KPMG

Toronto Catholic District School Board

Records Management Audit Report

November 2020

Serving:
Toronto Catholic District School Board

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Executive Summary

Introduction

The Regional Internal Audit Team ("RIAT") has engaged KPMG LLP ("KPMG") to conduct an internal audit of select records management ("RM") operational processes and controls related to employee records and the use of third-party learning applications and tools used in the classroom at the Toronto Catholic District School Board ("TCDSB"). The purpose of this report is to provide the TCDSB a greater understanding of their current RM environment as it relates to the management of employee records and how schools are implementing and using third-party learning applications and tools. This report will identify any operational gaps and risks that were observed as part of the audit process. It is also important to note the TCDSB plans to implement a revised records retention schedule in the future and KPMG will provide guidance on leading practices on how to roll out a records retention schedule as part of a separate deliverable. Concurrent RM audits were also conducted at the Peel District School Board and York Region District School Board with separate reports being provided to each of the respective school boards.

Objectives and Scope

The objectives of this engagement are to:

1) Assess select processes and controls related to the creation, use, classification, storage, protection, retention, and disposition (i.e. the RM lifecycle) of employee records; and

2) Review the controls pertaining to the use of third-party learning applications and tools in the classroom.

The RM audit occurred from May 2019 to July 2019. While the focus is on RM lifecycle processes and controls, KPMG also identified associated privacy observations and risks as the collection and use of personal information impacts specific RM activities. This audit report provides observations, gaps against leading practices and organizational obligations, and provides recommendations to support risk remediation. In agreement with TCDSB management the scope of this audit includes:

- Assessing the current employee RM lifecycle process for a sample of employee record types;
- Identifying different types of employee records and understanding how they are being managed;
- Reviewing TCDSB RM-related policy documents to ensure current and appropriate;
- Reviewing TCDSB employee compliance to RM-related policies and requirements;

- Assessing how third-partly learning applications and tools are being implemented and used in the classroom.

This RM audit does not include a review of:

- Costs or financial analysis related to recordkeeping activities;

- Comprehensive review of the technical design, configuration, and implementation of information technology (IT) tools or systems used to create and manage employee records;

- The technical configuration or design of third-party vendor services, tools and/or applications used to support the management of employee records; and

- Off-site record storage activities.

Overall Summary of Results

Our engagement identified a number of areas where processes and controls can be improved. Improvements in these areas could lead to greater compliance, increased operational efficiencies, reduced risk, and cost savings to the TCDSB. Some of the key findings include:

- The overall absence of a RM operating framework, including insufficient:
  o Training and awareness;
  o Governance over employee records and associated RM controls;
  o Implementation of standardized procedures;
  o Guidance and oversight of RM activities (i.e. retention and disposition); and
  o Monitoring and reporting to demonstrate due diligence and compliance.

- A formal legal hold process has not been established. Due to the nature in which employee records can be subject to litigation, disciplinary or labor-related (e.g. grievances) matters, an auditable process needs to be in place to appropriately identify, preserve, and maintain records until matters are resolved.

- Electronic employee records are stored and managed in a decentralized manner that may not be compliant with leading practices. A review needs to be performed to ensure appropriate controls are applied to protect and manage employee records.

- An imaging standard has not been established. As a result, the current imaging process produces duplicate copies and versions of employee records to specific TCDSB departments.

- Schools are experiencing challenges in regards to the management of third-party learning applications and tools being used by their instructional staff. Schools are not certain as to what applications and tools are being used in the classroom or as to what student information is being shared and collected by third-party vendors.

- A number of draft forms, policies and procedures related to the identification, selection, and use of third-party learning applications and tools have been created but have not approved and/or implemented.

Please refer to the "Observations and Recommendations" section of this report for a full list of observations, risk, detailed analysis, and recommendations for improvement.

Background

Due to the sensitive nature of employee records it is critical to understand how they are being created, managed, and stored in order to ensure appropriate access, use, and protection. Third-party learning applications and tools are growing in popularity and there is a need to review the processes and controls of how they are being implemented and used in the classroom. Over the years school boards have experienced the following with respect to the management of records:

- Increased use of electronic systems has increased the amount of employee records created and stored;
- Significant collection and storage of records and personal information about employees, which comes from multiple sources and is stored in multiple physical and electronic locations; and
- Heighted emphasis to comply with privacy legislation, security and data protection requirements.

Audit Approach

Following our initial kick-off meeting with TCDSB stakeholders an audit approach was developed and agreed upon with management. The audit approach consists of gathering observations through a series of activities to understand how employee records are currently managed and how third-party learning applications and tools are being used at TCDSB. Following the information gathering activities, KPMG compared the observations gathered against the requirements identified in TCDSB RM-related policies, *Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"), Personal Health Information Protection Act ("PHIPA")* and leading records and information management practices established by ARMA International (i.e. the *Generally Accepted Recordkeeping Principles*).[1]

The TCDSB RM audit approach includes:

1. Reviewing policies, procedures, and guidance documents created by TCDSB that support the management of employee records;
2. Collecting and reviewing a sample of employee records (i.e. 5 employee records from Principals, 7 from the Employee Relations team, and 12 from Superintendents);
3. Conducting information interviews with individuals that create, use, and manage employee records (including an on-site interview at 1 school);
4. Conducting information interviews with individuals that oversee, guide, and/or manage the use of third-party learning applications and tools within schools

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[1]ARMA International (formerly the Association of Records Managers and Administrators) is a not-for-profit professional association for records and information managers ("RIM") and related industry practitioners and vendors. The association provides educational opportunities and educational publications covering the principles of records management. It also is known worldwide for its RIM standards and guidelines.

