

Clarification on E-BEST's Processes Regarding Survey and Consultation Reports

BACKGROUND

Consultations for HWDSB

- Hamilton-Wentworth District School Board (HWDSB) is committed to effective, meaningful consultation with the Hamilton community and to a culture of consultation within and among its constituent groups and/or individuals.
- HWDSB frequently seeks input from its stakeholder community about its programs and processes in order to ensure the system is accountable, efficient and customer focused.

Survey Research & Privacy Considerations

- Survey research is one of the most cost-effective and user-friendly ways to elicit and collect input. However, it raises a privacy consideration as it often involves the “collection, retention, use, disclosure and disposal of *personal information*” (Information and Privacy Commissioner/Ontario, 1999).
- The *Freedom of Information and Protection of Privacy Act* (provincial Act) and the *Municipal Freedom of Information and Protection of Privacy Act* (municipal Act) define *personal information* as “recorded information about and identifiable individual” and includes, for example, an individual’s name, address, telephone number, age, sex and his or her personal opinions or views (Information and Privacy Commissioner/Ontario, 1999).
- All provincial and local government institutions are required to comply with the privacy protection provisions of the *Acts* (both provincial and municipal *Acts*) whenever collecting, retaining, using, disclosing or disposing of personal information (Information and Privacy Commissioner/Ontario, 1999).
- To assist institutions in complying with the *Acts*, the document entitled “*Best Practices for Protecting Individual Privacy in Conducting Survey Research*”¹ was created by the Information and Privacy Commissioner along with the Ministry of Labour and the Corporate Freedom of Information and Privacy Office of Management Board Secretariat.

INFORMATION AND PRIVACY COMMISSIONER'S BEST PRACTICES AND E-BEST PROCESSES

- The following section highlights the best practices that relate to privacy considerations at HWDSB with respect to stakeholder consultations.
- For each best practice, the section also details how those practices inform E-BEST's current processes in complying with both *Acts* to ensure protection of personal information.

Best Practice #6: “If possible, design a survey so that the information collected does not identify and cannot be used to identify an individual.”

E-BEST Process: Surveys designed by E-BEST solicit and collect only general demographic information that, by itself, cannot identify the respondent. Examples of general demographic data collected using E-BEST surveys include asking respondents to identify whether they are a parent, HWDSB staff, student or community member, and for instance, to indicate which cluster the respondent belongs to (e.g., West, North, etc.).

Best practice #10: “Determine whether you have the authority to collect the personal information required for the survey, under section 38(2) [provincial] and section 28(2) [municipal] of the *Acts*.” [These sections state that] “No person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.”

E-BEST Process: E-BEST and HWDSB are authorized to collect personal information (including personal opinions/views) only if deemed “necessary to the proper administration of a lawfully authorized activity” such as the administration of a survey. The proper administration of research activities performed by E-BEST on behalf of HWDSB requires the collection of personal opinions and views, and general demographic data that can assist E-BEST in summarizing the data

within a particular context. For the proper administration of research activities, it is not necessary to collect additional private and identifiable information as such we do not elicit or collect identifiable data (e.g., individuals' names, address etc.).

Furthermore, the proper administration of research activities (e.g., policy consultations) does not require E-BEST to pair identifiable and personal data (e.g., organization names) with personal opinions/views. In other words, it is possible to obtain a fair estimate of public opinion, for research purposes, without linking individual opinions with individuals' identifiable data. As such, E-BEST reports private opinions in general form as it does not have the authority to pair identifiable information (i.e., community agencies' names) with their private opinions, as the said pairing would not improve E-BEST's administration of research activities.

Best practice #11: "Limit the amount of personal information collected for the survey to what is strictly necessary."

E-BEST Process: The primary type of private information elicited and collected using E-BEST's surveys pertain to private opinions and views. E-BEST does not collect individuals' identifiable information such as names, gender, etc. In the past, many of E-BEST's surveys have asked community members to identify their organization name and their role in the organization. This was done so that E-BEST could contact a community member in the event that questions arose based on the feedback provided by the group. Since personal opinions and views are defined by the provincial and municipal *Acts as personal information*, community members' names are never paired with their private opinions and views when sharing results of the surveys.

Best practice #28: "Use and disclose personal information collected through the survey only for the purpose(s) specified to the survey participants at the time of collection."

E-BEST Process: Results of policy consultations (and all other survey and consultation activities undertaken by E-BEST) are summarized, reported and applied only for the purpose that was directly communicated to the respondent at time of collection. For example, if respondents are informed that their private opinions are being elicited and collected to evaluate general public support for a policy, those responses cannot be used at a later time for other purposes (e.g., to examine *individual* community entities' responses). This would be contrary to the information the respondent had when deciding to consent to participate in the survey.

Best practice #30: "Report survey results as aggregate information."

EBEST process: Since opinions and views are defined by the *Acts as personal information*, E-BEST and HWDSB have the ethical and legal obligation (as legislated by the *Acts*) to safe guard anonymity of individuals' opinions. As such, E-BEST reports its' survey results in aggregate (general) form only.

Best practice #31: "Don't report small cells of information, where a specific individual could be identified."

E-BEST process: When small groups of respondents (i.e., one community agency) provide their opinions/views, those views are either reported in general form or, in cases where the opinion *itself* could reveal the identity of the respondent, the survey response is reported in general format or dropped from all analyses and reports.