



## Privacy and Information Management

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Date Approved: Feb. 2014

Projected Review Date: Feb. 2018

### **PURPOSE:**

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 the protection of privacy and complies with all applicable provisions in the *Education Act*, the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and any other applicable legislation.

### **GUIDING PRINCIPLES:**

- HWDSB is responsible for personal information under its custody or control and may delegate its authority and responsibilities as required;
- Personal information will only be collected for specified purposes, noting the legislative authority for the collection;
- Informed consent is required for the collection, use, or disclosure of personal information, except where otherwise permitted by law;
- The collection of personal information will be limited to that which is necessary for the specified purpose;
- Personal information may only be used, retained or disclosed for the purposes for which it was collected;
- Personal information collected, used or disclosed shall be accurate, complete and up-to-date as required;
- Personal information in the custody or control of HWDSB shall be protected through safeguards and privacy standards;
- All policies and directives relating to the management of personal information shall be made readily available to the public;
- An individual has the right to access their personal information, to challenge its accuracy and completeness, and be notified of all requests for access to personal information from another person or organization. Such requests are to be administered in accordance with the Act; and

- The denial of access to personal information should be limited, specific and in accordance with the exemptions set out in the Act, with the ability for such decisions to be reviewed by an independent agency (i.e. the Information and Privacy Commissioner of Ontario appeal process).

## **INTENDED OUTCOMES:**

- Increase the trust parents, students and the community has in how HWDSB handles personal, private or confidential information;
- Minimize the risks associated with improper collection, disclosure and use of personal information, including privacy breaches;
- Help protect the Board from potential liability and legal action;
- Support and strengthen access to information by authorized individuals;
- Create openness, transparency and accountability with the public; and
- Foster a culture of privacy across HWDSB and within departments.

## **RESPONSIBILITY:**

Director of Education  
Members of Executive Council

## **TERMINOLOGY:**

*Personal Information:* means recorded information about an identifiable individual in any format, 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:* requires the person consenting to understand the nature of the information for which consent is sought, understand the potential consequences of signing the consent form, and to be 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.

## **ACTION REQUIRED:**

Hamilton-Wentworth District School Board is committed to following the direction of the Privacy Standard and the ten commitments regarding privacy protection, and what actions are taken by the organization 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. The 10 commitments are:

- Accountability and Responsibility
- Specified Purposes
- Consent
- Limited Collection
- Limiting Use, Retention and Disclosure
- Accuracy

- Safeguards
- Openness and Transparency
- Access and Correction
- Challenge and Compliance

## **PROGRESS INDICATORS:**

<b>Intended Outcome</b>	<b>Assessment</b>
Increase the trust parents, students and the community has in how HWDSB handles personal, private or confidential information.	To develop assessment tools by which to ascertain the level of understanding of privacy protection and management of personal information before and after training received by HWDSB employees.
Minimize the risks associated with improper collection, disclosure and use of personal information, including privacy breaches.	To gauge understanding of managing risks including reducing risk of privacy breaches and to measure knowledge of deal with privacy breaches when they do occur.
Help protect the Board from potential liability and legal action	Increased compliance with legislation, and privacy and information management standards.
Support and strengthen access to information by authorized individuals	Strengthen procedure for access to information by authorized individuals.
Create openness, transparency and accountability with the public	Increase in openness and transparency of public information.
Foster a culture of privacy across HWDSB and within departments	A qualitative measure that requires observation of the degree to which privacy protection and information management is integrated into procedures across the Board and in departments.

## **REFERENCES:**

### **Government Documents**

Municipal Freedom of Information and Protection of Privacy Act  
 Education Act  
 Privacy and Information Management (PIM) taskforce and Toolkit

### **HWDSB Strategic Directions**

Achievement Matters  
 Engagement Matters  
 Equity Matters

**HWDSB Policies**

Finance and Administration Pillar  
Community Use of Board Facilities/Properties  
First Nation, Métis and Inuit Education  
Partnership  
Fundraising  
Procurement  
Volunteer  
Medical Health Supports  
Accommodation of Staff  
Employee Support Program  
Pre-Employment Screening