



Freedom of Information and Protection of Privacy Handbook 2010

This Handbook provides information to help Chinook's Edge comply with Alberta's *Freedom of Information and Protection of Privacy Act* (FOIP Act)

March 2010



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Contact Information

FOIP Coordinator

Susan Roy
4904-50 Street
Innisfail, Alberta
T4G 1W4
Phone: (403) 227-7078
Fax: (403) 227-7244
Email: sroy@chinooksedge.ab.ca

Office of the Information and Privacy Commissioner

410, 9925 - 109 Street
Edmonton, Alberta
T5K 2J8
Phone: (780) 422-6860
Toll Free: 1-888-878-4044
Fax: (780) 422-5682
Email: generalinfo@oipc.ab.ca



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Introduction

This Act aims to strike a balance between the public's right to know and the individual's right to privacy as these rights relate to information held by public bodies, i.e. schools and School Division Board offices.

Five Principles of the Act

1. People have a right of access to records held by public bodies unless the *Act* specifically allows the record to be withheld.
2. Personal privacy is protected by rules that public bodies must follow in the collection, use, protection and disclosure of personal information. Unless the *Act* allows it, personal information cannot be disclosed to others without consent.
3. People have the right to see personal information about themselves but not others. In the case of students that are minors, parents/guardians have the right to see the personal information.
4. People have the right to request corrections to personal information if it is not accurate.
5. An independent review, by the Office of the Information and Privacy Commissioner can be requested of decisions about disclosure of information and possible violations of individual privacy.

Personal information is routinely released for the normal ongoing operations of schools and School boards. It is when people request personal information that according to the *FOIP Act* you believe they are not entitled to that you should contact the FOIP coordinator. A formal request, in writing, may have to be made to the FOIP Coordinator at Division Office.

Definition of Personal Information

Personal information is your name, address, phone number, student ID, SIN, etc. For more detail on personal information see Administrative Procedure 1 - 01 Records and Information Management or Section 1(n) of the *FOIP Act*.

Forms that collect personal information:

When collecting personal information directly from individuals you must advise them of:

- the purpose for which the information will be used,
- the legal authority for collecting the information, and
- who to contact if they have questions.



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Anytime any school or department collects personal information, of any kind, for example, registration forms, at the bottom of the form the following information **must** be noted:

*The personal information requested on this form is collected under the authority of the School Act that mandates the program operations and services offered by the Chinook's Edge School Division No. 73 and will be protected under the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have questions about the collection and use of the information, contact the FOIP Coordinator, Chinook's Edge School Division No. 73, 4904 – 50 Street, Innisfail, Alberta T4G 1W4.
Phone: 403- 227-7070*

Remember that personal information collected must only be used for the purpose for which it was collected.

Definition of a Record

“Record” means a record of information in any form regardless of its medium. Records include books, documents, maps, drawings, letters, files held on computers, vouchers and papers and any other information that is written, photographed, recorded or stored in any manner.

Need to Know

Organizations, employees and officials may have access to someone else's personal information on a “need to know” basis in order to carry out their lawful duties. The Division is required to apply a reasonableness test to all requests for information and to apply this principle in its procedures for access to someone else's information by employees and trustees.

Consent

Informed Consent

This is one of the basic principles of the *Act*. An organization cannot, in most instances, collect, use or disclose personal information without the consent of the individual. Consent is only valid if the individual has available to them sufficient information and explanation, including the consequences of refusing consent, to enable a reasoned consent.



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Validity of Consents

Consent should be in written form. Where it is necessary to obtain consent by phone, document the consent and follow-up by obtaining written consent. Consent is valid only for the specific purpose stated and remains valid until the earliest of: the completion of the activity or purpose stated, the expiry of a time limit (if applicable) or the revocation of the consent. If you become aware that the individual who provided the original consent no longer has the authority to do so, (an example would be custody or guardianship change), obtain a new consent.

If you are ever in doubt about whether a consent is still valid, be safe, confirm the consent or obtain a new consent.

Standard Consent Forms

Standard consent forms should indicate the purpose of the collection of information. People should know that consent is voluntary and may be revoked at any time. You should be able to identify any consequences that may result from refusal. You should be able to indicate the period of time during which consent remains valid. If a consent form is not returned it must be interpreted as absence of authorization, which may make it impossible to provide service to the student. i.e. bussing, field trips. Consent must be tracked. If a parent has refused consent, it is a serious breach to use or disclose the information in question. Consent must be in writing. *See attached sample.*

Consent Forms to Release Personal Information to a Third Party

If you are collecting consent to release personal information to a third party, the consent must specify to whom the personal information may be disclosed and how the personal information may be used. i.e. local newspaper, PAC.

