

### 3.10 Access and Correction

Upon request, the Board shall allow an individual access to their personal information in accordance with the statutes, subject to any mandatory or discretionary exemptions. An individual has the right to challenge the accuracy and completeness of their personal information and to request that it be amended as appropriate or to have a letter or statement of disagreement retained on file. An individual to whom disclosure has been granted in the year preceding a correction has the right to be notified of the correction statement. An individual will be advised of any third party service provider requests for his/her personal information in accordance with privacy legislation.

### 3.11 Compliance

An individual shall have the ability to address or challenge compliance with this policy to the Director of Education or designate.

## 4. Administrative Procedures

The director of education is authorized to provide the administrative procedures necessary to implement this policy.