FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY  A. 38

Turning to the disciples, He said privately, “Blessed are the eyes that see the things you see.”
Luke 10:23

Vision:
At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:
The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.

G. Poole
Associate Director of Academic Affairs

A. Sangiorgio
Associate Director of Planning and Facilities

Angela Gauthier
Director of Education

SELECT PUBLIC/PRIVATE
If private select Ed. Act. Section.
A. EXECUTIVE SUMMARY

On October 31st, 2014, arising from a trustee motion, there was a request to draft a new policy that reviewed the TCDSB’s obligations in regards to Freedom of Information and Protection of Privacy. TCDSB has obligations under the Municipal Freedom of Information and Privacy Act (MFIPPA or the “Act”) and this report recommends approval of a new policy that outlines those obligations.

B. PURPOSE

The TCDSB has obligations under the provisions of the Municipal Freedom of Information and Protection of Privacy Act 9”MFIPPA” or the “Act”) and to all other applicable legislation with respect to privacy and access to information. Within our Multi-Year Strategic Plan we have identified strategic priorities which are tightly linked to this responsibility. The confidentiality of all student and staff records, and the general well-being of the same, is of paramount importance and tightly connects to our goal of strengthening public confidence in the TCDSB.

C. BACKGROUND

1. The TCDSB has obligation under the Municipal Freedom of information and Protection of Privacy Act and the Education Act, and while it has been compliant in its related practices, the board has been lacking in an official policy which outlines those obligations.

2. The TCDSB is responsible for the personal student and staff information under its custody or control, and is obligated to administer all requests for access in accordance with MFIPPA. These obligations extend to any third party service providers who have access to personal information through their association with the TCDSB.

3. The TCDSB provides inservicing for staff outlining our obligation under MFIPPA, but to date has been lacking in an official TCDSB policy related to the same.
4. Any breeches of TCDSB’s obligations under MFIPPA could subject the TCDSB to legal and financial risk for failure to meet our statutory responsibilities.

D. ACTION PLAN

1. The TCDSB is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). MFIPPA extends to all information in relation to staff or students under the custody of the TCDSB.

2. Given that there are statutory obligations that the TCDSB must fulfil in relation to the Act, the Board is well-served by a policy that outlines our obligations under MFIPPA.

3. The TCDSB has appointed a staff member to be responsible for administering all request for access to personal information, as well as both defending board decisions in relation to MFIPPA and overseeing protocols and procedures in terms of any breeches in practice.

4. Individual rights to access non-confidential information, as well as general records administered by the TCDSB shall be protected and further, individuals will have the right to challenge TCDSB’s compliance, as per the process dictated by MFIPPA.

5. Given the nature of the governance role of the Board of Trustees, they will be informed of any disclosures of information or appeals made under MFIPPA that relate to matters of larger public interest.

E. METRICS AND ACCOUNTABILITY

1. The TCDSB is responsible for reporting to the Ontario Information and Privacy Commissioner regarding its compliance with its obligations under MFIPPA, which the commissioner will assess.

F. STAFF RECOMMENDATION

That the Board of Trustees approves the new policy Freedom of Information and Protection of Privacy A. 38, as found in Appendix A.
POLICY SECTION: Administration    APPENDIX A

SUB-SECTION:  

POLICY NAME: Freedom of Information and Protection of Privacy

POLICY NO: A. 38

<table>
<thead>
<tr>
<th>Date Approved:</th>
<th>Date of Review:</th>
<th>Next Dates of Amendments:</th>
</tr>
</thead>
</table>

Cross References:
Municipal Freedom of Information and Protection of Privacy Act
Education Act

Purpose
To ensure that TCDSB complies with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (“MFIPPA” or the “Act”) and all other applicable legislation with respect to privacy and access to information.

Scope and Responsibility
This policy extends to all information in the custody or under the control of the TCDSB. The Director of Education is responsible to oversee compliance, in consultation with TCDSB legal counsel, and to delegate administration of statutory requirements to a designated staff member.

Alignment with MYSP:
Strengthening Public Confidence
Student Achievement and Well-Being
Inspired and Motivated Employees
Financial Impact
Compliance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act will eliminate the possibility of incurred financial penalty under the Act, or financial penalty as a result of litigation.

Legal Impact
The Municipal Freedom of Information and Protection of Privacy Act requires that Ontario public institutions protect the privacy of an individual’s personal information, and gives individuals the right to request access to general non-confidential information within the custody and under the control of the institution, as well as records containing their own personal information.