5. Administering two different RM surveys to select schools and stakeholders:
    - Survey 1 (received 2 responses): was issued to IT, HR, Superintendents, Principals and Legal team members that create and manage employee records; and

    - Survey 2 (received 5 responses): was issued to select schools to gather information on how these schools are monitoring and tracking the use of third-party learning applications and tools used within their classrooms.

Please refer to Appendix A for details of the RM audit approach.

Observations and Recommendations

Our observations are grouped into the following areas:

A. Employee Records
B. Third-Party Learning Applications and Tools

Observations – Employee Records

A.1 Records Management Operating Framework

The TCDSB has appointed a knowledgeable and experienced records manager to oversee organizational RM activities and privacy matters. In addition to their daily duties, the records manager and his two team members are responsible for responding to a steady flow of privacy matters, ad hoc information inquires, and archival requests. Due to resourcing constraints an operational framework has not been established and implemented across the organization to support the effective and efficient management of records. There is little evidence of RM principles being routinely enforced and practiced at TCDSB as employee records are inconsistently managed by record owners. Internal controls to support the appropriate creation, protection, retention, and disposition are not in place. Compliance monitoring and reporting is not performed.

Risk/Impact

Without a RM operating framework there is an increased risk of non-compliance to privacy and organizational recordkeeping requirements as employee records are inconsistently managed across the school board. Due to the variety of ways in which employee records are managed this could lead to an increased risk of lost records, inaccurate information, inappropriate access and use of employee records, over-collection of personal information, and improper disposition.

Recommendation

TCDSB should consider assessing their current RM program structure to ensure that adequate resources are available to establish a RM operating framework to effectively and efficiently manage organizational records.

By assessing and understanding the current state of the RM program, the TCDSB will be able to determine their future needs and the necessary resource requirements that need to be in place to implement an operating framework to meet privacy and RM requirements.

Some of the benefits of implementing a RM operating framework include: greater oversight, increased operational efficiencies, enhanced compliance through

standardized practice, reduced cost of records ownership, increased employee awareness and knowledge of RM responsibilities, and reduced privacy, security and information risk.

Additionally, in order to rollout a board-wide records retention schedule an operating framework is required to support implementation activities, develop support tools, enforce compliance, provide guidance and oversight.

Management Response and Action Plan:

Records Management Operating Framework Pilot Project (Employee Records and Corporate Services/Legal Records).

TCDSB's Director's Council has approved a plan to initiate a limited pilot project (see Appendix D), followed by the comprehensive implementation of a Board-wide records management operating framework, including the adoption and rollout of an up-to-date, legally vetted records retention schedule for the use of all TCDSB record-holders.

The design, development and implementation of this project is recommended to be managed in stages, with an initial pilot project involving employee records, as well as Corporate Services/Legal records. Subsequent to the pilot, a TCDSB-wide records management operating framework will be implemented over two years following the pilot, revised as necessary based on an analysis of lessons learned via the pilot.

TCDSB will initiate its pilot and subsequent board-wide implementation within the context of an updated TCDSB Records Retention Schedule rollout. KPMG has provided a rollout roadmap consisting of design, build and implementation leading practices (Appendix E), which will be adapted to TCDSB requirements as necessary. TCDSB intends to employ this roadmap as a progressive scaffolded approach to its entire operating framework implementation, which will allow it to plot its deliverables on a timeline.

Corporate Services, through the Senior Manager of Records Management, will take carriage of pilot deliverables as follows, in consultation with functional leads responsible for managing employee records and corporate services/legal records, as necessary and appropriate:

1. Develop a pilot change management and communications strategy
2. Perform a records inventory for pilot groups.
3. Validate Generic Records Retention Schedule (GRRS) created by OASBO-PIM and revise to reflect TCDSB needs.
4. Environmental analysis and determination of retention scheduling opportunities and limitations at TCDSB concerning how records are currently held. Define requirements for moving forward to successful implementation.
5. Develop ground-level procedures for records management within pilot groups
6. Develop and implement training for employees within pilot groups

7. Implement and test records retention schedule and RM program within pilot group.
8. Establish monitoring and reporting process to ensure compliance and analyse implantation success within pilot groups.
9. Establish a program to revise RM processes as new best practices and legislative requirements emerge.

Management Responsibility:
- Senior Manager of Archives and Records Management will facilitate pilot project in consultation with Human Resources, Corporate Services/Legal, ICT, and Employee Relations as necessary.

Target Date of Completion:
- December 2021 (Pilot)
- December 2023 (Full Implementation)

A.2 RM Training

There is a lack of comprehensive and standardized training regarding the management of records (including employee records). Interviewees identified privacy and RM training is provided on an informal and/or sporadic basis. On-line learning modules and in-person training are not available and documented support materials (i.e. policies and procedures) are limited.

