

	Lloydminster Catholic School Division – Administrative Procedures	
	AP 180 – Local Authority Freedom of Information and Protection of Privacy	
Related LCSDF AP's	AP149 – Social Media Networking AP 185 – Records and Retention Disposal	
Form(s)	Local Authority Freedom of Information and Protection of Privacy Form A https://oipc.sk.ca/assets/L27-1R1-A-4.pdf	
References:	<i>The Education Act, 1995</i> sections 85, 87 <i>The Local Authority Freedom of Information and Protection of Privacy Act, 2018</i> sections 30, 40, 41 The Local Authority Freedom of Information and Protection of Privacy Regulations Saskatchewan Education's Information Security and Acceptable Use Policy for Student Data	
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Background

Lloydminster Catholic School Division is governed by *The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIP)* regarding the collection, use, access and retention of information. The School Division recognizes that individuals have a right to access records that are in the possession of the School Division with the exception of those records which are exempt according to LAFOIP.

The Director is responsible to ensure:

1. That appropriate privacy and freedom of information procedures are in place;
2. That all students, parents, volunteers and staff are aware of this administrative procedure;
3. To disclose all records it possesses upon request by any member of the public, if the information is not considered personal;
4. To keep confidential all private, personal information; and
5. That employees, volunteers and contractors understand the importance of confidentiality.

Procedures

1. General
 - 1.1. The Board has appointed the Director or designate to be the “head” under the terms of the Act, who will address applications for access to information. The Director has delegated these duties to the Chief Financial Officer (CFO) under the Local Authority Freedom of Information and Protection of Privacy Act.
 - 1.2. The CFO shall consider each Local Authority Freedom of Information and Protection of Privacy (Form A) and provide written notice to the applicant within 30 days of the request.
 - 1.3. Personal information shall not be collected unless its collection is specifically authorized by provincial legislation or is necessary for an operating program or activity of the Division.

- 1.4. The use or disclosure of personal information shall only be for the purpose for which it was collected, or for a use consistent with that purpose, or if the individual has identified the information and consented to its use, or for the purpose referred to in Sections 30, 40 or 41 of the Act.
- 1.5. All Division employees shall keep confidential any and all information they acquire during the course of their employment that would reasonably be considered to be personal or confidential. Confidential information may be oral, written or electronic. This includes, but is not limited to:
 - 1.5.1. Personal information concerning students;
 - 1.5.2. Personal information concerning teachers and other employees of the Division;
 - 1.5.3. Confidential information obtained from third parties;
 - 1.5.4. Confidential information about matters under consideration by school administration, the Division or the Board; and
 - 1.5.5. Confidential information concerning the business or operations of the Division or Board.

*Personal information is any information that “identifies” an individual.

- 1.6. Specifically, any information obtained at work that would not be known by others outside the workplace is considered confidential information. Personal information includes:
 - Race, creed, religion, colour, sex, gender identity, sexuality, family status, marital status, disability, age, nationality, ancestry, place of origin
 - Education history
 - Criminal history
 - Employment history
 - Financial activities
 - Health history
 - Home address and phone number
 - Personal views or opinions of the individual
 - Private or confidential information sent to the Board
 - Views or opinions of another person about the individual
 - Tax information
 - The name of the individual if disclosure would reveal personal information
 - Student ability levels and learning needs
 - Discipline events
 - Behaviours and incidents observed while at work
 - Classroom activities
- 1.7. No person shall disclose such information unless such disclosure is required within the course of employment.
- 1.8. Information covered by this administrative procedure shall include that which is written, unwritten or stored electronically.
- 1.9. Subject to legislation and regulations, any personal or confidential information shall be released only as required in the necessary course of employment and only by those persons authorized to release such information.

