FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOIP)

Background

The *Freedom of Information and Privacy Act* (the FOIP Act), applies to all school boards on September 1, 1998. The school boards are public bodies. The legislation aims to strike a balance between the public's right to know and the individual's right to privacy, as those rights relate to information held by public bodies in Alberta.

The Division will manage information in a manner that supports a commitment to providing the public with **access**, which is subject to specific limitations under the FOIP *Act*, while fulfilling its obligations to safeguard the confidentiality of **personal information** in its **records** and to protect **personal information** from unauthorized **access**, collection, use, disclosure, and destruction.

Definitions

Other than Titles or Sub-titles, when terms appear in **bold-face** type please refer to the definition section for improved understanding of the term.

Access: is a person's ability to view or copy records

Formal FOIP Request: is an official request made for information which is not available by other means, under the FOIP Act and accompanied by the initial fee if required.

Personal Information: Section 1(n) of the Act - recorded information about an identifiable individual, including:

- An individual's name, home or business address, or home or business telephone number,
- The individual's race, national or ethnic origin, colour or religious or political beliefs or associations,
- The individual's finger prints, other biometric information, blood type, genetic information or inheritable characteristics,
- Information about the individual's health and health care history, including information about a physical or mental disability,
- Information about the individual's educational, financial, employment or criminal history, including criminal **records** where a pardon has been given,
- Anyone else's opinions about the individual, and
- The individual's personal views or opinions, except if they are about someone else

Privacy Breach: occurs when **personal information** is collected, retained, used or disclosed in contravention of the provisions of the FOIP Act. Privacy breaches also encompass the theft, loss or loss of control of **personal information**.

Privacy Impact Assessment (PIA): A process of analysis that helps to identify and address potential privacy risks that may occur in the operation of a new or redesigned project. PIA also help to eliminate or reduce those risks to an acceptable level.

Record: A record is information in any form and can include notes, images, audiovisual recordings, emails, text messages, drawings, photographs and any other information that is written, photographed, recorded or stored in any manner.

Transitory records: Information of temporary usefulness that is needed only for a limited period of time in order to complete a routine action or prepare a final record. These may be copies of records that are retained as information or convenience by individuals who are not primarily responsible for them.

Procedures

- 1. The Superintendent has been designated by the Division as FOIP Head of Greater St. Albert Catholic Schools in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act,* section 95(a) and is responsible for:
 - 1.1. All duties, powers, and functions of the head of the public body under sections 38 (Protection of Personal Information) and 74 (Duty to comply with orders) of the FOIP Act
 - 1.2. Delegate all duties, power, and functions of the head of the public body under section 27 (Privileged Information) and section 93 (Fees) of the FOIP Act to the FOIP Coordinator
- 2. The Superintendent must direct how the Division will:
 - 2.1. Protect **personal information** under section 38 of the FOIP *Act* by making reasonable security arrangements against such risks as unauthorized **access**, collection, use, disclosure, and destruction; and
 - 2.2. Comply with an order of the Information and Privacy Commissioner under section 74 of the FOIP *Act*.
- 3. The Secretary-Treasurer has been designated as the FOIP Coordinator in accordance with the provisions of FOIP Act and is responsible for the overall management of the Act.
 - 3.1. The FOIP Coordinator must educate Division employees about how to collect, use and disclose personal information in accordance with the FOIP Act.;
 - 3.2. The FOIP Coordinator must respond to each formal request to obtain access to a Division record under Part 1 of the FOIP Act only in accordance with the FOIP Act;
 - 3.3. The FOIP Coordinator must require each applicant to pay the Division fees for services as provided for in the regulations under the FOIP Act unless the applicant is excused from paying all or part of a fee for services under section 93 of the FOIP Act;
 - 3.4. After receiving a report about an actual or suspected privacy breach of the FOIP Act by the Division or a Division employee, the FOIP Coordinator must:
 3.4.1. report the **breach** to the Superintendent;
 - 3.4.2. report the breach to the Office of the Information and Privacy

Commissioner if applicable;

