

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The Freedom of Information and Protection of Privacy Act of B.C. governs access to information and protection of privacy with respect to records in the custody or control of the District.

The District acknowledges the right of access by the public to any information in records in the custody or control of the District, subject to the application of specified exceptions under the Act.

The District recognizes its responsibility to safeguard the confidentiality of personal information in its custody or control and to protect such information from unauthorized access, collection, use, disclosure or disposal, in accordance with the Act.

An individual has a right of access to any record containing personal information about themselves, subject to exceptions to disclosure specified under the Act.

Definitions

Personal Information is defined in the Act as recorded information about an identifiable individual, except for business contact information. Personal information includes:

- The individual's name, home address and telephone number
- The individual's race, national or ethnic origin, colour, religious or political beliefs or associations
- The individual's age, sex, sexual orientation, marital status or family status
- An identifying number, symbol or other particular assigned to the individual
- The individual's finger prints, blood type or inheritable characteristics
- Information about the individual's health or medical history, including a physical or mental disability
- Information about the individual's educational, financial, criminal or employment history
- Anyone else's opinions about the individual
- The individual's personal view or opinions, unless they are about someone else

A record is defined as all recorded information in the custody or control of the District regardless of physical format, which is collected, created, deposited, or held by or in the District. Records include books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means but do not include computer programs or any other mechanism that produces records.

Procedures

1. The Superintendent is the head of the District for purposes of the Act.

2. The Superintendent will designate a Privacy Officer to administer the Act and make day to day operational decisions about matters falling under the Act.
3. Requests For Information
 - 3.1. The District recognizes its obligations to respond to requests for access to records, including records containing personal information, openly, accurately and completely, and to make every reasonable attempt to assist applicants with their requests.
 - 3.2. The decision to grant complete or partial access to records, or to refuse access will be made by the Privacy Officer, in consultation with the department head and guided by the relevant provisions of the Act.
 - 3.3. Requests for access to information, including access to personal information, under the Act must be in writing, and must provide sufficient detail to enable the District, with reasonable effort, to identify the records sought.
 - 3.4. Every written request for access to information under the Act will be directed to the Privacy Officer designated by the Superintendent, who will:
 - 3.4.1. Acknowledge receipt of the request
 - 3.4.2. Determine whether information is routinely accessible
 - 3.4.3. Log the request, create a file and track records
 - 3.4.4. Refer the request to the area responsible for the information to conduct a search for responsive records
 - 3.4.5. Determine whether information in the records falls under exceptions in the Act
 - 3.4.6. Prepare records for disclosure to the applicant
 - 3.5. The area responsible for searching for responsive records will:
 - 3.5.1. Search for and retrieve records in a timely manner
 - 3.5.2. Alert the Privacy Officer to any potential concerns regarding disclosure of the records
 - 3.5.3. Co-ordinate the release of the records to the Privacy Officer
4. Third Party Notification
 - 4.1. In addition to determining whether any exceptions under the Act apply, the Privacy Officer will review the record(s) to determine whether third party notification is required.
 - 4.2. If necessary, third parties will be notified in accordance with the Act.
5. Timelines
 - 5.1. In the event that a response to a request for access cannot be completed within the initial thirty business days as set out in the Act, the Privacy Officer will notify the applicant of the need for an extension setting out:
 - 5.1.1. The length of the required extension
 - 5.1.2. The reasons for the delay

5.1.3. The right of the applicant to ask the Office of the Information and Privacy Commissioner to review the decision to extend the time period for response.

6. Fees

6.1. A \$10 application fee will be required for requests made under section 5, in accordance with the Act.

6.1.1. The prescribed application fee does not apply to a request for the applicant's own personal information.

6.2. Fees may be charged in accordance with the Act. In the event that a fee for an access request is required, the applicant will be notified in writing of the estimated costs. The applicant may be required to pay a deposit of up to 50% of the fee estimate prior to processing the request.

6.3. The access request will be held in abeyance until the District has received the deposit and the applicant has authorized in writing the completion of the request.

6.4. Payment of the balance of the final fee must be received by the District prior to the release of the records.

6.5. No fees are charged for the release to an individual of a record containing his/her own personal information or for the first three hours spent locating and retrieving records responsive to a request.

7. Release Of Records

7.1. The Privacy Officer will prepare the records for release, including applying any necessary exceptions as provided by the Act.

7.2. The Privacy Officer will ensure any outstanding fees are collected prior to the release of records.

7.3. The Privacy Officer will release records to the applicant, with an explanation of any applicable exceptions or reasons for records withheld under the Act.

8. Collection, Use and Disclosure of Personal Information

8.1. The District collects, uses and shares personal information as necessary for its educational programs and activities, its responsibilities as an employer, and as required by law

8.2. Personal information may only be collected and shared as authorized in the Act. Use of personal information must be consistent with the purposes for which the information was obtained or compiled.

8.3. Each employee of the District has a duty to protect the confidentiality and security of personal information collected and used as part of his/her ongoing employment responsibilities. The management and safekeeping of such information is the responsibility of each employee authorized to have access to personal information.

8.4. Employees of the District are required to make every reasonable effort to ensure the accuracy of personal information.

8.5. Each department is responsible for the confidentiality, security and accuracy of personal information collected and used in accordance with its functions.

9. Retention

- 9.1. Any personal information that is no longer required for either administrative, financial, legal or historical purpose and its retention is not regulated by any statute, may be destroyed in a confidential manner (i.e. shredding) as outlined in an approved retention schedule.
- 9.2. Personal information used by the District to make a decision directly affecting the individual the information is about will be retained by the District for at least one year after being used.

10. Error or Omissions

- 10.1. An applicant who believes there is an error or omission in his or her personal information may request correction of the information in writing to the department responsible for the information. The department head is responsible for the correction or annotation of the information, in consultation with the Privacy Officer if necessary.
- 10.2. Notification of the correction or annotation must be given to any other public body or third party to whom that information has been disclosed during the one year period before the correction was requested.
- 10.3. Any correction, annotation or notification must be documented by the department head.

Reference: Sections 22, 65, 85 School Act
Freedom of Information and Protection of Privacy Act
Freedom of Information and Protection of Privacy Regulation

Adopted: January 9, 2013
Revised: September 2018, January 2022