

## Privacy Procedure

### RATIONALE:

Hamilton-Wentworth District School Board (HWDSB) respects and promotes the protection of privacy of all staff and students. HWDSB collects personal information to support the provision of educational services to its students and/or the employment of HWDSB employees.

HWDSB is committed to the protection of privacy and complies with all applicable provisions of the *Education Act, R.S.O. 1990, C. E.2*, the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56* (MFIPPA) and all other applicable legislation. HWDSB is guided by the globally recognized fair information principles from the Canadian Standards Association (CSA) Model Code for the Protection of Personal Information which address how organizations collect, use, disclose, and protect personal information.

### TERMINOLOGY:

*Access:* means the authority or permission to look at records or to obtain restricted information

*Authorized Individuals:* are those who have the legal authority to access information. MFIPPA authorizes HWDSB staff members to access the personal information that they need in order to perform their jobs. That means that they are authorized individuals when accessing that information. When family members want to access student personal information from a school, the legislation permits access only to authorized individuals which means legal parents and legal guardians. That means that other family members such as grandparents, siblings, aunts and uncles are not legally authorized under the legislation to access the information unless the school has signed consent from the legal parent or guardian to disclose to somebody else. All individuals have the legal authority to access their own personal information in the possession of HWDSB.

*Disclosure:* means to make the information available or to release it to another institution or to another person, but does not include using the information.

*Freedom of Information Request or FOI Request:* refers to the right of individuals under MFIPPA to ask public sector organizations for information they hold. MFIPPA lays out the process under which these requests are made and determines which types of records can be released.

*Informed Consent:* means that the person consenting understands the purpose for which consent is sought, understands the potential consequences of signing the consent form, feels free to consent or not consent, and is given the right to revoke their consent at any time.

## Privacy Procedure

*Municipal Freedom of Information and Protection of Privacy Act (MFIPPA or the Act):* legislation which aims to strike a balance between access to information and protection of one's personal privacy.

*Notice or Notice of Collection:* is a statement provided at the time of the collection of personal information that informs people of the purpose for the collection and how it will be used, the legal authority to collect the information, and the name and contact information of someone they can contact if they have questions or concerns.

*Personal Information:* means recorded information about an identifiable individual, including:

- a) Information relating to the race, cultural identity, ethnicity, religion, age, gender expression, gender identity, sexual orientation or marital or family status of the individual,
- b) Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c) Any identifying number, symbol or other identifier assigned to the individual,
- d) The address, telephone number, biometric data or blood type of the individual,
- e) An individual's own personal opinions or views, and the opinions and views of other people about the individual,
- f) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) The individual's name as it appears with other personal information relating to the individual, or where the disclosure of the name would reveal other personal information about the individual.

*Retention:* means the minimum amount of time to keep a record as determined to be necessary by law or other authority. Original records cannot be destroyed until the retention time has expired. Likewise, records should not be retained longer than the retention time without good reason.

*Security:* means the protection of personal information regardless of the format in which it is held and includes, but is not limited to, physical measures such as locked filing cabinets and restricted offices, organizational measures such as limited access, and technological measures such as the use of passwords, encryption and multi-factor authentication.

### PROCEDURES:

#### 1.0 Accountability and Responsibility

- 1.1 HWDSB is responsible, in accordance with MFIPPA, for personal information under its custody or control and designates the Director of Education as head of the organization for this

## Privacy Procedure

purpose. The head may delegate powers and duties to an officer or officers of the organization for fulfilment of the Act.

- 1.2 The Director of Education is authorized to issue such procedures as may be necessary to support this policy.
- 1.3 The Director or designate shall, pursuant to applicable legislation, be responsible for:
  - Administering and ensuring compliance with respect to the collection, use, disclosure and retention of personal information;
  - Processing all Freedom of Information requests for access or correction to personal information and ensuring there is a process in place to manage this;
  - Ensuring that procedures are in place to hold third-party service providers to account under MFIPPA as well as HWDSB's policies, procedures and practices when they process personal information on behalf of HWDSB;
  - Making publicly available HWDSB privacy policies, procedures, manuals and guidelines;
  - Where necessary, preparing for and responding to appeals filed in response to decisions HWDSB has made under the Act;
  - Overseeing and managing any privacy breaches that may occur in accordance with HWDSB's Privacy Breach procedure;
  - Communicating and providing training opportunities to staff, as required, with respect to obligations under MFIPPA; and
  - Any other requirements and responsibilities that may arise with respect to the organization's obligations under MFIPPA

