

Administrative Procedures

AP-527 Access to Information – Local Authority Freedom of Information and Protection of Privacy (LAFOIPP)	References: The Education Act, 1995, Local Authority Freedom of Information and Protection of Privacy (LAFOIPPP) SSBA Privacy and Access to Information in Saskatchewan School LAFOIPP SSBA Record Retention and Disposal Guide	Tracking: Created July 2020 Updated:
	Related: APF 520.1 Confidentiality AP 518 Social Media AP 525 Acceptable Use AP 708 Records AP 711 Record Retention and Disposal AP 517 Employment Records Student Registration Form	Status:

Background

North East School Division is a local authority subject to the provisions of The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIPP). NESD recognizes that individuals have a right to access records that are in the possession of the organization with the exception of those records which are exempt in accordance with LAFOIPP. As a local authority, the Board will ensure through its designate, the Director of Education, access to information that can be made public and will protect confidential information and personal information.

The Board through the Director of Education shall:

- Encourage and facilitate the appropriate collection, use, access and retention of information in accordance with privacy and freedom of information laws and regulations.
- Ensure that appropriate security measures are in place to protect personal information.
- Facilitate access to personal information by the individuals who are entitled to access.
- Collect only that personal information which is required for the purposes of the school division.
- Use information collected only for the purposes for which it was collected.

Definitions

1. **Personal Information**

Any information about an identifiable individual that is recorded in any form, as per Section 23 of The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIPP).

2. Confidential Information

Any information learned during the course of employment that would reasonably be considered to be personal or confidential, unless identified otherwise, as per the Code of Conduct.

3. Appointment of Head under LAFOIPP

The Superintendent of Human Resources or designate shall act as the Head within the requirements of LAFOIPP and shall be known as the Privacy Officer.

Procedures

1. Collection of Personal Information

Only information which is required to provide educational services to students under *The Education Act, 1995*, shall be collected by the Board or its employees.

- a. All forms used for the collection of personal information from parents or guardians, students, employees, volunteers or members of the public shall:
 - be approved by the Privacy Officer before being used; and
 - include a disclosure statement indicating the purpose for which the information is being collected.

- b. *The Local Authority Freedom of Information and Protection of Privacy Act* requires that schools obtain informed consent for the collection and use of personal information that is not authorized under *The Education Act, 1995* or used for purposes other than those for which it was collected.

2. Storage of Information

- a. All personal information collected by the Board or its employees shall be stored in a secure environment with adequate security precautions to prevent unauthorized access.

- b. The Privacy Officer shall periodically review arrangements made for storage of information.

- c. Employees who collect or use personal information in the course of employment will follow all procedures established for the storage of such information and shall take reasonable precautions to ensure the security of such information.

- d. See AP 517 Employee Records, AP 708 Records and AP 711 Record Retention and Disposal for more information.

3. Access to Personal Information

- a. Only those persons requiring access to personal information in order to perform the duties of their employment shall be allowed access to that information.
- b. Any employee accessing personal information without authority to do so may be subject to disciplinary measures up to and including termination.
- c. Any employee or volunteer's name, position, employment responsibilities, business contact information and salary may be accessed by a third party or released through an LAFOIPP request without the consent of the employee, as per section 23 of *The Local Authority Freedom of Information and Protection of Privacy Act*.

4. Release of Information

- a. No member of the Board, staff or administration, other than the Privacy Officer shall release any document, record or information to any person unless such release is specifically authorized by this procedure or by the Privacy Officer.
- b. All applications for the release of information pursuant to LAFOIPP shall be made to the Privacy Officer and all enquiries about such applications shall be directed to the Privacy Officer.
- c. The Privacy Officer shall ensure that each request made pursuant to LAFOIPP is dealt with in the appropriate manner in accordance with the provisions of LAFOIPP.
- d. All Board members and staff shall cooperate fully with the Privacy Officer and provide to the Privacy Officer, in a timely manner, all documents, records, and information requested by the Privacy Officer.
- e. The Privacy Officer may from time to time provide direction to school administrators concerning the release of personal information from student files to parents or guardians that shall include:
 - i. A description of the types of personal information that may be released without formal application under LAFOIPP; and
 - ii. The procedures to be followed when releasing such personal information.

5. Confidentiality

- a. All employees of the NESD shall keep confidential any and all personal information concerning students, Board members, teachers and other employees which may acquire during the course of their employment, whether such information is oral, written or electronic.

- b. The Privacy Officer shall consider each application and give written notice to the applicant within 30 days regarding the disposition of the request. The Privacy Officer will provide a fee estimate to an applicant. Depending upon circumstances, the division also has the right to waive payment of all or part of the fee.

6. Education and Training

Training related to the principles and application of LAFOIPP and protection of personal information will be provided to board members, employees and contractors with access to personal information.