Risk/Impacts

Training is critical to help staff understand, implement, and execute appropriate recordkeeping practices. Without formal, standardized training and ongoing learning there is a risk that employee records are not being managed in compliance with privacy legislation and RM leading practices.

Recommendations

TCDSB should develop and implement mandatory, standardized training and ongoing learning to provide staff with the skills and knowledge necessary to manage records throughout their RM lifecycle.

While some training tools (e.g. TCDSB's "Records Management and Archives Policy" and "Freedom of Information and Protection of Privacy Policy") have been developed, on-line modules, ongoing education, and in-person training on how to manage employee records and associated privacy obligations are not available. Some of the benefits of RM and privacy training include enabling employees to perform their RM

responsibilities, increased operational efficiencies, and achieving greater compliance. Establishing a training regime is typically a part of the overall RM operating framework.

Management Response and Action Plan:
Management will develop comprehensive training modules within the context of its Records Management Operating Framework Pilot (see detailed explanation, Section A.1). As plotted on the rollout roadmap, training content will be developed and finalized towards the end of the pilot implementation, to be informed by prior design, build and implementation steps 1-5.
Training content will additionally be directly tied to legislative and TCDSB policy requirements, and an environmental scan of successful training modules based on similar rollouts across the Ontario education sector.
Management will look for opportunities to leverage training content shared through consultation with other school boards and professional associations, as appropriate.
Management Responsibility:
- Senior Manager of Archives and Records Management will facilitate process in consultation with Human Resources, Corporate Services/Legal, and Employee Relations as necessary.
Target Date of Completion:
- December 2021

A.3 Procedures for Employee Record Creation

A procedure or guideline on when to create an employee record and how it should be managed is not available. Employee records are created for a variety of different reasons, including for performance and disciplinary purposes, often at the discretion of TCDSB staff. As a result employee records are inconsistently created and managed. TCDSB departments or staff members that create employee records include Human Resources ("HR"), Principals, Superintendents and the Legal department. Some departments or staff members will create either a paper or electronic record and in some instances both. Individuals that are creating employee records are storing them in emails, filing cabinets (in some instances unlocked), third-party cloud providers, and/or on personal drives.

Risk/Impact

Due to the variety of ways in which employee records are created and managed there is an increased risk of inappropriate access, use, protection and retention. Without a standardized process on when to create employee records and how to manage them there is a risk of duplication, inconsistency of information, and data loss/leakage.

Recommendation

The TCDSB HR department, in collaboration with the Legal team, should determine a process on when to create performance (e.g. instances of poor performance, request for feedback, annually, bi-annually) and disciplinary records (e.g. incidents, grievances, in anticipation of a potential legal matter) and who can create them.

By developing a process on when and who can create employee records TCDSB can more easily track how records are being managed. Additional benefits include greater compliance to privacy and security requirements, increased operational efficiency, greater information accuracy, and enhanced transparency.

Management Response and Action Plan: Management will design and build a process that clearly delineates when an employee record may be created, by whom, and assign role-based responsibility for the record's life-cycle. This process will be managed within the context of the Records Management Operating Framework Pilot (see detailed explanation, Section A.1). As plotted within the Records Retention Schedule rollout roadmap (Appendix E), these determinations will be made as part of the design and build stage of its rollout as follows: - Perform a records inventory for pilot groups. Process will allow for a comprehensive picture of who currently creates records and in what context, to then be tested against Audit recommendations and best practices.   - Validate Generic Records Retention Schedule (GRRS) created by OASBO-PIM and revise to reflect TCDSB needs. – use schedule to set clear delineation in terms of departmental/role-based responsibility for creating and maintaining records   - Environmental analysis and determination of retention scheduling opportunities and limitations at TCDSB concerning how records are currently held. Define requirements for moving forward to successful implementation.   - Develop ground-level procedures for records management within pilot groups based on determinations made in prior steps.   Senior Manager of Archives and Records Management will lead determination process in consultation with roles within Human Resources, Corporate Services/Legal, and Employee Relations as necessary.
Management Responsibility: - Senior Manager of Archives and Records Management will facilitate determination process in consultation with Human Resources, Corporate Services/Legal, and Employee Relations as necessary
Target Date of Completion:

- September 2021

A. 4 Legal Hold Process

Based on the audit observations a formal legal hold process has not been established. For legal (active, pending or reasonably anticipated litigation), audit or investigation purposes employee records need to be retained, preserved, and monitored until the matter is resolved. Interviewees have stated that a notice is sent out during investigations or for legal purposes, however, controls are not established to suspend activities in order to preserve employee records.

Risk/Impact

Without a legal hold process there is a risk of spoliation of evidence, as employee records may be altered, disposed or inappropriately removed.

Recommendation

TCDSB should develop a legal hold process that suspends the disposition or processing of records (including associated back-up tapes, paper records, and draft/versions stored in other repositories).

By developing a legal hold process TCDSB will be able to demonstrate that a defensible process was used to identify evidence and an audit trail of preservation activities exists.

