

VANCOUVER BOARD OF EDUCATION
TERMS AND CONDITIONS
RELATING TO
THE DISCLOSURE OF PERSONAL INFORMATION
FOR
RESEARCH OR STATISTICAL PURPOSES

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General Information

The *Freedom of information and Protection of Privacy Act*, RSBC 1996, c. 165 (the Act), provides for the disclosure for research or statistical purposes, by British Columbia public bodies, of personal information in their custody or under their control.

Research use of records in the custody or under the control of the Vancouver Board of Education must be conducted according to the provisions of the Act. The Act both guarantees public access to government records and protects the privacy of individuals identified in these records.

For the Vancouver Board of Education, this means reviewing public requests for access to government records in order to determine whether records contain personal information that may be restricted. For the research public requesting access to this type of record, Section 35 of the Act provides an option for the researcher to access restricted material by entering into a legal research agreement which governs the conditions of use of such government records.

A research agreement, once approved, gives the researcher immediate access to the desired records, and it permits the Vancouver Board of Education to make materials available to the researcher without substantial costs and possible delays caused by the need to examine and sever personal information from large numbers of documents.

Because a research agreement can only be granted for a bona fide research project, it is important that the applicant carefully complete a research proposal which responds in substantial detail to all elements in Part B of the application. The applicant must provide a curriculum vitae and three references.

A research agreement is a binding legal document, granting access only to those records specified in Part C of the agreement to those individuals noted in Parts A, B, and D of the agreement. Any changes or additions to the agreement must be made in writing and be approved in writing by the Vancouver Board of Education.

The Vancouver Board of Education will consider the date when the complete research agreement is received as the date of receipt of request. Proper completion of the form will hasten the process by which access to the records can be granted.

Under the Act, **personal information** may not be disclosed to any person other than the individual to whom it relates except in certain limited circumstances:

“**Personal information**” is defined in Schedule 1 of the Act as follows:

“personal information” means recorded information about an identifiable person other than contact information.

Disclosure for research for statistical purposes is one of the circumstances in which personal information may be accessed by another person. At the Vancouver Board of Education, approval is given by the Associate Superintendent, Learning Services under the terms prescribed in Section 35 of the Act:

35. A public body may disclose personal information or may cause personal information in its custody or under its control to be disclosed for a research purpose, including statistical research, only if

- a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the commissioner,
- ai) the information is disclosed on condition that it not be used for the purpose of contacting a person to participate in the research,
- b) any record linkage is not harmful to the individuals that information is about and the benefits to be derived from the record linkage are clearly in the public interest,
- c) the head of the public body concerned has approved conditions relating to the following:
 - i) security and confidentiality;
 - ii) the removal or destruction of individual identifiers at the earliest reasonable time;
 - iii) the prohibition of any subsequent use or disclosure of that information in individually identifiable form without the express authorization of that public body, and

- d) the person to whom that information is disclosed has signed an agreement to comply with the approved conditions, this Act and any of the public body's policies and procedures relating to the confidentiality of personal information.

Research that entails disclosure of personal information in the District's possession (eg. access to student files) requires completion of this document.

Completed "TERMS and CONDITIONS AGREEMENTS" will be reviewed by Legal Counsel/FOI Coordinator to ensure adherence to the Freedom of Information and Protection of Privacy requirements.

Once the agreement has been approved, the Project Manager of Administration Systems will monitor to ensure the conditions of the agreement are met.

The IT department will determine the availability of records/data and/or whether or not there are adequate resources available to pull the information together. The VSB Research Committee will consider these issues during the approval process.

VANCOUVER BOARD OF EDUCATION

**APPLICATION AND AGREEMENT
FOR
ACCESS TO PERSONAL INFORMATION
FOR
RESEARCH OR STATISTICAL PURPOSES**

Request number: _____ Date of receipt: _____

Purpose: This form is for use in requesting access, for research or statistical purposes, to personal information found in records covered by the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 (the Act). Once the researcher has signed this form and the terms and conditions of access have been approved by the Vancouver Board of Education, it becomes a legal agreement between the researcher and the Vancouver Board of Education.