Employee Consent

Consent of an employee is required for the release of personal information for other than necessary operational purposes.

Revoking of Consent

If consent is given and consequently revoked, you should get the revoking of the consent in writing.



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Records Management

Typically schools hold student record files, personnel files, financial and general administration files. In order to ensure compliance with FOIP, Administrative Procedure 1 - 01 Records and Information Management is in place. This procedure gives direction regarding organizing, handling, storing, retaining and destruction of records. Records may not be destroyed until they reach their retention period and inventories and destruction notices have been filled out and signed by the school administrator. There is a retention manual in place and can be found by logging onto the the CESD website www.chinooksedge.ab.ca.

It is located at <http://www.chinooksedge.ab.ca/PrivateHome.aspx?id=4494>.

For more information see Administrative Procedures 3 - 18 Student Records and 3 - 13 Young Offenders Sharing Protocol.

All original documentation should be stamped "File Copy" and any copies made should be stamped "Copy".

Remember: Anything that is used to make a decision about an individual must be kept one year.

Records Disposal

Personal information should be disposed of in a manner that ensures confidentiality, preferably shredding. As a general rule, any record that would not be releasable to the public should be shredded. This would include all student and employee records. See Records Management above.

Security

Reasonable security measures must be taken. These include use of locked cabinets, restricted access to rooms where personal information is kept, sign out procedures for student and employee files (Out cards) and the use and periodic changing of passwords for access to computers and to sensitive files and ensuring that passwords are kept confidential.

Student Records

Access is limited to parents/guardians, students, teachers and administration. No one should have access unless there is a need. Access to the confidential file of a student record would likely be limited to very few people and only on a "need to know" basis. All student records must be kept in a locked cabinet. See Administrative Procedure 3 - 18 Student Records.



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A student has rights of access to all records held on them. A school principal may consult with the parent if it is felt that release of a record to the student would not be in the best interest of the student. (Age of the student would be one of the determining factors.)

When a request for access to student records is received, you should establish the identity of the requester, what records they are requesting and whether or not the individual has a right to access the records.

Custody and Access to Student Information

Unless evidence to the contrary is provided, both parents have access rights to student records. *As per School Act, Section 18(2)©, that states "a person who has access to the student under a separation agreement or an order of court may review the student record maintained in respect of a student."* This would mean that if one parent only has visitation rights to a child, because they have access under an agreement, they may review the student's record, marks, etc. It is important to remember to obtain and review a copy of the separation agreement or court order for clarification before releasing any such information.

In the event a separation agreement/order of a court filed with the school gives one parent sole custody and the other parent no access rights, the school may meet with the custodial parent only and would not provide student's records, marks etc. to the parent with no access rights.

Court Orders, Warrants or Subpoenas

The *Act* requires that valid court documents be obeyed. Access to student records by parents is governed by the custody and guardianship status of the parent. It is important that the release of student records is in accordance with the terms of any existing legal documents. Each order must be reviewed as to its validity and its applicability to the situation. Some "rules of thumb" are:

- Check that an Order is signed by a Court Official and contains the stamp (seal) of the Court Registry. If not, refuse to act on it until clarification is obtained.
- Read the entire document. Occasionally, an Order supplied will be incomplete or a draft Order, even an application for an Order. These cannot be acted upon.
- When an Order is received from a parent restricting or denying rights previously granted to the other parent, it is prudent to check with the other parent whether a



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subsequent Order exists. The older an Order is, the more important it becomes to check.

Personnel Files

There is only one official personnel file and it is kept at Division Office. However, many schools and departments have an informal employee file for records such as annual evaluations, notes, letters, etc. These informal employee files should be kept in a locked cabinet with access restricted to those with a need-to-know. In the event an employee is terminated or transferred, these personnel files need to be sent to Division Office to the attention of the Human Resource Department. When maintaining school or department level employee files, keep in mind that the *FOIP Act* requires the retention of any record that has been used to make a decision about the person, for at least one (1) year after the decision has been made.