Management Response and Action Plan:
Management will design and build a legal hold process within the context of the Records Management Operating Framework Pilot (see detailed explanation, Section A.1) as follows: - Analysis of determinations made in steps 1-4 of pilot deliverables will inform drafting of legal hold procedures   - Process will be tied directly to legal requirements of TCDSB's legal and employee relations team and relevant Board policies   - Procedures to be tested within pilot implementation and will subsequently implemented as part of Board-wide rollout.
Management Responsibility:
- Senior Manager of Archives and Records Management will facilitate process in consultation with Legal and Employee Relations as necessary.
Target Date of Completion:
- June 2021

A.5 Electronic Centralized Storage

As indicated in observation A.3, employee records are stored in a number of different areas. Some interview respondents have indicated they are experiencing challenges searching and retrieving relevant employee records to be used for business purposes. One TCDSB department has, in some instances, sent out emails to an informal network of select staff members soliciting them to provide copies of employee records they may have created.

Risk/Impact

The inability to retrieve and find employee records will impact decision-making and may interrupt specific processes related to disciplinary or labor matters.

Recommendation

TCDSB should review and conduct an inventory of where employee records are currently stored and implement the proper RM and security controls. TCDSB should also determine if a centralized RM repository can be leveraged to store and manage electronic employee records.

By centrally storing and managing electronic employee records greater controls can be placed on who can create, access, and use employee records as permissions can be designed to ensure select staff members are able to view and/or modify confidential employee information.

A centralized RM repository will aid in the search and retrieval process, allow for information holds to be placed on specific employee information, and allow for retention and disposition processes to be placed on employee records.

Management Response and Action Plan:

Management will design a process to inventory employee records within the context of step 2 of the Records Management Operating Framework Pilot deliverables (see detailed explanation, Section A.1).

The results of the records inventory will comprehensively illustrate where current records are stored, whether in a physical or electronic environment. This inventory, as well as the results of the RIAT audit, will directly inform an analysis of where records management and records security controls may be improved as regards employee records. The completion of this analysis will inform procedures, including department-based TCDSB record storage instructions.

In conjunction with the foregoing analysis, management will explore opportunities to more effectively manage storage of records, with a view to improve practices as regards appropriate access, modification and the setting of appropriate records disposition. In collaboration with ICT and HR staff, a thorough analysis will be conducted to determine whether TCDSB's employee records may be more effectively

stored within a centralized repository, subject to ICT and HR budgetary and operational requirements.
Management Responsibility:
- Senior Manager of Archives and Records Management will facilitate process in consultation with Human Resources and ICT as necessary
Target Date of Completion:
- September 2021

A.6 Imaging Standard

Based on the audit observations there are a number of duplicate employee records due to both Human Resource and Legal departments' use of imaging (i.e. scanning) services. Some paper employee records are imaged by a third-party vendor and entered into the File Manager HR system. A backup CD of the imaged records are also provided to HR by the vendor. Legal department employee records are imaged and are then physically kept and maintained by Iron Mountain. The imaged versions are stored on a USB stick and provided to the Legal team who will upload the employee records to a shared drive.

Risk/Impacts

Due to the number of duplicate copies that have been created as a result of the imaging process, it may be difficult to determine the authoritative record. There is also a greater risk of lost records, increased costs, and decreased operational efficiencies as additional time and effort is required to track and manage all the record copies.

Recommendation

TCDSB should develop an imaging standard that aligns with Canadian General Standards Board (CAN/CGSB-72.34-2017) and Canadian Evidence Act requirements and outlines the ability to dispose of paper records once they are imaged.

By establishing an imaging standard, you can more efficiently manage employee records and reduce costs by defensibly disposing of paper records and transitory electronic copies.

Management Response and Action Plan:
Management will develop a legally compliant and CGSB standards-compliant imaging standard within the context of its Records Management Operating Framework Pilot (see detailed explanation, Section A.1) during its step 4 deliverable.

Prior deliverable steps will inform requirements for operationalizing a revised standard, which will include a clear delineation within the Records Retention Schedule of departmental responsibility for the authoritative record's disposition. Additionally, ground-level procedures for appropriate and inappropriate duplication of records will be drafted within this context.

Management Responsibility:

- Senior Manager of Archives and Records Management will facilitate determination process in consultation with Human Resources, Legal, and Employee Relations as necessary

Target Date of Completion:

- September 2021

A.7 Over-Retention/No Disposition

Based on the interview responses and audit observations, the disposition of electronic employee records is not occurring. Interviewees indicated disposition capabilities or functionality is not currently enabled within the HR system and electronic employee records are stored indefinitely.

Risk/Impact

There is a risk of non-compliance to privacy obligations and to TCDSB record retention schedule requirements (should the records retention schedule be implemented). The over-retention of records increases the risk and severity of privacy/security breaches, and the improper use and disclosure of personal information. Also, additional resources will be required to continually store and manage employee records that are maintained beyond their retention period.

Recommendation

TCDSB should review and appropriately dispose of employee records from SAP (including backup copies and versions stored in other electronic repositories) to comply with privacy and retention requirements.