- 3.4.3. report the **breach** to any person(s) who's **personal information** was affected
- 4. The Division employee who is authorized collect, use and disclose **personal information** must ensure to do so in accordance with the FOIP *Act*.
 - 4.1. No Division employee other than the FOIP Coordinator may respond to a formal request to obtain access to a Division record under Part 1 of the FOIP Act;
 - 4.2. If a Division employee other than the FOIP Coordinator receives a formal request to obtain access to a Division record under Part 1 of the FOIP Act, then the Division employee must forward the request to the FOIP Coordinator immediately;
 - 4.3. Each Division employee must report any actual or suspected privacy breach of the FOIP Act by a Division employee, whether intentional or not, to the FOIP Coordinator immediately;
 - 4.3.1. No Division employee may take any adverse employment action against a Division employee only because the Division employee, acting in good faith, reported an actual or suspected breach of the FOIP Act by another Division employee to the FOIP Coordinator.
 - 4.4. Division employees must protect all information while in their custody and control, ensuring risk of unauthorized disclosure of personal or other confidential information is minimized;
 - 4.5. If a Division employee needs to collect personal information, they must make sure they have the authority to collect the personal information requested;
 4.5.1. Ensure the **personal information** they collect is used in a way that
 - is consistent with the original purpose of collection.
 - 4.6. Division employees can share personal information only with individuals or organizations that have the right of access or the consent of the individual about whom the information applies;
 - 4.6.1. If a Division employee is unsure whether or not they can share information, they must contact the Division FOIP Coordinator.
 - 4.7. Each Division employee who contravenes the FOIP Act or this Administrative Procedure may be subject to disciplinary action up to and including termination of employment with the Division.
- 5. The Division shall prepare and make available to the public an information directory and corporate **records** file manual, which would provide a general listing of the **records** in its custody or under its control.
- 6. No **personal information** will be collected unless its collection is specifically authorized by provincial legislation or is necessary for an operating program or activity of the Division.
- 7. The Division may use or disclose **personal information** only for the purpose for which it was collected or complied, or for a use consistent with that purpose, or if the individuals 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 FOIP Act.

- 8. The Division has a duty to maintain accurate and complete **personal information** when that information is used to make decision about the individual. The FOIP Act permits an individual to correct an error or omission that has been made on their **personal information**.
- 9. All publications, following their release, will be made available in the Division office for review by members of the public, or through free initial distribution, or on the Division's home page on the Internet.
- 10. Databases and data files are considered to be **records** and will be treated as such.
- 11. How to process a Request for Access to Information:
 - 11.1. To submit a formal FOIP request, contact the Division's FOIP Coordinator
 - 11.2. An initial application fee (indicated on the form) is required for all general information requests. At the discretion of the Division, additional fees may be levied in accordance with Schedule 2 of the FOIP Regulation. The rates adopted by the Government of Alberta shall be used by the Division.
 - 11.3. The FOIP Coordinator shall determine whether or not the information is to be released under the terms of the FOIP Act.
 - 11.4. If the information is withheld in whole or in part, the requestor will be advised of their right to appeal to the Office of the Information and Privacy Commissioner of Alberta.
 - 11.5. Request for Information forms are available from all schools, the Division office and on the Division website.
- 12. Collecting, Using, Retaining and Disclosing Personal Information
 - 12.1. In accordance with the FOIP Act, the Division is authorized to collect, use and disclose personal information when that information relates directly to and is necessary for an operating program or activity of the Division.
 - 12.2. For the purposes of delivering educational programing and ensuring a safe and secure school environment, the Division is required under the provisions of the Education Act and its regulations to collect, use and disclose personal information.
 - 12.2.1. In such instances, employees of the Division may, without consent, collect, use and disclose personal information that is necessary for performing a statutory duty of the Division or for operating a legally authorized program of the Division. When collecting, using or disclosing information in this manner, the Division shall notify affected parties.
 - 12.2.2. Some examples in which consent need not be obtained include:
 - 12.2.2.1. Providing Alberta Education with student information to meet reporting requirements;

12.2.2.2. Producing and transferring student records;

- 12.2.2.3. Using students' information to deliver transportation services;
- 12.2.2.4. Use of students' names and pictures for yearbooks and student identification cards;
- 12.2.2.5. Use of students' names and related contact information for absenteeism verification;

