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# Privacy and Information Management Directive

Directive for Policy 3.13 Privacy and Information Management

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Projected Review Date: Feb. 2018

## RATIONALE:

Hamilton-Wentworth District School Board (HWDSB) respects and promotes the protection of privacy of all staff and students. HWDSB collects personal information to support the provision of educational services to its students and/or the employment of HWDSB employees.

HWDSB is committed to following the direction of the Privacy Standard, the 10 Commitments regarding privacy protection and to take appropriate actions when managing personal information.

The Privacy Standard has been developed by the Privacy Information Management (PIM) taskforce for use by Ontario school boards. It is based on globally recognized fair information principles and is grounded in Ontario privacy legislation, specifically the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), the *Personal Health Information Protection Act* (PHIPA), the *Education Act* (including the Ontario Student Record Guidelines), and the *Personal Information and Protection of Electronic Documents Act* (PIPEDA)

In addition, this standard attempts to meet public expectations regarding the protection of personal information. The 10 Commitments, which make up the Privacy Standard, have been adapted from the CSA Fair Information Privacy Principles.

## TERMINOLOGY:

*Personal Information*: means recorded information about an identifiable individual, including:

- a) Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual,
- b) Information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved,
- c) Any identifying number, symbol or other particular assigned to the individual,
- d) The address, telephone number, fingerprints or blood type of the individual,
- e) The personal opinions or views of the individual except if they relate to another individual,
- f) Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence,
- g) The views or opinions or another individual about the individual, and
- h) The individual's name as it appears with other personal information relating to the individual, or where the disclosure of the name would reveal other personal information about the individual.

*Informed Consent*: means consent is provided when the person consenting understands the nature of the information for which consent is sought, understands the potential consequences of signing the consent form and is given the right to revoke the consent at any time.

*Notice:* (i) before disclosing a record, HWDSB shall provide notice to any person to whom the information in the record relates, if it is practicable to do so;  
(ii) written notice to the applicant regarding an extension to respond to a MFIPPA request for information;  
(iii) written notice to the applicant and to any person to whom the information in the record relates of the decision to disclosure or refusal to disclose, including appeal procedures; and  
(iv) written notice regarding the legal authority for the collection, the principal purpose or purposes for which the personal information is intended to be used, and a contact individual who can answer questions regarding the collection.

*Retention:* means the minimum amount of time to keep a record as determined to be necessary by law or other authority. Original records cannot be destroyed until the retention time has expired. Likewise, records should not be retained longer than the retention time without good reason.

*Disclosure:* means to make the information available or to release it to another institution or to another person, but does not include using the information.

*Access:* means the authority or permission to consult records or to obtain restricted information

*Security:* means the protection of personal information regardless of the format in which it is held and includes, but is not limited to, physical measures such as locked filing cabinets and restricted offices, organizational measures such as limited access, and technological measures, such as the use of passwords and encryption.

*Collection:* means to gather, acquire, receive or obtain the information by means from any source.

## **PROCEDURES:**

### **1.0 Accountability and Responsibility**

- 1.1 HWDSB is responsible, in accordance with MFIPPA, for personal information under its custody or control and delegates the authority relative to the MFIPPA to the Director of Education, or designate, to be the Head in compliance with the MFIPPA and who is accountable for compliance with privacy legislation.
- 1.2 The Director of Education is authorized to issue such procedures as may be necessary to support this policy.
- 1.3 The Director or designate shall, pursuant to applicable legislation, be responsible for:
  - Administering and ensuring compliance with respect to the collection, use, disclosure and retention of personal information in accordance with MFIPPA;
  - Administering all requests for access or correction to personal information in accordance with MFIPPA and the district's procedure on Official Access and Correction Requests under MFIPPA;
  - Ensuring that procedures are in place regarding third party service providers who have custody of personal information on behalf of HWDSB whom are held accountable under MFIPPA;

- Providing access by the public to privacy policies, procedures, manuals and guidelines prepared by the district;
- Where necessary, preparing for and defending decisions made under the Act at an appeal;
- Overseeing and managing any privacy breaches that may occur in accordance with the district's Privacy Breach procedure;
- Communicating and providing training opportunities to staff, as required, with respect to the obligations under the MFIPPA; and
- Any other requirements and responsibilities that may arise with respect to the district's obligations under MFIPPA

1.4 The Director or designate shall ensure that third party service providers who have custody of personal information on behalf of HWDSB will be held accountable for the required protection of that information. Third party service providers are obligated to abide by HWDSB's privacy policies, procedures and practices.