By establishing controls around the review and retention of employee records this will achieve greater compliance, and reduce the costs and risks associated with inconsistent recordkeeping.

Management Response and Action Plan:

Management will design, build and implement a comprehensive records retention process within the context of step 4 of the Records Management Operating Framework Pilot deliverables (see detailed explanation, Section A.1). Prior steps will

inform the process, particularly the results of the records inventory, and validation of OASBO-PIM's Generic Records Retention Schedule (GRRS) for adapted use at TCDSB.

Records retention will be set based on legal requirements as indicated in the GRRS and a thorough analysis of Human Resources operational requirements.

Appropriate operational procedures regarding review and retention controls will be determined and implemented based on analysis of design and build stages of the pilot and implementation of an up-to-date records retention schedule.

Management Responsibility:

- Senior Manager of Archives and Records Management will facilitate process in consultation with Human Resources, Corporate Services/Legal, and Employee Relations as necessary.

Target Date of Completion:

- December 2021

B – Third-Party Learning Applications and Tools

B.1 Use of Third-Party Learning Applications and Tools

Survey and interview responses indicated schools are not certain about the third-party learning applications and tools that are being used by their instructional staff within the classroom. Schools are not aware of the types of student information that is being provided to vendors to set-up profiles and what information is being collected and stored as part of the ongoing use of the third-party learning applications and tools.

Risk/Impact

There is a risk student information is being shared without the informed consent from parents. Also, there is a risk that third-party vendors are potentially collecting and using student information for marketing and profiling purposes as terms of use and agreements are not reviewed by the TCDSB Legal department prior to the download and use of a learning tool or application. Additionally, there is an increased risk of privacy/security breaches as third-party vendor RM activities may not be aligned with leading practices, Ministry of Education requirements, and/or TCDSB policies.

Recommendation

TCDSB should perform a full analysis on how best to use third-party learning applications and tools for curriculum delivery and to develop a standard on how

schools are to procure, use, implement, monitor, report and track third-party applications and the types of student information being shared with vendors.

Some of the benefits of having a standardized approach to procuring, using and managing third-party learning applications and tools include reduced security and privacy risks, increased compliance, and opportunities for costs savings should TCDSB decide to purchase board-wide learning applications and tools.

Management Response and Action Plan: - TCDSB's currently employs an approach to procurement, use, monitoring, reporting and tracking of third-party learning applications that privileges professional judgement and local school needs, but lacks standardized procedural guidelines tied directly to TCDSB policy. - Management will perform an analysis to determine a feasible standardized approach to selection and use of third-party learning applications and tools driven first by pedagogical promising practices and effective delivery of curriculum. Once an approach is determined, it will be supported by guidelines for educators and school/Board admin for proposing applications and tools on this basis. - Management will perform an analysis to determine a standardized operational approach to vetting applications and tools proposed by educators in terms of privacy and security risk level, as well as adherence to applicable laws and TCDSB policies. - Standards and processes being developed within the Ontario education sector, including those being developed by the Information and Privacy Commissioner, the Ministry of Education, The Educational Computing Network of Ontario (ECNO), Ontario Education Collaborative Marketplace (OECM) and OASBO, will be canvassed and engaged to bring TCDSB's standard into alignment with current practices in this regard. Management will aim to harness existing and developing vetting mechanisms to adapt for TCDSB use. - Management will determine a monitoring, reporting and tracking standard that allows TCDSB to account for its use of third-party learning applications that is fully integrated with its mechanism for selection and vetting.
Management Responsibility: - Senior Manager of Archives and Records Management will facilitate analysis and implementation of a standard in collaboration with Curriculum and Accountability, 21st Century Learning, and ICT.
Target Date of Completion: - *December 2021*

B.2 Draft Policies and Procedures

Based on the audit observations there are a number of draft forms, policies and procedures (i.e. "Student Identification Consent Form," "Assessing Privacy of Online

Education Apps (preliminary PIA)," "Consent Form Template") related to the identification, selection and use of third-party learning applications and tools[2]. These control documents have not been approved and/or implemented.

Risk/Impact

Without implementing policies and procedures this can leave student information at risk, as instructional staff may not be aware of the security and privacy areas that need to be considered prior to selecting and implementing a third-party learning application or tool.

Recommendation

TCDSB should approve and implement the draft third-party learning application and tool forms, policies and procedures.

Third-party application and tool policies, forms, and procedures should be revised to align with any additional requirements identified following the recommended analysis identified in observation "B.1 Use Third-Party Learning Applications and Tools."

Management Response and Action Plan:
- Management to synthesize the results of analyses completed via Recommendation B.1 to inform the continued drafting of procedural documents and forms. - Management to perform analysis to ensure procedures and forms align with relevant TCDSB top-level policies as well as selection and vetting criteria as proposed in Recommendation B.1.
Management Responsibility:
- TCDSB Senior Manager of Archives and Records to facilitate analysis and implementation process in collaboration with Curriculum and Accountability, 21st Century Learning, and ICT.
Target Date of Completion:
- December 2021

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[2] Privacy Impact Assessments (PIAs) are used to identify the potential privacy risks of new or redesigned federal government programs or services. They also help eliminate or reduce those risks to an acceptable level.

