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| Title:        | <b>PRIVACY AND RECORDS INFORMATION<br/>MANAGEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Policy No.: <b>2014</b><br>Effective Date: <b>2004 June 22</b> |
| Department:   | Director's Services – Corporate Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                |
| Reference(s): | <ul style="list-style-type: none"> <li>- Municipal Freedom of Information and Protection of Privacy Act</li> <li>- Personal Health Information Protection Act</li> <li>- Personal Information and Protection of Electronic Documents Act</li> <li>- Education Act</li> <li>- Ontario Student Record (OSR) Guideline 2000 and TVDSB Procedures</li> <li>- Privacy and the Management of Personal Information Procedure</li> <li>- Privacy Breach Protocol Procedure</li> <li>- Disclosure of Employee Records Policy</li> <li>- Records Information Management Procedure</li> <li>- Video Surveillance Policy and Procedure</li> <li>- Technology Security Independent Procedure</li> </ul> |                                                                |

It is the policy of the Board to protect the personal information under its control and to support the management of records and information within its care and custody in a disciplined, coordinated and strategic manner.

The Board is committed to the appropriate collection, use, retention and disclosure of personal information in compliance with all applicable provisions in the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act*, the *Personal Information and Protection of Electronic Documents Act* and other relevant statutes and regulations of the Province of Ontario and the Government of Canada.

The Board supports the following 10 principles which are based on globally recognized fair information principles and grounded in Ontario privacy legislation.

## **1.0 PRINCIPLES**

### **1.1 Accountability**

Under the *Municipal Freedom of Information and Protection of Privacy Act*, the Board is responsible for personal information and confidential records under its care or control and may designate an individual within the Board who is accountable for compliance with privacy legislation.

Similarly, under the *Personal Health Information and Protection Act*, health information custodians are responsible for personal health information and may designate an individual as an agent to assist in compliance with privacy legislation.

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| Administered By   | <b>DIRECTOR OF EDUCATION</b>                                                                                          |
| Amendment Date(s) | 2010 February 9, 2017 October 24<br>(Previously known as the Freedom of Information and Protection of Privacy Policy) |

## **1.2 Specified Purposes**

The Board shall specify the purposes for which personal information is collected, used, retained and disclosed, and for notifying individuals at or before the time the information is collected.

## **1.3 Consent**

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

## **1.4 Limiting Collection**

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.

## **1.5 Limiting Use, Retention, and Disclosure**

The use, retention and disclosure of personal information and confidential records are limited to the specified purposes identified to the individual except where otherwise permitted by law.

## **1.6 Accuracy**

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.

## **1.7 Safeguards**

Personal information and confidential records are secured and protected from unauthorized access, disclosure and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

## **1.8 Openness and Transparency**

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

## **1.9 Access and Correction**

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

An individual has the right to challenge the accuracy and completeness of the information and request that it be amended as appropriate, or to have a letter/statement of disagreement retained on file. Any individual to whom the disclosure has been granted in the year preceding a correction has the right to be notified of the correction/statement.

An individual is to be advised of any third party service provider requests for their personal information in accordance with privacy legislation.

### **1.10 Compliance**

An individual may address a challenge concerning compliance with the above principles to the designated individual(s) accountable for the Board's compliance.

## **2.0 PRIVACY**

The Director of Education shall serve as Freedom of Information Head for all purposes outlined in the *Municipal Freedom of Information and Protection of Privacy Act*, in accordance with s.3(1) and the Supervisor-Corporate Services as Freedom of Information Coordinator, in accordance with s.49(1). The Director shall be informed of any privacy concerns.

All Freedom of Information requests shall be considered in consultation with the Freedom of Information Coordinator to ensure compliance with the above principles.

## **3.0 RECORDS INFORMATION MANAGEMENT**

All staff shall be responsible and accountable for creating and maintaining accurate business records within their control in accordance with the Board's Record's Information Management procedure. All records and information received, created, and maintained within administrative departments and schools are the property of the Board and subject to this policy.

This policy applies to:

- all records within the custody or under the control of the Board regardless of the medium in which those records are stored and maintained;
- all business applications and information technology systems used to create, store, and manage records and information including email, database applications, and websites; and
- all Board staff and third party contractors or agents who collect or receive records and information on behalf of the Board.