Policy
The TCDSB will collect, use, retain and disclose personal and confidential information in accordance with the statutory responsibilities provided in the Municipal Freedom of Information and Protection of Privacy Act and any other applicable legislation, and will make general information within its custody and control that is not confidential accessible to the public as prescribed by the Act and any other applicable legislation.

Regulations
1. TCDSB is responsible, in accordance with MFIPPA, for personal information under its custody or control and delegates the authority relative to MFIPPA to the Director of Education to be the Head in compliance with MFIPPA and to be accountable for compliance with privacy legislation. The Director shall appoint a staff designate who shall, pursuant to applicable legislation, be responsible for:
   a. Administering and ensuring compliance with respect to the collection, use, disclosure and retention of personal information in accordance with MFIPPA;
   b. Administering all requests for access or correction to personal information in accordance with MFIPPA;
c. Ensuring that procedures are in place regarding third party service providers who have custody of personal information on behalf of TCDSB whom are held accountable under MFIPPA;
d. Providing access by the public to privacy policies and procedures prepared by the TCDSB;
e. Administering all requests for access to general non-confidential information in accordance with MFIPPA;
f. Where necessary, preparing for and defending decisions made under MFIPPA at an appeal;
g. Establishing and overseeing protocols and procedures in terms of managing any privacy breaches that may occur in accordance the Information Privacy Commissioner of Ontario’s Guidelines;
h. Communicating and providing training opportunities to staff, as required, with respect to the obligations under MFIPPA and other applicable legislation; and
i. Any other requirements and responsibilities that may arise with respect to the TCDSB’s obligations under MFIPPA and other applicable legislation.

2. The Board of Trustees shall be advised of disclosures of information under MFIPPA that relate to matters of widespread public interest, and shall be advised of any significant breaches of personal information.

3. TCDSB shall identify the purpose(s) for which personal information is collected, and individuals shall be notified at or before the time personal information is collected, as prescribed by law.

4. TCDSB shall ensure an individual’s informed consent is obtained, where practicable, for the collection, use, or disclosure of personal information, or that an individual is notified of the collection, use or disclosure of personal information, as prescribed by law.
5. TCDSB shall limit the collection of personal information to that which is necessary for its specified purposes in accordance with its statutory duties and responsibilities.

6. TCDSB shall ensure personal information may only be used or disclosed for the purposes for which it was collected, other purposes consented to, or as prescribed by law. It may only be retained for as long as is necessary to satisfy the purposes for which it was collected, as prescribed by law, or in accordance with retention guidelines prescribed by TCDSB.

7. TCDSB shall ensure any personal information that is collected, used or disclosed should be as accurate, complete and up-to-date as is necessary in order to fulfill the specified purpose for its collection, use, disclosure and retention.

8. TCDSB shall ensure personal information shall be protected from unauthorized access, use, disclosure, and inadvertent destruction by adhering to safeguards appropriate to the sensitivity of the information.

9. TCDSB shall ensure an individual has the right to request his or her personal information and will be given access to that information in accordance with MFIPPA, subject to any mandatory or discretionary exceptions. An individual has the right to challenge the accuracy and completeness of the information and to request that it be amended as appropriate or to have a letter/statement of disagreement retained on file. An individual shall be advised of any third party service provider requests for his/her personal information in accordance with privacy legislation, subject to what is permitted under law. All requests for access to personal information from individuals other than the individual whom the information relates to, will be administered in accordance with TCDSB’s privacy policy, MFIPPA, and associated legislation.
10. TCDSB shall ensure an individual has the right to request access to general non-confidential information in the custody, or under the control of, the Board in accordance with MFIPPA. Access to general records shall be administered, subject to prescribed exemptions, in accordance with MFIPPA.

11. TCDSB shall ensure an individual has the right to address or challenge compliance with these principles through the appeal processes provided for under MFIPPA, and shall be informed of the process by which to appeal, as prescribed by MFIPPA.

Definitions

**Personal Information:**

Refers to recorded information about an identifiable individual, 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 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.

i. **General Information:**

Refers to recorded information in the Board’s custody or under its control that is not of a personal nature, and is not exempt from public access under MFIPPA.

**Metrics**

1. Compliance with the provisions and principles of MFIPPA will be measured by means of annual reporting to the Ontario Information and Privacy Commissioner. Additionally, it is the mandate of the Ontario Information and Privacy Commissioner to monitor compliance with the provisions of MFIPPA and to investigate instances of non-compliance.