Collection of the information which the applicant provides on this form, and the conditions of access described, are authorized by Section 35 of the Act. Any questions about this form may be directed to Legal Counsel/Freedom of Information Coordinator, Vancouver Board of Education, 1580 West Broadway, Vancouver, B.C. V6J 5K8, (604) 713-5163.

Part A – Identification of Researcher

_____ Name (last name/ first name/ initials)	_____ Registration number (if applicable)
Address: _____ _____ _____	Telephone: _____

Please provide the following additional information if applicable:

Institutional Affiliation: _____
(include department if relevant)
Position: _____

Academic Advisor (if student): _____

(a) Does the project require access to records? _____ Yes _____ No

(b) Does the project require subject interviews? _____ Yes _____ No

PART B - Description of Research Project

Please attach the following information:

- 1) A general description of the purpose and objectives of the research project.
- 2) A summary of the methodology and procedures.
- 3) A description of the population:
 - a) How many subjects/cases will be used?
 - b) What are the criteria for selection of subjects/cases?
 - c) How are subjects to be recruited?
 - d) If using a control group, provide the number of subjects/cases, criteria for selection, and recruitment.
- 4) Project details:
 - a) Where will the project be conducted? (specific facilities, wards, clinics, etc.)
 - b) Who will actually conduct the study? (i.e. interviews, examinations, testing, etc.)
 - c) Describe how the consent of the subjects will be obtained. (attach consent forms to be used)
 - d) What is known about the risks and benefits of the proposed research?
 - e) What discomfort or incapacity are the subjects likely to experience as a result of the procedures?
 - f) How much time will be required of a subject?
 - g) How much time will be required of the control group (if any)?
- 5) A copy of the ethics approval (external applicants only).
- 6) An explanation of why the research project cannot reasonably be accomplished without access to personal information in individually identifiable form (i.e. personal information about named or identifiable individuals).
- 7) An explanation of how the personal information will be used, including a description of any proposed linkages to be made between personal information in the records requested and any other personal information.
- 8) The time frame of the study (expected start and completion date and period of time during which access to records may be required).
- 9) The resource implications to Vancouver Board of Education.
- 10) The anticipated benefits to be derived from the research project.

Please also provide a curriculum vitae for yourself and for all others involved in the project who will have access to and use of the personal information. Each resume should include: education; research experience; knowledge of subject and proposed methodology; three references.

PART C – Records Requested (use additional sheets as required)

Please list all records containing personal information to which access is requested. Access will be given only to records listed below. Any changes or additions to this list after the application is submitted should be made in writing and will require approval in writing from the Vancouver Board of Education.

In each case, please provide the following: the Vancouver Board of Education identifying number of requested records, if known (e.g. file, box, volume or reel number(s); title; outside dates). If access to less than an entire box is requested, please also provide the number(s) and title(s) of the file(s) requested.

Example: 40380-20 Student award case files (Part-time assistance), 1988-1989.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

Originals may be consulted only at the Vancouver Board of Education. Will you require that the above records be copied (at your expense) for viewing elsewhere?

_____ Yes _____ No

PART D – Agreement on Terms and Conditions of Access

Reporting Requirement

At the completion of the research project, I will provide a copy of the final report to the Vancouver Board of Education.

If I am granted access to the records listed in Part C, I understand and will abide by the following terms and conditions:

Security

- 1) I understand that I am responsible for maintaining the security and confidentiality of all personal information found in or taken from these records.
- 2) Apart from myself, **only** the following persons will have access to this personal information in a form which identifies or could be used to identify the individual(s) to whom it relates:

Before any personal information is disclosed to these persons, I will obtain a written undertaking from each of them to ensure that they will not disclose that information to any other person and that they will be bound by all terms and conditions of the present agreement. I will maintain a copy of each such guarantee, and will provide the Vancouver Board of Education with a photocopy.