### 2.0 Specified Purposes

- 2.1 The Director or designate shall ensure that the purposes for which personal information is collected shall be specified along with the legal authority for the collection and the name and contact information of an individual who can answer questions about the collection. The notice shall be issued at or before the time of collection except where otherwise permitted by law.

### 3.0 Consent

- 3.1 The Director or designate shall ensure an individual's informed consent is obtained for the collection, use, or disclosure of personal information except where otherwise permitted by law. Such exceptions are set out in the law and include where legal, medical or security reasons make it impossible or impractical to seek consent. Consent may be expressed in writing. It may also be given verbally, electronically, or through HWDSB's or the individual's

## Privacy Procedure

authorized representatives. In certain circumstances, consent may be implicit, explicit or implied.

### **4.0 Limited Collection**

- 4.1 The Director or designate shall ensure the collection of personal information is fair, lawful, and limited to that which is necessary for the purpose identified.

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

- 5.1 The Director or designate shall ensure personal information may only be used or disclosed for the purposes for which it was collected, other purposes consented to, or as required or permitted by law. It may only be kept for as long as is necessary to satisfy the purposes for which it was collected, or as required, permitted by law or in accordance with HWDSB's records retention schedule.

### **6.0 Accuracy**

- 6.1 The Director or designate shall ensure any personal information that is collected, used or disclosed is as accurate, complete and up-to-date as is necessary in order to fulfil its purpose.

### **7.0 Safeguards**

- 7.1 The Director or designate shall ensure personal information is protected by security safeguards that are appropriate to the sensitivity of the information in order to protect it from unwarranted intrusion, release or misuse. The methods of protection of personal information will include, but are not limited to:
  - 7.1.1 Physical measures such as locked filing cabinets, restricted access to offices, sign-in logs, secure destruction of records and limited distribution of reports containing personal information as required.
  - 7.1.2 Organizational measures such as security clearances and limiting access to and ability to change personal information in hard copy and electronic form.
  - 7.1.3 Technological measures such as passwords, firewall, and ensuring levels of encryption and controls for remote access and when transmitting data/information via the internet and password procedures.
  - 7.1.4 Disaster recovery plans in case of destruction or accidental loss of personal information through a natural disaster, fire, water damage or other means.

## Privacy Procedure

- 7.1.5 Measures applicable to the use of personal information off-site including password protection of computers and mobile devices, multi-factor authentication, proper sign-out procedures and off-site measures for the protection of personal or private documents.

### **8.0 Openness and Transparency**

- 8.1 The Director or designate shall ensure that all policies and procedures relating to the management of personal information are made readily available to the public.

### **9.0 Access and Correction**

- 9.1 The Director or designate shall ensure:
  - 9.1.1 An individual has the right to access their own personal information and will be given access to that information in accordance with privacy legislation, subject to any mandatory or discretionary exceptions.
  - 9.1.2 An individual has the right to challenge the accuracy and completeness of the information and to request that it be amended as appropriate or to have a letter/statement of disagreement retained on file.
  - 9.1.3 Any individual to whom the disclosure of the personal information has been granted in the year preceding a correction has the right to be notified of the correction/statement. An individual shall be advised of any third-party service provider requests for their personal information in accordance with privacy legislation.
  - 9.1.4 All requests for access to personal information from individuals other than the individual to whom the information relates will be administered in accordance with HWDSB's privacy policy, procedure, MFIPPA and associated legislation.

### **10.0 Challenge and Compliance**

- 10.1 The Director or designate shall ensure an individual has the ability to address or challenge HWDSB's compliance with these principles. Individuals shall be provided with information regarding the Information and Privacy Commissioner of Ontario appeals process if they are not satisfied with HWDSB's response to their challenge or complaint.