## **2.0 Specified Purposes**

2.1 The Director or designate shall ensure that the purposes for which personal information is collected shall be specified, in conjunction with legal authority for the collection, and the title, business address, and, where possible, telephone number of an individual who can answer questions about the collection. Individuals shall be notified at or before the time personal information is collected except otherwise permitted by law, and subject to any exceptions that may be permitted by law.

## **3.0 Consent**

3.1 The Director or designate shall ensure an individual's informed consent is obtained for the collection, use, or disclosure of personal information, except where otherwise permitted by law. Such exceptions are set out in the law and include where legal, medical or security reasons make it impossible or impractical to seek consent. Consent may be expressed in writing. It may also be given verbally, electronically, or through the district's or the individual's authorized representatives. In certain circumstances, consent may be implicit, explicit or implied.

## **4.0 Limited Collection**

4.1 The Director or designate shall ensure the collection of personal information is fair, lawful, and limited to that which is necessary for the specified purpose identified.

## **5.0 Limiting Use, Retention and Disclosure**

5.1 The Director or designate shall ensure personal information may only be used or disclosed for the purposes for which it was collected, other purposes consented to, or as required or permitted by law. It may only be kept for as long as is necessary to satisfy the purposes for which it was collected, or as required, permitted by law or in accordance with HWDSB's records and information management program and policy.

## **6.0 Accuracy**

- 6.1 The Director or designate shall ensure any personal information that is collected, used or disclosed should be as accurate, complete and up-to-date as is necessary in order to fulfill the specified purpose for its collection, use, disclosure and retention.

## **7.0 Safeguards**

- 7.1 The Director or designate shall ensure personal information shall be protected by security safeguards that are appropriate to the sensitivity of the information, in order to protect personal information from unwarranted intrusion, release or misuse. The methods of protection of personal information will include, but are not limited to:
  - 7.1.1 Physical measures such as locked filing cabinets, restricted access to offices, sign-in logs, securely disposing of confidential information and limited distribution of reports containing personal information as required.
  - 7.1.2 Organizational measures such as security clearances and limiting access to and ability to change personal information in hard copy and electronic form.
  - 7.1.3 Technological measures such as passwords, firewall, levels of encryption and controls are ensured for remote access and when transmitting data/information via the internet and password procedures.
  - 7.1.4 Disaster recovery plans in case of destruction or accidental loss of personal information through natural disaster, fire, water damage or other means.
  - 7.1.5 Measures applicable to the use of personal information off-site including: password protection of computers and mobile devices, proper sign out procedures and off-site measures for protection of personal or private documents.

## **8.0 Openness and Transparency**

- 8.1 The Director or designate shall ensure that all policies and procedures relating to the management of personal information are made readily available to the public.

## **9.0 Access and Correction**

- 9.1 The Director or designate shall ensure:
  - 9.1.1 An individual has the right to access his/her personal information and will be given access to that information in accordance with privacy legislation, subject to any mandatory or discretionary exceptions.
  - 9.1.2 An individual has the right to challenge the accuracy and completeness of the information and to request that it be amended as appropriate or to have a letter/statement of disagreement retained on file.
  - 9.1.3 Any individual to whom the disclosure of the personal information has been granted in the year preceding a correction has the right to be notified of the correction/statement. An individual shall be advised of any third party service

provider requests for his/her personal information in accordance with privacy legislation.

- 9.1.4 All requests for access to personal information from individuals other than the individual whom the information relates to, will be administered in accordance with HWDSB's privacy policy, policy directive, MFIPPA and associated legislation.

## **10.0 Challenge and Compliance**

- 10.1 The Director or designate shall ensure an individual shall have the ability to address or challenge compliance with these principles through the appeal process and in accordance with the Act. Any appeal shall be forwarded to the Information and Privacy Commissioner of Ontario.