- 12.2.2.6. Use of students' names on lists such as honour rolls, scholarships, or other awards within the Division.
- 12.3. Consent shall be sought when **personal information** is used and/or disclosed for purposes which are not necessary for performing a statutory duty of the Division or for operating a legally authorized program of the Division.
 - 12.3.1. Consent may be sought as the need arises or multiple consent may be sought during the school opening procedure.
 - 12.3.2. With the exception of the provisions established in this Administrative Procedure, consent must be obtained in writing.
 - 12.3.3. The instrument for collecting the requested consent must:
 - 12.3.3.1. Indicate the purpose of the collection;
 - 12.3.3.2. Indicate that consent is voluntary;
 - 12.3.3.3. Indicate that consent may be revoked at any time and indicate the person to contact;
 - 12.3.3.4. Indicate the period of time during which consent remains valid; and
 - 12.3.3.5. Be retained by the school or originating department for a period of no less than one year past the expiry date of the consent.
 - 12.3.4. When consent has been requested but has been denied, or no answer has been received, the Division cannot use or disclose the information in question.
- 12.4. Rules surrounding the use of electronic consent:
 - 12.4.1. The Division may collect consent in electronic form in addition to normal practices of collecting consent in writing, in accordance with section 7 of the FOIP Regulation.
 - 12.4.2. Except where prohibited by law or this Procedure, the Division may collect consent in electronic form for all uses and disclosures where consent is obtained under sections 39(1)(b), 40(1)(b) and 40(1)(d) of the FOIP Act.
 - 12.4.3. Electronic consent may not be obtained for any purposes relating to requests for access to records under Part 1 of the FOIP Act.
 12.4.4. Electronic consent must:
 - 12.4.4.1. Include an electronic signature that meets the Division's security and metadata standards and is clearly associated with the electronic consent;
 - 12.4.4.2. Be producible or reproducible at any time; and
 - 12.4.5. Prior to implementing electronic consent, departments should consult with the FOIP Coordinator.
- 12.5. **Records** containing **personal information** must be stored and disposed of in a manner that maintains the confidentiality of the information.
- 12.6. **Records** containing **personal information** must be **accessed** only by authorized persons and must be used in a manner that maintains the confidentiality of the information.
- 12.7. **Transitory records** must be destroyed when they are no longer required. The handling of all other records should adhere to Division retention and destruction schedule.

- 12.8. Unless otherwise permitted, personal information must be disclosed for the purpose for which it was collected or for a use consistent with that purpose.
- 12.9. Each time personal information is collected, affected individuals are to be notified of the purposes for the collection, the legal authority for collecting the information, and who to contact if they have any questions.
- 12.10. Students and members of the public can take photos or videos of students at school activities that are open to the general public. These activities include, but are not limited to, sporting events, graduation ceremonies, field trips, concerts, and cultural programs. It is beyond the Division's ability to control the use, or further distribution, of personal information acquired in these instances.
- 12.11.Requests for any record that contains personal information about the individual making the request may be made to the FOIP Coordinator or the Principal of the school concerned.
- 12.12. If the student's participation in a recreation or community service activity involves the disclosure of **personal information** to another Division or a not-for-profit organization, the Division shall have entered into a prior agreement with that Division or organization.
- 12.13. A **Privacy Impact Assessment** should be considered when the Division is developing or changing any policy, system, project or activity that significantly impacts the Division's collection, use and/or disclosure of **personal information**.
 - 12.13.1.These privacy assessments are to be completed by the department(s) responsible for developing, changing and/or implementing the policy, system, project or activity.
 - 12.13.2. Departments must inform the FOIP Coordinator of any assessments prior to undertaking any such formal privacy review. The FOIP Coordinator will provide templates and instructions on how to complete privacy assessments, and shall provide feedback to the relevant department(s) throughout the process.
 - 12.13.3. Completed privacy assessments are to be signed by relevant department heads and the FOIP Coordinator.
- 13. Consent to share student information for educational purposes, outside of The Division, or consent to allow third parties to photograph, video or interview students at Greater St. Albert Catholic Schools' non-public events is gathered annually and is valid for the current school year only.
 - 13.1. Parental Consent can be withdrawn at any time during the school year. This must be done in writing to the school principal. Once personal information, images or student work are released in any public forum, The Division cannot control or prevent further distribution or use of the material.
 - 13.2. Parental consent can also be provided during the school year. This must be done in writing to the school principal.

