



POLICY SECTION: **Administration**

SUB-SECTION:

POLICY NAME: **Freedom of Information and Protection of Privacy**

POLICY NO: **A. 38**

<b>Date Approved:</b> January 29, 2015	<b>Date of Next Review:</b> 2019	<b>Dates of Amendments:</b>
---	-------------------------------------	-----------------------------

#### Cross References:

- [Municipal Freedom of Information and Protection of Privacy Act \(R.S.O. 1990, c. M. 56\)](#)
- *Education Act (R.S.O. 1990, c. E. 2)*
- Information and Privacy Commissioner of Ontario – *A Guide to the Ontario Legislation Covering the Release of Students' Personal Information, 2011* – **A Guide to Privacy and Access to Information in Ontario Schools, 2019**
- Information and Privacy Commissioner of Ontario – *Privacy Breach Protocol: Guidelines for Government Organization, 2014*
- **Records Management & Archives Policy (A.20)**

#### Purpose

The purpose of this policy is to ensure that Toronto Catholic District School Board (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 **applies** to all information in the custody or under the control of the TCDSB. **The persons responsible for purposes of the Act are referred to as “Head by delegation”**. Head by delegation is joint between the Chair of the



**POLICY SECTION:** Administration

**SUB-SECTION:**

**POLICY NAME:** Freedom of Information and Protection of Privacy

**POLICY NO:** A. 38

Board and the Director of Education. The Director of Education is responsible to oversee **for TCDSB's** compliance **with the Act.** , ~~in consultation with TCDSB legal counsel, and to delegate administration of statutory requirements to a designated staff member.~~

### **Alignment with MYSP:**

Strengthening Public Confidence  
 Fostering Student Achievement and Well-Being  
 Inspiring and Motivating 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 SECTION: Administration**

**SUB-SECTION:**

**POLICY NAME: Freedom of Information and Protection of Privacy**

**POLICY NO: A. 38**

### 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* (“*MFIPPA*”) and any other applicable legislation, ~~and will make g~~ General information within its **TCDSB’s** custody and control that is not confidential, **will be made** accessible to the public as prescribed by the *Act* and any other applicable legislation.

### Regulations

1. TCDSB is **legally** 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 and Chair of the Board to be the Head **by delegation** ~~in compliance with *MFIPPA* and to be accountable for compliance with privacy legislation.~~ **and to be accountable for compliance with the Act.** 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*;



**POLICY SECTION: Administration**

**SUB-SECTION:**

**POLICY NAME: Freedom of Information and Protection of Privacy**

**POLICY NO: A. 38**

- c. Ensuring that procedures are in place, **with regard to** ~~regarding~~ third party service providers who have custody of personal information on behalf of TCDSB, **to ensure that the third party service providers comply with** ~~whom are held accountable under MFIPPA~~;
  - d. Providing access ~~by~~ **to** 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~~ **to** managing any privacy breaches that may occur in accordance **with** the Information **and** Privacy Commissioner of Ontario's Guidelines;
  - h. Communicating **with** and providing training opportunities to staff, as required, with respect to ~~their~~ **ir** 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 before disclosures of information under *MFIPPA* that relate to matters of widespread public interest, and shall be advised of any significant breaches of personal information.



**POLICY SECTION:** Administration  
**SUB-SECTION:**  
**POLICY NAME:** Freedom of Information and  
Protection of Privacy  
**POLICY NO:** A. 38

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.



**POLICY SECTION: Administration**

**SUB-SECTION:**

**POLICY NAME: Freedom of Information and Protection of Privacy**

**POLICY NO: A. 38**

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 **MFIPPA**. ~~privacy legislation, subject to what is permitted under law.~~ All requests for access to personal information from individuals other than the individual **to** whom the information relates ~~to~~, will be administered in accordance with TCDSB's privacy policy, *MFIPPA*, and **any other relevant** ~~associated~~ legislation.



**POLICY SECTION: Administration**

**SUB-SECTION:**

**POLICY NAME: Freedom of Information and Protection of Privacy**

**POLICY NO: A. 38**

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*.

12. **TCDSB shall ensure that reasonable measures respecting the records in its custody or under its control are developed, documented and put into place to preserve the records in accordance with its records retention policies.**

13. **TCDSB shall ensure that records within its custody or under its control are not altered, concealed, or destroyed with the intention of denying a right under *MFIPPA* to access the record or the information contained in the record.**

## Definitions

### Personal Information:

Refers to recorded information about an identifiable individual, including:



**POLICY SECTION: Administration**

**SUB-SECTION:**

**POLICY NAME: Freedom of Information and  
Protection of Privacy**

**POLICY NO: A. 38**

- 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 or 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.





**POLICY SECTION:** Administration  
**SUB-SECTION:**  
**POLICY NAME:** Freedom of Information and Protection of Privacy  
**POLICY NO:** A. 38

### **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.

### **Evaluation and Metrics:**

The effectiveness of the policy will be determined by measuring the following:

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.
- 2. An annual report on the number of Freedom of Information requests will be provided to Trustees.**
- 3. The Director of Education will speak with the Chair of the Board, as the head of Delegation, on the requests.**