Appendices

<u>**Acknowledgements**</u>

We would like to thank the management team and employees of the TCDSB for their assistance and cooperation during this engagement.

<u>**Distribution List**</u>

Subject to KPMG's disclaimer identified in the report, this document is intended for the information and use of the individuals listed below and should not be provided to any other individuals without the consent of the RIAT Senior Manager.

1. TCDSB Audit Committee
2. Paul De Cock, Comptroller of Business Services & Finance
3. Bryan Shannon, Senior Manager of Archives, Records Management, Freedom of Information and Privacy
4. Joe Russo, Vice Principal, 21st Century Learning & ICT
5. Melissa Eldrige, Senior Legal Counsel for Employee Relations

Appendix A – Audit Approach Details

Document reviewed – By Document Title/File Name (19 in total)

1. OASBO – RRS – Federal Citation Table April 2018
2. OASBO – RRS – Ontario Citation Table June 2018
3. OASBO – RRS – Impact
4. OASBO – Classification Scheme
5. OASBO – PIM Toolkit (Privacy and Information Management Methodology and Procedures)
6. OSR Management Procedures Manual – September 2018
7. TCDSB Data Centre Access Guideline
8. MFIPPA Policy A 38 – May 2019
9. Physical Asset Disposal CEC Datacentre
10. PIM – Generic Records Retention Schedule
11. SAP System Testing Procedure – Email Sample
12. Student Identification consent form
13. TCDSB 3rd party app informed consent template
14. TCDSB Confidentiality Agreement – Generic
15. TCDSB Full Privacy Impact Assessment – January 2019
16. TCDSB Preliminary Privacy Impact Assessment – March 2019
17. TCDSB Service Provider Privacy and Security Assessment
18. TCDSB Records Management and Archives Policy
19. TCDSB Acceptable Use of Technology and Procedure Documents

Persons interviewed (15 in total)

1. Steve Camacho, Chief Information Officer
2. Paul De Cock, Comptroller of Business Services & Finance
3. John Brighton, Senior Coordinator, ICT Trillium / Student Services
4. Bryan Shannon, Senior Manager of Archives, Records Management, Freedom of Information and Privacy
5. Adrian Della Mora, Superintendent
6. Laurienne Graham, Principal, St. Matthias
7. Peter Aguiar, Superintendent of Student Achievement and Well-Being and Governance and Policy Development
8. Kevin Xiong, Senior Manager, Data Centre and System Infrastructure Services
9. Joe Russo, Vice Principal, 21st Century Learning & ICT
10. Melissa Eldrige, Senior Legal Counsel for Employee Relations
11. Mary Frijio, Human Resources Supervisor for Occasional Teachers, SmartFind Express (SEMS), APSSP and Records Management
12. Darlene Purkess, Senior Coordinator, Support Services & SAP HR Operations
13. Amy Gatto, Senior Manager of Human Resources
14. Mark Moffett, Senior Coordinator Academic Services – HR
15. Margherita Di Fonzo, Senior Manager, Academic Services

In-person School Site Visit and Interview (1 in total)

1. St. Matthias Catholic School

TCDSB Employees surveyed for Employee Records (2 in total)

1. HR Academic Services

2. John Wujek, Superintendent Student Achievement & Well Being (Area 5)

Please see Appendix B for survey and summarized results.

TCDSB Schools surveyed for Third Party Learning Applications and Tools (5 in total)

1. St. Denis Catholic School

2. Madonna Catholic Secondary School

3. St. Thomas Aquinas Catholic School

4. All Saints Catholic Secondary School

5. Marshall McLuhan Catholic Secondary School

Please see Appendix C for survey and summarized results.

Appendix B – Survey for Employee Records (Sample Questionnaire and Summarized Results)

#	Question
1	Why and when do you create employee records?
2	Do you consult with the TCDSB Records Manager, Human Resources team and/or Legal department when you create an employee record?
3	Please describe how you create and manage employee records (i.e. how are they created, classified, updated, shared, retained, transferred, stored and disposed)?
4	Describe how employee records are being protected, accessed/shared, stored, and maintained for accuracy?
5	In addition to the TCDSB RM policies and procedures, have you developed specific policies and procedures on when to create and how to manage employee records (if so, please attach to this survey as part of the submission process)?
6	What IT system (e.g. Human Resource systems) or technology tools are you using to create, store, manage, and track employee records?
7	How do individuals gain access to employee records that you currently manage?
8	What training have you received on how to handle and manage employee records? How do you train others on how to manage employee records in your custody and care? Identify all formal (i.e. in-person workshop, online training modules) and informal (e.g. watching or observing) training methods and tools used.
9	What steps are taken in response to a lost employee record?
10	What are some of the challenges related to RM you and your team are experiencing in regards to employee records? Do you feel you have the tools and resources necessary to effectively and efficiently manage employee records?

See below for summarized survey results based on 2 responses.

Question 1:

Why and when do you create employee records?

New employees	1
Discipline of occasional teachers	2
Communication with OCT	1
Movement among schools	1

Professional development	1

Question 2:

Do you consult with the TCDSB Records Manager, Human Resources team and/or Legal department when you create an employee record?