Reference:

- Education Act
- Freedom of Information and Protection of Privacy Act
- Freedom of Information and Protection of Privacy Regulation
- FOIP Guidelines and Practices, Service Alberta
- Personal Information Protection and Electronic Documents Act
- Administrative Procedure 165 Video Surveillance Facilities and School Buses
- Administrative Procedure 180 Records Management
- Administrative Procedure 318 Mandated Student Records
- Administrative Procedure 319 Secondary Student Records
- <u>Administrative Procedure 401 Employee Records</u>

Appendixes:

- A. School Division Use of Personal Information Notice
- B. Request to Correct Personal Information
- C. Request to Access Information
- D. Law Enforcement Disclosure Form



School Division Use of Personal Information Notice

The Greater St. Albert Roman Catholic Separate School Division is required to act in accordance with the Freedom of Information and Protection of Privacy Act (FOIP) which sets out standards as to the collection, use and disclosure of personal information.

The following are examples of how personal information may be used for school related activities and are not intended as an all-inclusive list. These activities form a vital part of a healthy and functioning school and the participation of all students in these activities is viewed as an important part of every student's education.

- 1. The use of a student's photograph/image taken by a school photographer for school-related purposes including report cards, student records, Image CD-Rom disks, student identification cards, school library cards, school yearbooks, recognition, composites, display at school sites, school newsletters, emergency, medical, legal, law enforcement and/or matters relating to safety and security.
- 2. The release of a student's name, school, grade, academic information for the identification of assigned classroom or teacher in a school, use for class photos, collection of resources, recognition of birthdays, achievement in academics, athletics, or community involvement, honour roll, graduation ceremonies, scholarships, or other awards within the school or schoolboard.
- 3. The use of a student's name, address, telephone number, school, program, grade, parent's name and related contact information for the provision of transportation services.
- 4. The use of a student's name telephone number, school, grade, parent's name and related contact information for the purpose of taking attendance, emergencies, fieldtrips, planning and/or other school sponsored activities.
- 5. The use of a student's name, school, grade, photo, academic information and/or written material for the school newsletter, yearbook and/or other school publications.
- 6. The use of a student's name, school, grade and/or photo for athletic events, fine arts productions, presentations, fairs celebrations and/or other school sponsored activities.
- 7. The use of a student's photograph, video tape, audio tape and/or interview by the school Division personnel or activities held outside of the school.
- 8. The use of a student's name, address, telephone number, school, program, grade, parent's name and related contact information for the purpose of satisfaction surveys.
- 9. The use of a student's name for individual class, club, team and/or group photos/videos/images taken at school sponsored activities for display in the school.
- 10. The use of a student's photo/video/images taken by school Division personnel of classroom or other school sponsored activities held within the school for educational purposes.
- 11. The use of a student's name, photo/image, birth date, parent's name, telephone number, address and any student health and/or relevant personal information to assist authorized individuals in responding to emergency situations relating to safety and security, for law enforcement purposes and other legal requirements, and to assist who have severe or life-treating medical or other conditions.
- *Note:* When the use of a student's name, photos and/or videos by the school board, media or to other outside organizations, where individual students are identified or interviewed and the material will be used outside of the school Jurisdiction, a separate and specific consent is required. Events that are open to the general public, are considered public events, Greater St. Albert Catholic Schools cannot control or prevent the further distribution or use of photos, videos, images or other personal information by those who attend.

Written consent for your child to participate in these activities is **not** being requested. On occasions there maybe concerns with uses of this information, if this is the case, please contact the school principal where your child attends to discuss your concerns. This notice remains valid for the current school year if you have any questions regarding the Freedom of Information and Protection of Privacy Act, please contact the Coordinator, 6 St. Vital Ave, St. Albert, 459-7711.



Greater St. Albert Catholic Schools

Serving St. Albert, Morinville, Legal and parts of Sturgeon County

School Year: 2020-21

Classroom: _____

PARTICIPANT CONSENT FORM:

SCHOOL DIVISION USE OF PERSONAL INFORMATION

Student Name:

Opportunities sometimes arise for Greater St. Albert Catholic Schools to spotlight and promote schools in the division in displays/publications (newspapers, brochures, videos, television, school/division calendars, billboards, slide shows, workshops, presentations, or other publication venues). With your permission your child may be photographed, videotaped, audio taped, or interviewed during the school year at various **non-public** school sponsored events.