An employee may access their personnel files upon written request to the Human Resources Department. This request should be maintained in their personnel file along with confirmation that the viewing took place, when it took place and signed by the authorized individual who supervised the viewing. Prior to access occurring, a review of the file should be conducted to identify any information on others, (third parties). Access should be in the presence of someone designated by the Human Resources Department.

An employee may also access the informal employee file held by a school or department upon written request to the School Principal or Department Manager. This request should be maintained in the informal employee file along with confirmation that the viewing took place, when it took place and signed by the authorized individual who supervised the viewing. Prior to access occurring, a review of the file should be conducted to identify any information on others, (third parties).

In certain instances, sensitive and highly confidential material may be kept in a file separate from the official personnel file. An employee who requests access to their personnel file expects that they will be granted access to all records to which they are entitled. To ensure that records are not omitted, the official personnel file must contain a cross reference to any records kept in other files.

Fees cannot be charged for access to one's own personal information.



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Original records or files should not be removed from the file, however an employee may receive a **copy** of all of their own information.

Administrator's Files

Although these files may be of a personal nature and therefore not accessible to everyone an inventory of files located in the school administrator's office must be kept. This inventory would be kept in the school's File Manual Binder.

Correction of Personal Information

Any request for substantive change in records, especially if there is some dispute as to corrections, should be documented in writing and retained in the file. Corrections must be made, and documented, or reasons provided why not. An individual has the right to insert a copy of the requested change into the file. Requests for changes such as name or address can be handled routinely. An individual has a right, under the *Act*, to have records corrected, but not to have records destroyed.

Solicited Resumes

Solicited resumes received in response to advertised competitions and documentation generated at the interview, or a summary of this documentation used to make the decision whether or not to hire, must be kept (1) year. Typically all solicited resumes must be kept one year whether or not the individual receives an interview however, if the advertisement states the resumes of individuals not granted an interview will not be kept on file they do not need to be kept. Once the successful candidate is chosen, the unsuccessful candidates' resumes and summary documentation, including reference checks and a copy of the advertisement should be bundled and marked for disposition one year hence. This bundle should be forwarded to the Records and Information Coordinator at Division Office with the "Interview Checklist" cover sheet.

Unsolicited Resumes

Unsolicited resumes do not need to be kept and if disposed of should be destroyed. If you chose to keep them they must be handled as all other personal information would be. Division Office retains unsolicited resumes for (6) six months and then they are shredded.

Reference Checks

Reference checks are a vital part of the hiring process and open and frank input can often only be obtained if confidentiality is maintained. Information disclosed by a reference provided explicitly or implicitly in confidence, does not have to be disclosed to an applicant if the information is evaluative or opinion material or could identify the reference.



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Original Records Held at Division Office

Many originals of records must be sent to Division Office for retention. Contracts, accident/illness forms, and suspension/expulsion forms are just some examples of original records that must be sent to Division Office for retention. If you are unsure of what original documentation is kept at the school, contact Records and Information Management at Division Office.

Medical Records

Information on student medical conditions, including medication requirements, may be released to personnel within a school to ensure student health. Every effort should be taken not to have sensitive information visible or accessible to others.

Transitory Records

A transitory record is a record that does not have continuing or lasting value to the organization. They have only temporary usefulness, are not part of an administrative or operational records series or files regularly in a records information system and are only required for a limited period of time for the completion of a routine action or the preparation of a record. Examples would be phone messages, informal notes, notes used to prepare a report, copies, publications, catalogues.

Blind Copies

This is when a copy of a record containing personal information is made and passed on to another with no indication on the original record. This is not a good practice and should not be done. It is a fundamental principle of the *Act* that individuals should know who has a copy of their personal information.

Student Examinations Administered

Anything that is used to make a decision about an individual must be retained for a minimum of one year, if you do not want to hold information, student tests after administered for example, for one year, a solution is to give tests back to students after their mark has been recorded.

Requests for Information

Class Lists

Class lists for student classes in September may be placed inside the schools on the walls for the first day of classes so that students or parents can find what classrooms they are in or at examination time. This facilitates the operations of the school. Class lists revealing status of fees or examination results



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should never be displayed. Class lists may not be published in the newspapers or placed on outside windows, which would give inappropriate access to the public.

Examination Templates

The Alberta Commissioner for FOIP has already ruled that if students or parents request to see tests, simple ones should be shared, however he did feel 30 level complicated and advanced tests which take a considerable amount of time to prepare would not have to be released.