No	1
Occasionally	1

Question 3:

Please describe how you create and manage employee records (i.e. how are they created, classified, updated, shared, retained, transferred, stored and disposed)?

Hard copies	1
Stored electronically	1
Complete required tasks (as-needed basis)	1
Employee files of teachers and principals held in administrative area	1
Employee files for support staff are held by the Human Resources department	1

Question 4:

Describe how employee records are being protected, accessed/shared, stored, and maintained for accuracy?

Stored and protected in locked cabinets	2
Shared as needed with authorized staff	1
Copied electronically on ACI/Paper Vision (electronic archive system)	1
HR staff are provided access (user id/password) to the specific employee group(s) that they manage	1
When an employee retires, files are transported to Human Resources where they are placed on microfiche	1
When an employee changes school location those files are carefully transferred to the new administrative area where they are filed in a similar way	1

Question 5:

In addition to the TCDSB RM policies and procedures, have you developed specific policies and procedures on when to create and how to manage employee records (if so, please attach to this survey as part of the submission process)?

No	2

Question 6:

What IT system (e.g. Human Resource systems) or technology tools are you using to create, store, manage, and track employee records?

SAP	2
Paper Vision	1

Question 7:

How do individuals gain access to employee records that you currently manage?

HR Staff only - Each HR staff are provided access (user id/password) to the specific employee group(s) that they manage	1
Individual employees can view their file based on board policies and collective agreements	1

Question 8:

What training have you received on how to handle and manage employee records? How do you train others on how to manage employee records in your custody and care? Identify all formal (i.e. in-person workshop, online training modules) and informal (e.g. watching or observing) training methods and tools used.

None	2
Occasional reminders from our legal department and our human resources department	1

Question 9:

What steps are taken in response to a lost employee record?

HR staff check microfiche file to ensure the file exists (often times, there could be a name change or misfiled) / Attempt to look for it	2
If not found, try to rebuild it by printing out necessary electronic records	1

Question 10:

What are some of the challenges related to RM you and your team are experiencing in regards to employee records? Do you feel you have the tools and resources necessary to effectively and efficiently manage employee records?

Adequate space to store hard copy files	1
Appropriate electronic tools to store electronic files	1
Records sometimes have unnecessary items in them	1

Appendix C – School Survey for Third-Party Learning Applications and Tools (Sample Questionnaire and Summarized Results)

#	Question
1	What third-party technology applications or tools are being used at your school to support student learning? Is there a process to approve the use of these learning applications or tools?
2	What is the process to determine and accept third-party vendor agreements or terms and conditions prior to implementing their learning applications or tools in the classroom?
3	How are these third-party technology applications or tools implemented, installed, and/or rolled out in the classroom?
4	What student information is being entered, collected and stored within the third-party technology applications or tools?
5	How are students and parents notified about the use of third-party learning applications or tools?
6	How is student or parental consent collected prior to the use of third-party application or tools? What happens when a parent or student decides to opt out of participating in the use of online third-party applications or tools?
7	How do you ensure TCDSB policies are followed in regards to what application or tools can be used, and what student information can be shared and stored within third-party applications and tools?

See below for summarized survey results based on 5 responses.

Question 1:

What third-party technology applications or tools are being used at your school to support student learning? Is there a process to approve the use of these learning applications or tools?

Do not know what tools are used in school	1
No process – there are board approved tools	2
Knowledge Hook	3
Zorbits	1
Google Apps for Education (GAFE) / Google Classroom	3
Process: 1. Endorsement by TCDSB (approved centrally); 2. Promoted locally	1
Remind	3
Kahoot	2
Duolingo	1
Approved via MDM mobile APPLE management system	1
Schoology	1
Canvas	1
Prezi	1
Pixton	1
Socrative	1
Khan Academy	1

Question 2:

What is the process to determine and accept third-party vendor agreements or terms and conditions prior to implementing their learning applications or tools in the classroom?

Teacher device and student open season	1
Teacher wants to use this tool and school iPad – acquires apps centrally (centrally there is a catalogue of approved apps that will get pushed out); Vendor summary of who is issuing the tool and how many teachers are using it now – let's get a board account; G- suite – to keep confidential information access control, set privacy setting to share with individuals	1
Shared at an SSLN Session	1
At the local school level, we do not accept third-party vendor agreements	1
Board approves some	1

Individual teachers may decide to use other tools in the classroom without administration/board approval	1
Application approval process is on APPLE management program	1

Question 3:

How are these third-party technology applications or tools implemented, installed, and/or rolled out in the classroom?

Teacher will set-up based on profiles	1
Third-party provides guidance	1
Light PIA	1
Sponsored tools – Google, Ministry DTL, My Blueprint	1
Yearly consent form for notification	1
Teacher's don't know how it's being rolled out – they think they sign the media consent and acceptable use / service rights, and student contact	1
Web-based application – shared and demonstrated by teacher first	1
Rolled out at Local level; Principal will load apps on iPad; rest of apps are online	3
Google is already installed	1
Teachers research and implement online tools	1
Student information security at discretion of teachers in collaboration with local admin	1

Question 4:

What student information is being entered, collected and stored within the third-party technology applications or tools?