The school division and/or individual schools are sometimes contacted by the media to do feature stories about a specific school, program, student activity, award, or educational topic. The media may wish to collect, use and reproduce your child's personal information in the form of an interview, photograph, digital image, video tape, audio tape or a likeness. By signing these consents below, I am stating that I understand the purpose for which my/my child's information will be used.

A. Consent for: Collection Use and Disclosure of Personal Information by Greater St. Albert Catholic Schools

I hereby give Greater St. Albert Catholic Schools permission to photograph, video tape, audio tape and/or interview my child for use in **school publications/communications, school or division recognition, or other school purposes.** Greater St. Albert Catholic Schools also has my permission to <u>use,</u> <u>publish, display and copyright any artwork, written material or creative work</u> created or authorized by my child through **school activities**. I understand that this material or creative work may be used by Greater St. Albert Catholic Schools **in division or school displays, publications, advertising or promotional materials**. I understand that my child <u>may be identified as the author by first and last name and by grade</u>.

Signature	Parent/Legal Guardian/Independent Student				
B. Consent to:	Post Personal Information to a Division, School or Classroom Website and other electronic means				
I hereby give Greata that you agree to)	•	n to publish the following information rega	ding my child to the above public websites. (Please ch	eck all	
	Last Name	First Name	Grade		
	Photograph	Award Recognition			
	School-Related Work (an name, last name and grad		nderstand my child may be identified as the author by f	ìrst	
Signature		Parent/Legal Guardian/Independent	Student		
C. Consent for:	Media Participant				
Please check all tha	it you agree to:				
photograp this mean	oh, videotape, video conferencing, or m s a creative work(s), photograph(s), vi	ake an audio digital recording and/or inter	ganizations to <u>display creative work(s), to film,</u> v <u>iew</u> my child for non-public events -l understand ital recording(s) and/or interview(s), or likeness of s.		
make an a work(s), p	uudio digital recording and/or intervie	w my child for school and division social me ference(s), audio or digital recording(s) and,	m, photograph, videotape, video conferencing, or dia accounts. I understand this means a creative /or interview(s), or likeness of my child may be		

Signature ____

Parent/Legal Guardian/Independent Student

D. Consent for: Disclosure of Personal Information to the School Council

I hereby give Greater St. Albert Catholic Schools permission to make available **parent/guardian name, telephone and email address** to the **School Council** for contact purposes. School Councils represent the parents and engage in activities of the school.

Signature_____Parent/Legal Guardian/Independent Student

E. Consent for: Disclosure of Personal Information to the Local Parishes

I hereby give Greater St. Albert Catholic Schools permission to make available the **student name** and **faith** information **to the local parishes** for the purpose of supporting the student's spiritual development.



Request to Correct Personal Information

Personal information on this form is collected under Alberta's *Freedom of Information and Protection of Privacy Act* and will be used to respond to your request. Instructions for completing this form are on the reverse.

About you	Mr. Ms Dr. Last name:					
	Mrs. Miss					
	Name of company or organization (ifapplicable)					
	Mailing address:	Mailing address:				
	City or town:	Province:	Postal code:			
	Telephone (daytime)	Telephone (evening)	Fax number			
	E-mail address:					
About your request	1. Who's information do yo O Your own persor					
	O Another person's information (<i>Please attach proof that you can legally act for the person.</i>) 2. To which public body are you making your request? (<i>Please fill In the name of the School board.</i>)					
	Grea	ater St. Albert Catholic Schools				
About the Information want to corre	you name that is in the reco	tion needs to be corrected? Please give as much de rds if it is different from the name given above. If you				
	2. What correction do you want to make and why? (Please attach any documents that support your request.)					
Your signature	Signature:	Date:				
For FOIP office use o	nly:					
Date received:		Request number:				
Jul 2018						

Request to Correct Personal Information

How to complete the form

You can correct information in many public body records without making a request under the FOIP Act. To determine whether you need to make a request under the Act or if you need help completing the form, contact the FOIP Coordinator of the organization to whom you are making the request.

