

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

Background

The Freedom of Information and Protection of Privacy (FOIP) Act controls the manner in which a local public body collects, uses, discloses and disposes of personal information. The FOIP Act also ensures access to information as a right and protects personal information.

The Division has historically provided many different types of information openly to the public through both routine disclosure and active dissemination and, where appropriate, will continue to do so. The FOIP Act is considered to be a last resort for obtaining information from the Division that does not meet the criteria as either a discretionary or mandatory exception to disclosure.

Procedures

1. Access to information is a right of the general public. This right must be balanced by appropriate protection of the privacy of personal information. The Division will provide access to information in its custody and control in a manner consistent with this administrative procedure and with the five (5) fundamental principles upon which the FOIP Act was developed:
 - 1.1 To allow a right of access to any person to the records in the custody or control of a public body subject only to limited and specific exceptions,
 - 1.2 To control the manner in which a public body may collect, use and disclose personal information,
 - 1.3 To allow individuals, subject to limited and specific exceptions, the right to have access to information about themselves which is held by a public body,
 - 1.4 To allow individuals the right to request corrections to information about themselves held by a public body, and
 - 1.5 To provide an independent review of decisions made by a public body under the FOIP Act.
2. The Superintendent is the head of the Division for the purposes of the Freedom of Information and Protection of Privacy Act.
3. The Superintendent is responsible for ensuring that the Division complies with all provisions of the Act and for establishing procedures and practices to ensure appropriate implementation and management of this legislation.

4. The Division reserves the right to edit personal identifiers that are deemed to be of a personal and /or of a sensitive nature from documents made public in order to protect the rights of the individual, in conformance with the Freedom of Information and Protection of Privacy Act.
5. The Superintendent will establish procedures to:
 - 5.1 Allow the right to access to any person to the records in the Division's custody or control subject only to those limited and specific exceptions stated in the Act and the payment of fees adopted by the Division.
 - 5.2 Control the manner in which the Division's agents collect personal information from an individual. When information is collected directly from individuals, notice will be provided to the individual relative to:
 - 5.2.1 The purpose for which the information will be used;
 - 5.2.2 The legal authority for collecting the information; and
 - 5.2.3 The name of a contact within the Division if they have questions.
 - 5.3 Control the manner in which the Division's agents use personal information. Information may be used:
 - 5.3.1 For the purpose for which the information was collected;
 - 5.3.2 For a use consistent with the purpose for which the information was collected; or
 - 5.3.3 When the individual the information is concerning has identified the information and has consented in the prescribed manner to the use of the information.
 - 5.4 Control disclosure by the Division's agents of personal information. The use of personal information must:
 - 5.4.1 Have a reasonable and direct connection to the original purpose for which the information was collected; and
 - 5.4.2 Be necessary for performing the statutory duties of, or for operating a legally authorized program of, the Division.
 - 5.5 Ensure that written consent to use personal information is obtained. Consent shall include:
 - 5.5.1 To whom the information may be disclosed and how it may be used;
 - 5.5.2 The purpose of the collecting;
 - 5.5.3 A statement that consent is voluntary and may be revoked at any time;
 - 5.5.4 To the extent possible, identification of any consequences that may result from refusal;
 - 5.5.5 The period of time during which consent remains valid; and
 - 5.5.6 Provisions for a tracking mechanism for consent.

- 5.6 Allow individuals, subject to limited and specific exceptions, the right to have access to the information about them held by the Division.
- 5.7 Allow individuals the right to request corrections to information about them held by the Division.
- 5.8 Provide an independent review of decisions made by the Division pursuant to the Act.

Reference: Section 60, 61, 75, 113, 116 School Act
Freedom of Information and Protection of Privacy Act
FOIP Regulation 200/95