Parent Advisory Councils

Parent Advisory Councils are considered to be organizations, separate from the Division and are not under the jurisdiction of the FOIP *Act*. The *Act* regulates the release of school records to the PAC. Schools have an obligation to ensure that consent has been obtained for release of personal information to the PAC and that information is complete and accurate.

References on Students or Employees

Division employees should not provide references on current or former employees or students before confirming that the employee or student has consented to the reference. (i.e. Ask the caller whether the employee is aware of the referral.)

Photographs

Photographing Students at Public Events at Schools

Classrooms are not public places. Schools control who has access to school property and to students. When students are at school, school staff act in the place of parents to protect students. Schools can decide to invite spectators, including parents or media, to certain school events. This is a school policy issue rather than a FOIP issue. Once parents or other members of the public are invited (other than as volunteers within the school), the event becomes a public event, and anyone in attendance may take photographs without first obtaining consent.

Photographing Students Involved in Performing Arts or Competitive Teams

Students involved in performing arts or competitive teams perform or compete in public venues and it is reasonable to expect that photographs may be taken by spectators and by schools. Anyone may take photographs of students participating in a public event. These photographs may be disclosed for promotion of the school or the school board's activities.



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Schools and School Boards Photographing Students in Classrooms

School staff may take photographs of students for use within the school. Schools do not need to get parental consent for these photographs. This is part of the general notice that certain personal information is collected for the purpose of providing educational programs.

The Media Photographing Students in Classrooms

Schools need to obtain parental consent before allowing those outside the school, including parents, visitors, or media, to take photographs of students at non-public events. Consent is required only if individual students are identifiable in the pictures. For example, if the newspaper wants to interview and photograph the Grade 6 student who had the highest marks, the school must get parental consent first. If the newspaper wants to photograph the school's new computer lab, it could photograph the students from the back, in a way that did not identify individuals, without requiring consent. The media are expected to behave responsibly and co-operate with schools that have invited them to participate in school events. Schools should be proactive by communicating with the local media and agreeing upon guidelines in advance of inviting media into the schools.

Would visits by a celebrity or dignitary to a classroom be considered a public event?

Probably not. Visits by celebrities or dignitaries to a classroom when the public is not invited, are not public events. If the media are invited, parental consent should be sought for photos or interviews.

Non-Public Events (Such as student modeled fashion shows or Safe and Caring School programs)

Schools should seek parental consent before allowing the media to interview or photograph students at non-public events.

Schools Newsletters

Newsletters are used to announce student success, events and activities within the school and its community and are generally made available to parents, bus drivers, board members, trustees and other schools in the community. As such they are public documents. Schools need to determine whether all personal information being placed in the newsletter is a use consistent with the purpose for which the information was collected or compiled, and has a reasonable and direct connection to that purpose within the meaning of section 39(1)(a) and 41 of the *Act*. If the use of personal information is consistent with the purpose for which it was collected or compiled, then schools would



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only need to give notice to parents on how the information will be used. Notification of what is normally published in the newsletter could be part of the notification process done during registration. If the use of personal information is not a consistent use, then consent is required. The notice can describe that the school newsletter regularly includes for example, a welcome to new students (age and grade), names and photos of students of the month, or students achieving honors, news on sports teams and athletic achievements, and photos of students involved in school projects. Normally newsletters include a mixture of general information and personal information. An example of the former may be a story about the grade 5 class visiting the museum. The story describing the class visit may not disclose personal information about individual students. Schools should seek parental consent when students are being profiled individually in an in-depth way or on a sensitive subject. Section 17(2)(j) of the *Act* sets out the circumstances where personal information can normally be disclosed. These include enrolment in a school, attendance or participation in a public event, and receipt of an honor or award granted by the school board. Any expressed objections by parents on the use and disclosure of the personal information must be considered (section 17(3) of the *Act*).

Student Identification Cards

Schools can photograph students for student identification cards without asking for consent from parents. These identification cards are in the custody of students, so no personal information is disclosed.

Yearbooks

Yearbooks are normally available to anyone who wants to purchase a copy and they may be placed in public libraries. As such, they are public documents. Schools must decide whether their yearbooks are part of an educational program. If yes, then photographs and other personal information may be included without requiring consent. If no, consents must be obtained before using some personal information. Photographs taken at public events can be included without consent. Consent should be obtained to include individual or group photographs which do not fit into the above categories. Personal information to be included in the yearbook, for example, the student's educational or career plans, should be collected directly from the individual the information is about.