- 1.10. Completed Local Authority Freedom of Information and Protection of Privacy (Form A) shall be made in accordance with that Act and its Regulations.
 - 1.11. A twenty (20) dollar administration fee must accompany Local Authority Freedom of Information and Protection of Privacy (Form A) Access to Information Request.
 - 1.12. Personal information shall be retained only for such period of time as it is required for the purposes for which it was collected or for a purpose consistent with that original purpose as per AP185 Records Retention and Disposal.
2. Employees
 - 2.1. An employee shall direct the inquiry for release of information (Local Authority Freedom of Information and Protection of Privacy Access to Information Request Form A) to his/her supervisor.
 - 2.2. Employees shall complete their respective module regarding Privacy and Access in Saskatchewan schools that can be found at: <https://saskschoolsprivacy.com>
 - 2.3. All personal information collected by the School Division or its employees shall be securely stored to prevent unauthorized access to the personal information.
 - 2.4. Employees who collect or use personal information in the course of employment shall follow all procedures established for the storage of such personal information and shall take reasonable precautions to ensure the security of such personal information.
 - 2.5. Only those persons requiring access to personal information in order to perform their duties of employment shall be allowed access to that personal information.
 - 2.6. All employees will be made aware of this administrative procedure and are expected to adhere to its requirements.
 - 2.7. Employees shall make their best effort to ascertain whether or not the release of information is authorized, and if uncertain shall direct the inquiry to their supervisor and/or the CFO.
 - 2.8. Any employee who knowingly, recklessly or negligently releases or accesses personal or confidential information without appropriate authority may be subject to disciplinary action up to and including termination of employment.
 - 2.9. Termination of employment, whether voluntary or involuntary, does not release employees from their obligations under this administrative procedure.
 3. Volunteers / Contractors
 - 3.1. All volunteers / contractors will be made aware of this administrative procedure and are expected to adhere to its requirements.
 4. Responsibility for Compliance
 - 4.1. The Director of Education or designate shall develop procedures to collect, store and allow access to personal and confidential information consistent with the requirements of appropriate legislation.
 - 4.2. Employees who may have access to confidential or personal information shall be provided with a copy of this procedure and are required to adhere to its requirements as a condition of employment.
 - 4.3. Volunteers / Contractors who may have access to confidential or personal information shall be provided with a copy of this procedure and are required to adhere to its requirements as a condition of their contract.

5. Principals

- 5.1. The Principal is the legal authority for releasing student data to families at the school level.
- 5.2. All inquiries regarding the release of information (Local Authority Freedom of Information and Protection of Privacy Information Request Form A) regarding students and staff are to be directed to the Chief Financial Officer.
- 5.3. If necessary, the Principal may consult the Chief Financial Officer.

Principals shall:

- 5.3.1. Follow administrative procedures with regards to the storage and exchange of information, including student and employee records.
- 5.3.2. Only share personal information with those who need to know.
- 5.3.3. Ensure all information collected is required for a specific purpose.
- 5.3.4. Ensure that only parents who have either custody or access are entitled to educational information about their child.
- 5.3.5. Consider the privacy interests of the child before releasing information. Depending on the maturity of the student and the type of information the privacy rights of the student may outweigh disclosure even to a parent or the courts.

6. Breach of Privacy

- 6.1. A privacy breach occurs when there is unauthorized collection, use or disclosure of personal information. A privacy breach may be intentional or accidental. If a privacy breach occurs the complainant shall inform the CFO of the potential/known Breach of Privacy immediately to contain the breach. The CFO shall be responsible for the investigation of the breach.

- 6.2. Guideline on steps to be taken to responding to a privacy breach can be found at [Privacy Breach Guidelines \(oipc.sk.ca\)](https://oipc.sk.ca/legislation-main/la-foip/)

7. Expectation of Privacy

- 7.1. All employees and students are reminded that they do not have a reasonable expectation of privacy in anything they create, store, send, retrieve, or delete. Computer usage may be traced by site logs, desktop monitoring, and other tracked information. In particular, LCSD reserves the right to access the contents of all files stored on its technology and all information, messages, and other data transmitted through its technology.

8. For further information go to the Office of the Saskatchewan Information and Privacy Commissioner <https://oipc.sk.ca/legislation-main/la-foip/>