

Kettle and Stony Point First Nation EDUCATION POLICIES	NO 200 - 05
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SUBJECT: Freedom of Information and Protection of Individual Privacy	EFFECTIVE DATE: 2010/09/01
	APPROVAL DATE: Motion: 9 Year/Month: 2010/08

POLICY

It is the policy of the Kettle and Stony Point First Nation Education Committee to conduct all its operations as openly as reasonably possible except where the Education Committee may be restricted from doing so under the Municipal Freedom of Information and Protection of Privacy Act, 1990 (hereinafter referred to as the Act), and/ or the Education Act.

RATIONALE:

The KSPFN Education Committee recognizes the importance of open communication with all its stakeholder groups, while at the same time realizing the need for the protection and privacy of the individuals under its jurisdiction.

Regulations:

A. Access to Records

1. All information retained in electronic, hard copy, microfilm or any other format, is a record and is the property of the KSPFN Education Program.
2. Access to records not generally available can be sought by making a request in writing to the Principal/Program Manager or designate who shall respond in accordance with established procedures provided in the Act (Section 6 – 16).
3. A request for access to information must include sufficient detail to enable an experienced employee of the Kettle and Stony Point First Nation Education Program, upon a reasonable effort, to identify the record. If the request does not have sufficient information, the applicant will be asked to reformulate the request. At the time of the request, the applicant must pay the fee(s) prescribed by the regulations.
4. If the Principal/Program Manager is of the opinion on reasonable grounds that the request is frivolous or vexatious the request may be denied. The Principal/Program Manager shall give notice of such a determination in accordance with Section 20.1 of the Act.

B. Protection of Individual Privacy

1. Use and Disclosure of Private Information of Students

a) The management and safekeeping of information is the responsibility of each employee. Confidentiality must be protected by each employee who is authorized to have access to information in order to perform his/her duties. This is subject to the powers of the courts to compel the production of such information.

b) Access to a student's personal information including the OSR can be gained by the parent or guardian of a student who is not an adult. A parent may give consent to another institution or individual for access to student information provided that the consent is given in writing. A copy of the written release of information shall become part of the OSR.

c) Information collected for the purpose of honouring or celebrating student achievements must be outlined in the school's student handbook. Parents/guardians of a student, who is not an adult who do not wish the information outlined there to be disclosed, may advise the Hillside Principal of their wishes and the Hillside Principal will decline to disclose that information (Section 33 – Consistent Purpose).

d) For access to a student's (age 16 – 18) personal information, parents may request information under the Education Act. Subsection 11 (3) (n) of Regulation 298 under the Education Act authorizes a principal to "report promptly any neglect of duty or infraction of the school rules by a pupil to the parent/guardian of the pupils".

e) A student, or parent or lawful guardian of a student under the age of 18, may request to have personal information corrected under the F.O.I. Act, if the information was accessed through the Act. The Principal/Program Manager or designate will respond to the correction request in accordance with established procedures.

f) Any specific personal information of students shall be provided to the members of the Education Committee only through the Principal/Program Manager or designate. Any information provided shall be supplied strictly in accordance with the Act.

g) All requests for access to personal information of a student, shall be referred to the principal's office or guidance department of the school the student is attending or last attended.

C. Protection of and Access to and Correction to Personal Information of KSPFN Education Program and Private Individuals

1. In accordance with the Act, the KSPFN Education Program will safeguard the confidentiality of personal information pertaining to private individuals and its staff, subject to the powers of the courts to compel the production of such information.
2. The management and safekeeping of information is the responsibility of each employee designated to care for such information. Confidentiality must be protected by each employee who is authorized to have access to information for the purposes of carrying out his/her duties.
3. An employee wishing to access his/her own personnel information may do so according to the Procedure for Employee Access to Own Personnel File (KSPFN Employment Manual).
4. Other parties (e.g. legal counsel for the individual) with the specific written consent of the individual, may also request access to an individual's personal information under the Act. The written authorization will be considered valid for a period of 90 calendar days. When a private individual or employee has authorized in writing, another individual or their agent, to access their personal information under the Act, a record of such transaction must be retained. For access to personal information of a private individual, the authorization would be included in the Freedom of Information request file, or in the case of an employee in their personnel file.
5. Under the Act, a request for the correction of an individual's personal information, accessed under the Act, can be made. Such a request will meet with the guidelines of subsection 36.2 of the Act.
6. Any specific personal or sensitive information regarding employees or private individuals, shall be provided to the members of the Education Committee only through the Principal/Program Manager or designate, or if required as part of the decision making function of members. Any information provided shall be supplied strictly in accordance with the Act.

D. Review

1. If a request for access made under the Act has been denied by the Principal/Program Manager, or designate, the requester may appeal the decision to the Band Administrator of KSPFN.

Sample – Student Handbook Entry

FREEDOM OF INFORMATION & PROTECTION OF PRIVACY ACT

The 'Freedom of Information & Protection of Privacy Act, 1989' has two key functions:

- (1) protection of personal and private information about individuals, and
- (2) public access to information that is not personal or private.

Personal information is defined as recorded information about an identifiable individual. Some examples of personal information are: student work, photographs, video tapes, information on student registration forms, O.S. R contents, student writing folders, journals, etc. etc.

Please be assured that information about your child's educational needs and progress will be treated with the utmost in care and confidentiality.

The above mentioned Act does permit some personal information to be disclosed when it is consistent with the purpose of educating students in accordance with the Education Act. Some school-related activities and events are outlined in the following:

- Students' birthdays may be announced in the school;
- Student's work may be displayed in the school, in projects or science fairs, art, poster or writing contests, bulletin boards and school newsletters;
- Photographs of students may be included in Board publications or used in displays in the school or in the community;
- Videotaping of classroom activities, school plays, concerts and special events;
- The media might be invited to the school to photograph and publish school events such as athletic competitions, drama productions, awards assemblies, graduation, fund raising activities, etc. The student's name, and possibly a storyline could also be published;
- Photographs, names and anecdotes will be used in the school year book;

- Winners of awards and honours may have their achievements acknowledged and published within the school system or through local media;
- The school will share information with the KSPFN Health Centre and the North Lambton Health Unit, including your child's birth date, address, home telephone number, and the work numbers of parents;
- In the event of an accident causing injury or damage, personal information will be disclosed to the insurer of the KSPFN Education Program.

If you have any objections, questions or concerns regarding the sharing of your child's personal information in any/all of the above mentioned, or related activities, please contact the principal as soon as possible.