

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The *Freedom of Information and Protection of Privacy Act* of B.C. (hereafter referred to as “the Act”) governs both access to information and the protection of privacy of information within the custody or control of the Board of Education of School District #39 (hereafter referred to as “the District”). This Procedure sets out the District’s commitment, standards, and expectations regarding the public’s right of access to records and information, and its responsibility to protect personal information within its custody and control from unauthorized access, collection, use, disclosure or disposal, in accordance with the Act.

Definitions

Staff refer to all employees and trustees of the District.

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

- An individual’s name, home address, and personal telephone number;
- An individual’s racial or ethnic origin, religious or political beliefs or associations;
- An individual’s age, sexual orientation, marital status, or family status;
- An individual’s employment, occupational, or education history;
- An individual’s fingerprints, blood type or inheritable characteristics;
- Information that relates to an individual’s medical, psychiatric, or psychological history, diagnosis, condition, treatment, or evaluation;
- Information that was obtained on a tax return for the purpose of collecting tax;
- Opinions and characterizations about an individual.

A record is defined as all recorded information in the custody or control of the District regardless of physical, electronic, or other recorded format. Records include books, documents, drawings, photographs, letters, digital communications, papers, and any other mode by which information is recorded or stored by graphic, electronic, mechanical, or other means; records do not, however, include computer programs or other mechanisms that produce 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 acknowledges the public’s right of access to information or records within the custody or control of the District, subject to the application of Act or specified

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

- 3.2. 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 effort to assist applicants with their requests.
- 3.3. The decision to grant complete or partial access to records, or to refuse access will be made by the Privacy Officer in consultation with relevant staff and guided by the relevant provisions of the Act.
- 3.4. 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.
- 3.5. Every written request for access to information under the Act will be directed to the Privacy Officer who will:
 - 3.5.1. Acknowledge receipt of the request;
 - 3.5.2. Determine whether information is routinely accessible;
 - 3.5.3. Log the request, create a file, and track records;
 - 3.5.4. Refer the request to Staff responsible for the information to conduct a search for responsive records;
 - 3.5.5. Compile responsive records based on the applicant's description;
 - 3.5.6. Determine whether redactions are applicable and apply redactions to information in the records that falls within exceptions set out under the Act;
 - 3.5.7. Review the records to determine whether a third-party notification is required in accordance with the Act;
 - 3.5.8. Prepare records for release and respond to the applicant with an explanation of any applicable exceptions or reasons for withholding records under the Act.
- 3.6. The staff responsible for searching for responsive records will:
 - 3.6.1. Search for and retrieve records in a timely manner;
 - 3.6.2. Provide unsevered copies of records to the Privacy Officer;
- 3.7. If a response to a request for access cannot be completed within the initial thirty (30) business days, as set out in the Act, the Privacy Officer will notify the applicant of the need for an extension setting out:
 - 3.7.1. The length of the required extension;
 - 3.7.2. The reasons for the delay;
 - 3.7.3. The right of the applicant to request the Office of the Information and Privacy Commissioner to review the decision to extend the time for response.

- 3.8. Members of the public requesting access to information under section 5 may be required to pay fees in circumstances outlined under the Act. In accordance with the Act, fees will apply in the following circumstances:
 - 3.8.1. A \$10 application fee will be required for requests made under section 5, in accordance with the Act.
 - 3.8.2. Prescribed fees may apply as outlined under section 75 of the Act.
 - 3.8.3. If 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 50% of the fee estimate prior to processing. The access request will be held in abeyance until the District has received the deposit and the applicant has authorized the completion of the request in writing.
 - 3.8.4. Payment of any outstanding fees must be collected and received by the District prior to the release of the records.
 - 3.8.5. No fees will be charged for the processing of requests for an individual's own Personal Information, or for the first three hours spent locating and retrieving records responsive to a request.

4. Collection, Use, and Disclosure of Personal Information

- 4.1. The District acknowledges that its Staff, volunteers, and service-providers must not collect, use, or disclose Personal Information except as authorized by the Act.
- 4.2. The District and all Staff, volunteers, and service-providers will collect, use, and share Personal Information as necessary for its authorized educational programs and activities, its responsibilities as an employer, and as required by law.
- 4.3. The District and Staff will communicate the purposes for which Personal Information is collected at or before the time the information is collected, unless otherwise permitted or required by the Act, the *School Act*, or other applicable laws.
- 4.4. Staff will share Personal Information internally with other District staff on a need-to-know basis.
- 4.5. Staff will share Personal Information with third parties with the knowledge and consent of affected individuals, unless otherwise authorized or required under the Act, the *School Act*, or other applicable laws.
- 4.6. The use of Personal Information by Staff, volunteers, and service-providers must be consistent with the purposes for which the information was obtained or compiled.
- 4.7. Staff have a duty to protect the confidentiality and security of Personal Information collected and used as part of their ongoing employment responsibilities. The management and safekeeping of such information is the responsibility of Staff authorized to have access to Personal Information.
- 4.8. Staff and service-providers are required to make every reasonable effort to ensure the accuracy of Personal Information collected and used for authorized educational programs, operational activities, and employee responsibilities, or as required by law.

5. Retention and Disposal of Personal Information

- 5.1. When an individual's Personal Information is in the custody and control of the District, and is used by Staff to make a decision that directly affects the individual to which that Personal Information pertains, the District will retain that information for a period of at least one (1) year.
- 5.2. When its retention is no longer required for operational, historical, legal, or statutory purposes, Staff must dispose of Personal Information within the District's custody and control in a confidential manner (i.e., shredding).

6. Error or Omissions

- 6.1. An individual who believes there is an error or omission in their Personal Information may request a correction of the information in writing to the area responsible for the use of that information (e.g., Payroll). The relevant department supervisor will correct or annotate the information in consultation with the Privacy Officer (if necessary).
- 6.2. 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.

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, April 2023