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Displaying pictures of graduating students and historical photographs within the schools and administrative offices

If the pictures were created for educational purposes, the continued display of them is allowed.

Disclosing Personal Information

Graduating students and/or students receiving honors or awards

The school can disclose a list of names of students who have received an honor or award granted by the school under section 17(2)(j)(iv) of the *Act*. This can include graduation certificates or diplomas.

Access to student/parent names and contact information

This information can be disclosed on a “need to know” basis, i.e., if the information is necessary for the performance of the duties of a school employee or volunteer. For example, a teacher may need this information for each of the students in his/her class, to contact parents to discuss the student's progress. As well, the school guidance counsellor may need the information for similar purposes. It should be noted that volunteers are included in the definition of an employee under the *FOIP Act*. Some schools have parent volunteers who call parents to verify absences; in such cases, volunteers can have access to the information they need to carry out their task. Schools can use information for the purpose for which it was collected. The examples above illustrate this and are therefore acceptable.

School Bus Lists

The disclosure of student names to bus drivers would be a use that is consistent with the purpose for which it was collected or compiled (section 39(1)(a) of the *Act*), and are part of the school obligation to provide students with transportation to an educational program under the *School Act*.

Health Authority

According to the Student Record Regulation (A.R. 71/99), certain information must be provided when a school board receives a written request from a Medical Officer of Health as defined in the *Public Health Act* or his designate. Schools must disclose the student's name, address, date of birth, sex and school, and the name, address and telephone number of the student's parent or guardian. The Regional Health Authority may use the information for the purpose of contacting parents or guardians regarding



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voluntary health programs offered by the Regional Health Authority, including immunization, hearing, vision, speech and dental health programs, and communicable disease control.

Can school boards collect the names, addresses and phone numbers of students who may be eligible for enrolment for the next school year from Regional Health Authorities for the purpose of staffing and budgeting? No. Normally personal information has to be collected directly from the individual it is about. This type of collection by the school would be considered an indirect collection. Note: the School Board could ask Regional Health Authorities for statistical information such as the number and ages of children in a geographic area.

Police Liaison

If the role of the police officer in the school is just to be a law enforcement presence in the school, to interact with and provide advice to students and staff, there is probably no need for the officer to collect personal information or for the school to disclose the personal information of students. If the officer is investigating a particular incident or the possibility of a criminal offence having been committed, the officer would have the authority to collect (section 33(1)(c) of the *Act*) and the school may disclose the personal information of the student(s) involved to assist in a law enforcement investigation under section 38(1)(o) of the *Act*. Document the request and its disposition in a separate confidential file. If the officer is presenting a workshop of some sort to students, staff or parents, the officer should be collecting personal information about the participants directly from them, rather than the school disclosing this information.

Child Welfare Workers

Under section 4(1) of the *Child, Youth and Family Enhancement Act*, any person who has reasonable and probable grounds to believe that a child is in need of protective services must report that matter to the Director of Child Welfare (who delegates his authority to employees of Children Services and Child and Family Service Authorities). Once the Director receives a report (either from a peace officer or any other person) that a child may be in need of protection, the Director must have the matter investigated. Under section 6(1) of the *Child, Youth and Family Enhancement Act*, the worker conducting the investigation could collect (section 34(1)(g) of the *Act*) and the teacher or other school staff could disclose personal information (section 40(1)(q) of the *Act*) necessary to assist in the child welfare investigation, including providing the address of the child. If a supervision order has been made or if the guardian of the child has entered into a support or temporary guardianship agreement with the Director of Child



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Welfare under the *Child, Youth and Family Enhancement Act*, sections 40(1)(q), (e) or (f) of the *FOIP Act* would likely permit the school to disclose the whereabouts of a child to a child welfare worker so that the worker can monitor the effectiveness of the support services and determine whether there are still concerns related to the protection of the child. A child welfare worker is responsible for reporting to the Director on the support agreement or supervision or guardianship arrangements (section 8(1)(b) of the *Child, Youth and Family Enhancement Act*).

