

Privacy

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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.

HWDSB is committed to the protection of privacy and complies with all applicable provisions of the *Education Act, R.S.O. 1990, C. E.2*, the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56* (MFIPPA) and all other applicable legislation. HWDSB is guided by the globally recognized fair information principles from the Canadian Standards Association (CSA) Model Code for the protection of personal information which address how organizations collect, use, disclose, and protect personal information.

GUIDING PRINCIPLES:

HWDSB complies with the fair information principles in the CSA Model Code:

- Demonstrating *Accountability* by assuming responsibility for the personal information under HWDSB control and designating an individual or individuals to be accountable for compliance with the remaining principles.
- *Identifying Purposes* for the collection and use of all personal information at the time of collection.
- Obtaining informed *Consent* for the collection, use, or disclosure of personal information except where permitted by law.
- *Limiting Collection* of personal information to what is necessary for the specified purpose.
- *Limiting Use, Disclosure, and Retention* of personal information to the purposes for which it was collected and not retaining longer than necessary to fulfill those purposes.
- Ensuring the *Accuracy* of the personal information collected, used, retained, or disclosed.
- Implementing *Safeguards* that are appropriate to the sensitivity of the personal information to be protected.
- Promoting *Openness* of all policies and procedures relating to the management of personal information.
- Providing *Individual Access*, upon request, by people to their own personal information and responding to their challenges regarding the accuracy of those record.
- Responding to individuals *Challenging Compliance* of HWDSB with the above principles.

INTENDED OUTCOMES:

- Increase the trust parents, students and the community have in how HWDSB handles personal information.

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- Minimize the risks associated with improper collection, disclosure, and use of personal information, including privacy breaches.
- Support and strengthen access to information by authorized individuals.
- Create openness, transparency, and accountability with the public.
- Foster a culture of privacy across HWDSB and within departments.
- Help protect the Board from potential liability and legal action.

RESPONSIBILITY:

Director of Education
Members of Executive Council

TERMINOLOGY:

Authorized Individuals: Those who have the legal authority to access information. MFIPPA authorizes HWDSB staff members to access the personal information that they need in order to perform their jobs. That means that they are authorized individuals when accessing that information. When family members want to access student personal information from a school, the legislation permits access only to authorized individuals which means legal parents and legal guardians. That means that other family members such as grandparents, siblings, aunts and uncles are not legally authorized under the legislation to access the information unless the school has signed consent from the legal parent or guardian to disclose to somebody else. All individuals have the legal authority to access their own personal information in the possession of HWDSB.

Informed Consent: The person consenting understands the purpose for which consent is sought, understands the potential consequences of signing the consent form, feels free to consent or not consent, and is given the right to revoke their consent at any time.

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA): Legislation which aims to strike a balance between access to information and protection of one's personal privacy.

Notice of Collection: A statement provided at the time of the collection of personal information that informs people of the purpose for the collection and how it will be used, the legal authority to collect the information, and the name and contact information of somebody they can contact if they have questions or concerns.

Personal Information: 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,



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- 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 of 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.

Retention: 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.

Security: 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.

ACTION REQUIRED:

HWDSB is committed to upholding the privacy rights of individuals and demonstrating good data stewardship by managing and protecting the personal information entrusted to it, by being transparent about its information practices and by promoting access.

The fair information principles will guide and inform collection, use, retention, disclosure and destruction of information and the requirements therein will be embedded in all related materials and practices.



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PROGRESS INDICATORS:

Intended Outcome	Assessment
Increase the trust parents, students and the community have in how HWDSB handles personal information.	Reduction in privacy complaints and concerns.
Minimize the risks associated with improper collection, disclosure and use of personal information, including privacy breaches.	Increased reporting of potential privacy breaches, prompt enactment of privacy breach procedure.
Support and strengthen access to information by authorized individuals.	Demonstrated efficiency in responding to access to information requests.
Create openness, transparency and accountability with the public.	Increased openness and transparency of public information.
Foster a culture of privacy across HWDSB and within departments.	Increased discussion of privacy matters within service areas and schools; increased engagement by staff in privacy activities; Increased inclusion of privacy protection and information management into procedures across the Board and in departments.
Help protect the Board from potential liability and legal action.	Increased compliance with legislation, and privacy and information management standards.

REFERENCES:

Fair Information Principles

Canadian Standards Association (CSA) Model Code for the Protection of Personal Information

Government Documents

Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56

Education Act, R.S.O. 1990, c. E.2