
ELK ISLAND CATHOLIC S.R.D. NO. 41

LEGAL REFERENCES: *School Act*, Section 18, 44, 59, *Freedom of Information and Protection of Privacy Act*

CROSS REFERENCE: CB, Superintendent, IO, Student Records

CODE: CN-Policy

TITLE: Division Records

ADOPTION DATE: February 7, 2001

REVISION DATE:

The *Freedom of Information and Protection of Privacy Act*, applies to the Division. This *Act* controls the manner in which a local public body collects, uses, discloses and disposes of personal information. The *Act* also ensures access to information as a right and protects personal information.

The Board has historically provided many different types of information openly to the public through both routine disclosure and active dissemination and, where appropriate, will continue to do so. The *Act* is considered to be a last resort for obtaining information from the Division that does not meet the criteria as either a discretion or mandatory exception to disclosure.

The Board believes that the access to information is a right of the general public. This right must be balanced by appropriate protection of the privacy of personal information. The Board will provide access to information in its custody and control in a manner consistent with this policy and the five fundamental principles upon which the *Act* was developed:

- **Allow right of access to any person to the records in the custody or control of a public body subject only to limited and specific exceptions;**
- **Control the manner in which a public body may collect, use and disclose personal information;**
- **allow individuals, subject to limited and specify exceptions, the right to have access to information about themselves which is held by a public body;**
- **Allow individuals the right to request corrections to information about themselves held by a public body and;**
- **Provide an independent review of decision made by a public body under the *Act*.**

The Board designates the Superintendent as the head of the Division for the purpose of the *Act*. The superintendent shall ensure that the Division complies with all provisions of the *Act* and for establishing procedures and practices to ensure appropriate implementation and management of this legislation.

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1. Records shall be the property of the Board. The Board expects the Superintendent to:
 - 1.1. Manage all recorded information as a Board resource to support effective decision making, to meet operational requirements and to protect the legal, fiscal, and historical needs of the Board;
 - 1.2. Make optimum use of information within the Division by ensuring that it is organized to facilitate the sharing of and access to information by those who require it, subject to legal and policy constraints; and
 - 1.3. Identify and conserve information that serves to reconstruct the evolution of policy and program decisions or have other enduring value.
2. The Board reserves the right to edit personal identifiers that are deemed to be of a personal and /or of a sensitive nature from documents made public in order to protect the rights of the individual, in conformance with the *Freedom of Information and Protection of Privacy Act*.
3. Subject to the schedule of records retention established by the Board, records to be disposed of shall be incinerated or shredded depending on the confidentiality and volume. Each school or office is responsible for properly packaging and labeling of records to be incinerated.

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4. Further, the Board directs that procedures be established to:
 - 4.1. Allow the right to access to any person to the records in the board's custody or control subject only to those limited and specific exceptions stated in the Act and the payment of fees adopted by the board;
 - 4.2. Control the manner in which the board's agents collect personal information from an individual. When information is collected directly from individuals, the board expects that notice will be provided to the individual relative to:
 - 4.2.1. The purpose for which the information will be used;
 - 4.2.2. The legal authority for collecting the information; and
 - 4.2.3. The name of a contact within the Division if they have questions.
 - 4.3. Control the manner in which the Board's agents use personal information. Information may be used:
 - 4.3.1. For the purpose for which the information was collected;
 - 4.3.2. For a use consistent with the purpose for which the information was collected, or
 - 4.3.3. When the individual the information is concerning has identified the information and has consented in the prescribed manner to the use of the information.
 - 4.4. Control disclosure by the Board's agents of personal information. The use of personal information must:
 - 4.4.1. Have a reasonable and direct connection to the original purpose for which the information was collected; and
 - 4.4.2. Be necessary for performing the statutory duties of, or for operating a legally authorized program of, the board.

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- 4.5. Ensure that consent to use personal information is obtained. Consent shall:
 - 4.5.1. Be in writing; and
 - 4.5.2. Indicate to whom the information may be disclosed and how it may be used.
- 4.6. Consent to use personal information shall indicate:
 - 4.6.1. The purpose of the collecting;
 - 4.6.2. That consent is voluntary;
 - 4.6.3. That consent may be revoked at any time;
 - 4.6.4. To the extent possible, identify any consequences that may result from refusal; and
 - 4.6.5. The period of time during which consent remains valid.
- 4.7. Provide for a tracking mechanism for consent.
- 4.8. Allow individuals, subject to limited and specific exceptions, the right to have access to the information about them, which the Board holds.
- 4.9. Allow individuals the right to request corrections to information about them held by the board; and
- 4.10. Provide an independent review of decisions made by the Board pursuant to the *Act*.

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1. The Board requires an applicant to pay an initial fee of \$25 when a non-continuing request for public information is made or an initial fee of \$50 when a continuing request is made. If the request results in costs in excess of \$150 as per the schedule outlined below, the total amount shall be charged. If the request results in costs less than \$150 the initial fee of \$25 to \$50 shall be the only charge.
2. Processing a request will commence only after the initial fee and half the estimated costs have been paid;
3. A request for access to a record that is a record of the personal information of the applicant will be charged a fee for copying in accordance with item no. 6 below if the amount of the copying exceeds \$10.

Fee Schedule:

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| 1. Locating a retrieving a record | \$6.75 per 1/2 hour |
| 2. Producing a record from an electronic record | \$10.00 per 1/2 hour |
| 3. Preparing and handling a cord for disclosure | \$10.00 per 1/2 hour |
| 4. Supervising the examination of a record | \$6.75 pr 1/4 hour |
| 5. Shipping a record of a copy | Cost of courier |
| 6. Photocopies, hard copy laser print | \$0.25 per page |
| 7. Other media not listed above | Actual costs to the Board. |