

# AP 180 – FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

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## Background

The Local Authority Freedom of Information and Protection of Privacy (LAFOIPP) Act is legislation which governs public bodies such as a school division. As a public organization, the Division has a need to collect personal information about students, parents and employees. The Division also has a corresponding duty to protect the privacy of that information and to allow individuals access to information collected about them.

The Director is responsible to ensure:

1. That appropriate privacy and freedom of information procedures are in place;
2. That all students, parents 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 and volunteers 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 under the Local Authority Freedom of Information and Protection of Privacy Act.
  - 1.2. 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.
  - 1.3. Applications for information shall be made in accordance with that Act and its Regulations. A twenty-five (25) dollar fee must accompany Form 180-2 Local Authority Freedom of Information and Protection of Privacy Access to Information Request.
  - 1.4. The use or disclosure of personal information shall only be for the purpose for which it was collected or compiled, or for a use consistent with that purpose, or if the individual the information is about 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. 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.  
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.

## 2. Employees

2.1. An employee shall direct the inquiry for release of information (Form 180-2 Local Authority Freedom of Information and Protection of Privacy Access to Information Request) to his/her supervisor.

2.2. All employees will be made aware of this administrative procedure and expected to adhere to its requirements.

2.3. Any employee who knowingly, recklessly or negligently releases personal or confidential information without appropriate authority may be subject to disciplinary action up to and including termination of the employment contract.

2.4. Employees may give permission (Form 180-3 Employee/Volunteer Permission for Publishing of Photographs) to have their photograph published.

## 3. Volunteers

3.1. All volunteers will be made aware of this administrative procedure and expected to adhere to its requirements.

#### 4. Principals

- 4.1. The Principal is the legal authority for releasing student data to families at the school level.
- 4.2. All inquiries regarding the release of information (Form 180-2 Local Authority Freedom of Information and Protection of Privacy Information Request) regarding students and staff are to be directed to the Chief Financial Officer.
- 4.3. If necessary, the Principal may consult the Chief Financial Officer.

Principals shall:

- 4.3.1. Follow administrative procedures with regards to the storage and exchange of information, including student and employee records.
- 4.3.2. Only share personal information with those who need to know.
- 4.3.3. Ensure all information collected is accurate and factual.
- 4.3.4. Ensure that only parents who have either custody or access are entitled to educational information about their child.
- 4.3.5. 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.

Reference: Sections 85, 87, 108, 109, 110 Education Act  
Local Authority Freedom of Information and Protection of Privacy Act  
The Local Authority Freedom of Information and Protection of Privacy Regulations  
Saskatchewan Education's Information Security and Acceptable Use Policy for Student Data