School Counsellors

Parents have access to the student record, unless the student is over 18 or an independent student. A school may disclose other personal information of students to parents against the wishes of the student if the head believes the disclosure will avert or minimize imminent danger to any person (section 38(1)(cc) of the *Act*) or if the disclosure would not be an unreasonable invasion of the student's personal privacy under section 16. A situation of imminent danger might be a student confiding suicidal thoughts to a counsellor. In order to make a determination that a disclosure would not be an unreasonable invasion of personal privacy, a school would have to weigh the factors in section 16 of the *Act*. For example, it would not be an unreasonable invasion of personal privacy to disclose the student's personal information to the parent if there are compelling circumstances affecting either the health or safety of the student or of any other person (e.g. the student threatens to harm someone). Schools should also weigh the factors in section 16(5) of the *Act* for and against disclosure. For example, when the information was supplied in confidence this weighs against disclosure. Schools will also have to follow their own policies and procedures regarding how to weigh the minor student's wishes as a consideration in deciding whether to disclose personal information.

Graduating Students and the Legislative Assembly

Schools can release the names of the graduating students to a Member of the Legislative Assembly under section 17(2)(j)(i) or (iii) and section 40(1)(b) of the *Act*. Schools shouldn't release the names of students who have asked that their personal information not be released. Normally such a request would have been made at the beginning of the school year or as part of graduation initiatives in schools. Schools may obtain consent to release the addresses of students. Alternatively, elected officials can offer congratulations by including a letter in a grad kit, through the local media, by attending school ceremonies, and so on.



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Employee Information

Staff names and other personal information are used for a number of purposes. For example, names of staff may be used for payroll purposes, to assign parking, and to advise parents about which teacher teaches their child. Schools and Departments should notify staff of how their personal information will be used. If staff names are then released for these or consistent uses, this is allowed under the FOIP Act. In general, disclosure of the name, business address and business telephone number of a staff member would not be considered an unreasonable invasion of privacy (under section 17(2)(e) of the Act). Schools and Departments could disclose this information without consent and without a FOIP request (under section 40(1)(b) of the Act). However, a school or department could refuse to disclose the information if it was expected that health or safety would be put at risk (section 18(1) of the Act). Schools and Departments, with the input of staff, may develop a policy on when staff information will be released where a written FOIP request has not been made.

Student Names in Hallways of Schools

Schools often label coat hooks and lockers for younger students. Schools can continue to do so as this assists the students and teachers in the schools.

E-mail Exchange

If this were part of an educational program of the school, then disclosing the students' names would be permissible. If it involves putting student names or photos on a web page, parental consent is required.

Swim Classes

The release of information relates to the enrolment in a school. Recipients of the lists should be told that the names might only be used for the purpose of running the swim class.

Student Names on Assignments, Tests or Artwork

There is no barrier in the *FOIP Act* to prevent students from putting their names on their work. The name can be displayed on artwork displayed within the school community.

St. Valentines Day Cards

Teachers can provide students with the names of the students to send St. Valentines Day cards to classmates when this is a program of the school.



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Teachers Comments on Student Work

There is no barrier in the *FOIP Act* to prevent teachers from commenting on students work.

Examination Results

Student examination results should not be disclosed to anyone other than the student, parent or school staff on a “need to know” basis. If you must post a list use the student number rather than name. In a Grade 1 class, a poster with student names and stickers for each book read by a student is entirely appropriate to be posted. In posting information such as this, the educational benefits need to be taken into consideration.

Detentions

Posting student detentions is probably a breach of privacy. There is no educational benefit.

Class Averages

Class averages may be provided. If required, parents may receive a list of other students' marks that excludes the names of other students and organized in such a way as to ensure anonymity and privacy of other students.

School Performance

This is not a privacy issue, as the performance of individual students would not be released.

Students Marking Each Other's Tests

Personal information of students is disclosed when students mark each other's tests. This disclosure is permitted when it is done for an educational purpose. Group learning activities may be used in the classroom, and students can learn from critiquing the work of other students. Schools should consider the merits of this practice in the classroom and use it at the discretion of teachers. If this method of marking is convenient, but not educational, it should not be used.

Reading Essays Aloud in Class

If the school decides that this activity is part of an educational program, there is no barrier to this in the *FOIP Act*.



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Former Students / Class Reunions

Section 17(2)(j)(i) of the Act allows the disclosure of a list of names of former students to facilitate a reunion. Personal information other than the name of the former student, the school and/or class and the year must not be released. However, if time permits, you may contact the individual(s) yourself and ascertain whether they wish to be placed in contact with the requester. In addition, section 40(1)(bb) of the Act provides discretion to release information already available to the public. If lists of students and graduates have been previously released and are available in public sources such as in a library, yearbooks or newspaper articles, the same information can be disclosed.