- 3) None of these records (including copies of them or notes containing personal information taken from them) will be left unattended at any time, except under the conditions described in Paragraphs 4, 5, and 6, below. If I am using these records on the premises of the Vancouver Board of Education, and I must temporarily leave the room, I will hand them in to the Vancouver Board of Education staff until I return.

- 4) Any copies of the requested records and any notes which contain information taken from them will be kept at the following address(es):

They will not be removed from the above premises without the prior written consent of the Vancouver Board of Education.

- 5) Physical security at the above premises will be maintained by ensuring that the premises are securely locked, except when one or more of the individuals named in paragraph 1) are present, as well as by the following additional measures (e.g. locked filing cabinet):

- 6) Individually identifiable information from the requested records will be maintained on a computer system to which users other than those listed in paragraph 1) have access.

_____Yes _____No

If yes, access to the information will be restricted through the use of passwords and by other computer security measures that prevent unauthorized access or that trace such unauthorized access, including the following methods:

- 7) The Vancouver Board of Education will be permitted to carry out on-site visits and such other inspections or investigations that it deems necessary to ensure compliance with the conditions of this agreement.

Use of Personal Information

- 8) Personal information contained in the records described in Part C of this form will not be used or disclosed for any purpose other than as described in Part B (including additional linkages between sources of personal information), nor for any subsequent purpose, without the express written permission of the Vancouver Board of Education.
- 9) Papers of any other works which describe the results of the research undertaken will be written and/or presented in such a way that no individuals in the requested records can be identified and no linkages can be made between any personal information found in the requested records and personal information that is publicly available from other sources. There will be no exceptions to this rule without prior and specific written permission from the Vancouver Board of Education.
- 10) Any case file numbers or other individual identifiers to be recorded on computer will be created by myself or one of the persons listed in paragraph 1) and will not relate to any real case numbers found in the records. Any such identifiers are to be used for statistical purposes only.
- 11) No case file numbers or other individual identifiers assigned for the purposes of the research project described in Part B will appear in any other work.
- 12) No personal information which identifies or could be used to identify the individual(s) to whom it relates will be transmitted by means of any telecommunications device, including telephone, fax or modem.
- 13) Unless expressly authorized in writing by the Vancouver Board of Education, no direct or indirect contact will be made with the individuals to whom the personal information relates.
- 14) Individual identifiers associated with the records described in Part C, or contained in copies of them, will be removed or destroyed at the earliest time at which removal or destruction can be accomplished consistent with the research purpose described in Part B. At the latest (maximum years), this will occur by:

_____/_____/_____
(Year Month Day)

Any extension to this time limit must be approved in writing by the Vancouver Board of Education.

The removal of individual identifiers will be done in a manner that ensures that remaining personal information (including any found in research notes) cannot be used to identify the individual to whom it relates. **If necessary, this will be done by destroying copies of requested records or pages of notes in their entirety.** All destruction or removal of individual identifiers will be confidential and complete in order to prevent access by any unauthorized persons.

- 15) I understand that I am responsible for ensuring complete compliance with these terms and conditions. In the event that I become aware of a breach of any of the conditions of this agreement, I will immediately notify the Vancouver Board of Education in writing. Contravention of the terms and conditions of this agreement may lead to the withdrawal of research privileges; the Vancouver Board of Education may also take legal action to prevent any further disclosure of the personal information concerned.

Signed at _____, this _____ day of _____ 20____.

Signature of Researcher

Signature of Witness

Name and Position of Witness

PART E – Approval of Terms and Conditions (to be completed by Vancouver Board of Education Staff).

The terms and conditions of this agreement are hereby approved. The Vancouver Board of Education reserves the right to withdraw access to records without prior notice if this becomes necessary under the Act.

The expiry date for access to the records listed in Part C is: _____/_____/_____
(Year Month Day)

Signature

Position

Date