



District School Board  
Ontario North East

## Procedure No. 2.1.31

Section: School Related Operations

Related References:

*Municipal Freedom of Information and Protection of Privacy Act,  
Education Act,*

*Personal Health Information Protection Act,*

*Ministry of Education Ontario Student Record Guidelines, DSB Ontario*

*North East Policies 1.2.19 and 1.2.22*

Appendices:

Approved: June 2, 2009

Revised: May 7, 2019

Review Date:

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**TITLE: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

### **PROCEDURES:**

#### **1.0 Administration of the Freedom of Information Procedures**

The Director of Education, as “Head” under the Municipal Freedom of Information and protection of Privacy Act and under section 49 (1) of the Act may delegate an employee to be responsible for Freedom of Information. The person responsible for this will establish and administer the procedures for managing Freedom of Information requests and responsibilities. In District School Board Ontario North East the Communications Officer shall perform this role.

#### **2.0 Responsibility for Freedom of Information Requests and Other Duties**

The Communications Officer will take responsibility for the administration and communication to the system regarding the following areas:

- i. Receiving all requests for information and corrections under the Act;
- ii. Consulting with appropriate Senior Management and other staff on interpretation and administration of legislation in relation to access requests;
- iii. Retrieving and reviewing Board records;
- iv. Preparing correspondence related to notification and access, including tracking of requests;

- v. Preparing Board records for access, including severing of private information;
- vi. Where necessary, informing requestors of rights to appeal and defending decisions made under the Act in an appeal;
- vii. Preparing any Board reports to the Information and Privacy Commission;
- viii. Coordinating staff training related to implementation or changes of legislation;
- ix. Overseeing the administration of and financial reporting for requests made under the Act, in partnership with the Business and Finance Department;
- x. Ensuring that a notice of collection is on an appropriate and applicable form for request of information.

### **3.0 Requests for Information**

- 3.1 Persons wishing to access information they believe to be in the custody and control of District School Board Ontario North East may informally request access to a record from the appropriate source.
- 3.2 If the request is for access to a student's OSR, parents and legal guardians of a student under the age of 18 may also choose to make a request for access to a student's records using the provisions of the Education Act.
- 3.3 If information access to any record is denied, the requestor may contact the Communications Officer for the Board and make formal request for access under MFIPPA.
- 3.4 A request for access to a record under Part I of the Act or for access to or correction of personal information under Part II of the Act shall be made using the form in Appendix A or shall be any other written form that specifies that it is a request made under the Act as legislated under MFIPPA Reg. 823 section 11.
- 3.5 The request must provide sufficient detail to enable an experienced employee of the Board to identify the record(s) requested. Should the request not be clear, The Communications Officer will offer assistance to the requestor with reformulating the request under section 17 of MFIPPA.
- 3.6 Persons wishing to access information under the MFIPPA must pay the \$5.00 application fee as legislated under MFIPPA Reg. 823 section 5.2
- 3.7 Requests will be processed according to legislative requirements made within the 30 day timeframe outlined in section 19 of the MFIPPA and/or the conditions for extension of time in section 20 of MFIPPA.
- 3.8 If a person is granted access to a record they must pay the fees for searching and accessing records as outlined in MFIPPA Reg. 823 sections 6 and 6.1. A fee schedule based on the regulation will be made available from the Communications Officer.
- 3.9 If a person is denied access to information under the Act, in accordance with the MFIPPA they must be notified of their right to appeal to the Commissioner as legislated under section 22 of the Act.

#### **4.0 Protection of Privacy**

- 4.1 Personal information shall only be collected directly from the individual to whom the information relates except in accordance with section 29(1) of MFIPPA.
- 4.2 For any personal information collected on behalf of the Board, the individual to whom the information relates will be notified of the legal authority of collection, the principal purpose for which the information is intended to be used and the contact information for the Communications Officer who can respond to questions about the collection of information per section 29(2) of MFIPPA.
- 4.3 Employees of the Board shall not disclose personal information in the Board's custody or control unless in accordance with section 32 of MFIPPA.
- 4.4 District School Board Ontario North East employees have a responsibility to maintain the safety and security of records entrusted to them and follows Board's Records Retention Policy and Procedures.
- 4.5 Should an employee be asked directly by a requestor for informal access to a record that the employee is uncertain if he/she can grant access to; the employee should contact the Communications Officer for clarification prior to granting access.
- 4.6 Employees who violate privacy rights of students or any other staff member or act in contravention of the Act may be subject to progressive discipline.

## Request Form

*under the Freedom of Information and Protection of Privacy Act/  
 Municipal Freedom of Information and Protection of Privacy Act*

Please Note: A \$5.00 application fee is required for all requests.

<b>Request for:</b> <input type="checkbox"/> Access to General Records <input type="checkbox"/> Access to Own Personal Information <input type="checkbox"/> Correction to Own Personal Information	<b>Name of Institution request made to:</b>  
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If request is for access to, or correction of, own personal information records: Last name appearing on records: <input type="checkbox"/> same as below, or: _____
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<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> Miss	Last Name: _____
First Name: _____	Middle Name: _____
Address: (Street/Apt. No./P.O. Box/R.R. No.) _____	City/Town: _____
Province: _____	Postal Code: _____
Telephone Number (Day): (   ) _____	Telephone Number (Evening): (   ) _____

Detailed description of requested records, personal information or personal information to be corrected. (If you are requesting access to or correction of your personal information, please identify the personal information bank or record containing the person information, if known.)  _____  _____  _____  _____
<small>Note: If you are requesting a correction of personal information, please indicate the desired correction, and if appropriate, attach any supporting documentation. You will be notified if the correction is not made and you may require that a statement of disagreement be attached to your personal information.</small>

<b>Preferred method of access to records:</b>	<input type="checkbox"/> Examine Original <input type="checkbox"/> Receive Copy	<b>Signature:</b> _____	<b>Date:</b> _____
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For Institution Use Only		
Date Received:	Request Number:	Comments

<small>Personal Information contained on this form is collected pursuant to the Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Questions about this collection should be directed to the Freedom of Information and Privacy Co-ordinator at the institution where the request is made.</small>
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