Deceased Students

Section 40(1)(cc) of the Act provides discretion to release information if the head of the school board (normally the Superintendent) believes it is not an unreasonable invasion of the deceased student's personal privacy. The applicant may be asked to provide a rationale for the release of the information, and proof that the applicant is related to the deceased.

Volunteers

Schools can continue to welcome volunteers into schools, but should inform them of the need to protect student privacy, as they are considered employees for purposes of the Act. The definition of "employee" in the FOIP Act includes a person who performs a service for the public body as an appointee, volunteer or student or under a contract or agency relationship with the public body (section 1(1)(e) of the Act). This means that volunteers, students on work experience assignments, and contractors have the same responsibility to protect privacy as other employees of the school board. The Alberta School Boards Association recommends that volunteers who work closely with students sign a confidentiality agreement in which volunteers agree to protect personal information that they may learn of in the course of fulfilling their duties. This is a way for school boards to demonstrate that they are taking steps to protect privacy. Refer to Administrative Procedure 2 - 21 School Volunteers.

Consent is required to display students' work outside of the school

The federal *Copyright Act* requires that permission from the copyright owner, in this case the student, be obtained from the student's parent to use or reproduce the schoolwork (e.g., artwork, essays, poems) in this way. For example, schools may want to display student artwork at community events or on a schools web pages, or submit schoolwork to Alberta Learning. Displaying the work would be considered a "public performance" of the work under the *Copyright Act*. Copyright consent forms can be



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obtained as part of the student registration process. This is not generally a *FOIP Act* issue or privacy issue, unless the artwork contains personal information.

Student Registration Form

Before a student can be admitted by a school, student registration data must be completed in its entirety and signed by the parent or legal guardian, or by the student (if living independently). The student registration form is used to enroll a student who is new to Chinook's Edge School Division No. 73. It is the responsibility of the parents/guardians to notify the school of any changes to the following information. The registration form may also be used when important information has changed.

The student registration form contains the following general provisions. Parents are asked to contact the principal with any concerns about the use of personal information.

Schools play an important role in the education and socialization of our children. In this process, personal information is often collected and used for authorized programs and activities that are a vital part of a healthy and functioning school. The purpose of this notice is to inform you about the collection and use of student information by our school and Division under the *FOIP Act*.

The personal information collected on this form is part of the Division registration process and is authorized under the provisions of the *School Act* and its regulations of the *FOIP Act*. The personal information will be used to provide an educational program and ensure a safe and secure school environment. Information acquired through this form is kept secure and access is restricted. Once the information is collected and compiled, Chinook's Edge School Division No. 73 (Division) believes the uses listed below are part of a vital, healthy, and functioning school and participation of all students is important and encouraged. Here are activities where the information may be used:

- the use of student names, photos and comments in the school calendar, newsletter, yearbook, video yearbook, graduation book or other school publications
- the taking of individual, class, team or club photos for school purposes
- the use of student names on artwork or other creative work or material of students displayed at school or school Division sites or at a school or school Division sponsored display in the community.
- the use of student names in honour rolls, graduation ceremonies, scholarships or other awards within the Division
- the use of student names and academic information necessary for determining eligibility or suitability for provincial, federal or other types of awards or scholarships in the event the Division applies on a student's behalf
- the use of student names, addresses, phone number and special medical conditions for the purpose of arranging transportation and providing information to contracted school bus carriers
- the use of student names, related contact information and telephone numbers for absenteeism checks
- the taking of photos/video of classroom or other school activities by the school board where the material will be used within the school or in the Division promotional materials.



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FOIP Video

A short video explaining the basic concepts of the *Freedom of Information and Protection of Privacy Act* is available on loan from Division Office. This video is valuable for viewing, by new staff that have no understanding of FOIP or anyone else you feel would benefit from the information. If you wish to borrow the video please contact the FOIP Coordinator at Division Office.

Notes



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Links

- Chinook's Edge website
(login required to access Records Management information)
 - www.chinooksedge.ab.ca
- Frequently asked questions for school jurisdictions
 - http://foip.alberta.ca/faq/school_jurisdictions.cfm
- Office of the Information and Privacy Commissioner of Alberta
 - <http://www.oipc.ab.ca>