About you: Check the title by which you prefer to be addressed and enter your last name and first name. Then enter the name of the company or organization that you are representing, if applicable. Enter your complete mailing address and your daytime and evening telephone numbers. The public body may need to contact you if they have any questions about your request. If you have a fax number or E-mail address where correspondence can be sent, enter them in the spaces provided.

About your request

1. Whose information do you want to correct? Indicate whether you want your personal information or another person's information to be corrected.

Your personal information: If you want your records to be corrected, you will have to provide proof of your identity.

Another person's information: If you want the records of another person to be corrected, you will have to provide proof that you have the authority to act for that person. For example, you might provide proof that you are the person's guardian or trustee or that you have power of attorney for the person.

2. Enter the name of the public body that you believe has the records that you want to correct.

About the information you want to correct

1. What records contain the information that you want corrected? Please be as specific as possible in describing the records. The more specific your request, the quicker and more accurately it can be answered. If you need more space, please continue your description on a separate sheet of paper and attach it to this request form.

If you want a correction made to your own personal information, please be sure that you give:

- your full name;
- o any other names that you have used on the records; and
- any identifying number that relates to the records, such as your employee number, case number or other identification number.

If you want a correction made to another person's information, please give:

- the person's full name;
- o any other name that person may have used on the records; and
- o any identifying numbers for the person if you know them.
- 2. What corrections do you want made? What is incorrect about the information that is currently on the record? Please be specific.

Your signature

Sign and date the application and send it to the FOIP Coordinator of the appropriate organization. If you are not sure of where to send the form, please consult the FOIP Coordinator of the organization that has the records you wish to correct.



Request to Access Information

	Personal information on this form is collected under Alberta's <i>Freedom of Information and Protection of Privacy Act</i> and will be used to respond to your request.				
About you	□ Mr. □ Mrs. □ Ms. □ Miss □ Dr.				
	Last name: First name:				
	Mailing address:				
	City or town:	Province: Postal code:			
	Telephone (daytime)	Telephone (evening) Fax number:			
	Email:				
	Name of company or c	organization (if applicable)			
About your request About the Information you want to access	 Personal Information General information Child/Children's st Name of Child: Child's Date of Birth: Child's Date of Birth: To which public book Greater Do you wish to: 1. What records do you with the sure to the sure to	ation are you requesting access to? on (Fee is charged if copies exceed 10.00) on (Please attach the Initial fee of \$25.) udent cumulative record information (Fee is charged if copies exceed 10.00) dy are you making your request? rst. Albert Catholic Schools Receive a copy of the record? Receive a letter confirming information requested Other want to access? Please give as much detail as possible. (If you want access to your personal or give all your previous names. For another person's information, you must attach proof that to person. If you need more space, please attach a separate sheet of paper.)			
	2. What is the time period of the records? Please give specific dates.				
Your signature	Signature:	Date:			
For FOIP/Records Ma	anagement office use only	<i>ı</i> :			
Date received:	eived: Request number:				
Comments:					



LAW ENFORCEMENT DISCLOSURE FORM Request for Disclosure under Section 40(1)(q) of the Freedom of Information and Protection of Privacy Act

Date

In accordance with section 40(1)(q) of the Freedom of Information and Protection of Privacy Act, the

(name of public body)					
requests disclosure of personal information pertaining to					
(name of individual or	r other identifier)				
which may be generally described as:					
(general description of inf	ormation requested)				
This information is required by this public body to assist in a	an investigation pursuant to:				
(reference to a federal or provincial s	tatute or description of purpose)				
Requesting Official					
Name	Title				
Signature	Badge Number (if applicable)				
I, hereby, 🗌 Consent 🔲 Refuse	this disclosure of personal Information to:				
(name of public body)				
If disclosure has been authorized, the personal information	bank(s) is:				
Name(s) of Personal Ir	nformation Bank(s)				
Authorized Disclosing Official					
Name	Title				
	Greater St. Albert Roman Catholic Separate School District No. 734				
Signature	Name of Public Body				
NOTE: This completed record may qualify	r for exception to disclosure under mation and Protection of Privacy Act.				