Depends on application – Same username and password as board account	1
E-mail address	2
Not sure	1
No personal information collected	1
Telephone number	1
Tcdsb.ca address	1

Question 5:

How are students and parents notified about the use of third-party learning applications or tools?

AUP signed by parent / student	2
N/A	2
Principal sends a letter	1
classroom teachers share information via email and blogs	1
Not sure	1

Question 6:

How is student or parental consent collected prior to the use of third-party application or tools? What happens when a parent or student decides to opt out of participating in the use of online third-party applications or tools?

No alternatives or accommodation at the local level	1
No process; no opt-outs so far	3
Parents required to let the Principal or classroom teacher know; Alternative arrangement will be made	2
Not sure	1

Question 7:

How do you ensure TCDSB policies are followed in regards to what application or tools can be used, and what student information can be shared and stored within third-party applications and tools?

No board policy, direct AUP and MFIPPA - Board procured	2
Culture of accountability	1
Policy and training - general awareness and culture – lock down approach; Name, birth date, profile, image	1
Awareness and sensitive needs, more of a culture collaboration and make an informed decision. MFIPPA	1
Consulting approach to use	1
Testing is only done when a principal comes to the demo with the vendor to understand where items are stored, what is collected and what can be done to minimize this risk	1
No process	2

All servers are within Canada and no student data is shared. The students and parents sign off on the Acceptable Use Policy every year.	1
Shared information forwarded to admin to staff	1

REPORT TO

DIRECTOR'S COUNCIL

RECORDS GOVERNANCE AND MANAGEMENT RESPONSE TO RIAT AUDIT REPORT

"Iron sharpens iron; and one person sharpens the wits of another."
Proverbs 27:17

Created, Draft	First Tabling	Review
September 22, 2020	November 17, 2020	Click here to enter a date.

Paul Matthews – General Legal Counsel
Bryan Shannon – Sr. Manager – Archives, Records Management and Freedom of Information
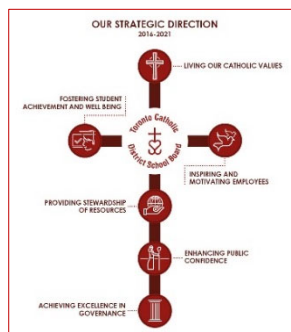
RECOMMENDATION REPORT

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 uniting home, parish and school and rooted in the love of Christ.
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.

Brendan Browne, PhD
Director of Education

D. Koenig
Associate Director
of Academic Affairs

L. Noronha
Associate Director of Facilities,
Business and Community
Development, and
Chief Financial Officer

A. EXECUTIVE SUMMARY

In Spring of 2019, KPMG LLP, engaged on behalf of the Regional Internal Audit Team, conducted an audit of TCDSB records management practices with respect to employee records (Appendix A). Resultant recommendations discussed both employee records management specifically, and TCDSB's records management governance and procedures as a whole. This report recommends the development and implementation of a modern and legally compliant records management operating framework, beginning with a limited pilot focussed on employee records and corporate services/legal records. The initiation of a pilot project will serve to respond to the RIAT's recommendations, and will subsequently inform the planned rollout of a Board-wide framework for the management of TCDSB's records.

The cumulative staff time required to prepare this report was 12 hours

B. PURPOSE

The purpose of this report is to recommend a limited pilot project, followed by the comprehensive implementation of a Board-wide records management operating framework, including the adoption and rollout of an up-to-date, legally vetted records retention schedule for the use of all TCDSB record-holders.

This implementation is recommended to be managed in stages, with an initial pilot project involving Human Resources employee records and Corporate Services/Legal records. Subsequent to the pilot, this report recommends the allocation of a project budget to implement a TCDSB-wide records management operating framework over two years following the pilot.

C. BACKGROUND

TCDSB currently lacks a comprehensive, modernized and legally-compliant records management operating framework. Its official records classification scheme and retention schedule was last updated in 1995. In 2017, the TCDSB Records Management policy A.20 was updated to reflect TCDSB's legal obligations to maintain a Board-wide current schedule of records and governing records management framework; this obligation has yet to be operationalized.

Concurrently, through the Ontario Association of School Business Officials' (OASBO) Privacy and Information Management committee, a legally vetted and up-to-date Generic Records Retention Schedule (GRRS) for use in Ontario school boards (Appendix B) was developed and released in spring 2019. TCDSB's Senior Manager of Records Management was a leading member of this working group. The GRRS is intended to serve as a legal baseline for the proper retention and management of board records, and it is to be adapted and implemented by individual boards to meet the specific operational needs of each board.

In spring of 2019, KPMG/RIAT records management audit of employee records recommended the adaptation of the GRRS for TCDSB use and the development of a comprehensive Board-wide records management operating framework, in addition to specific recommendations with respect to employee records. TCDSB is required to provide a management response to KPMG/RIAT recommendations.

D.   EVIDENCE/RESEARCH/ANALYSIS

The Regional Internal Audit Team (RIAT) engaged KPMG LLP to conduct an internal audit of select records management (RM) operational processes and controls related to the creation, use, classification, storage, protection, retention, and disposition of employee records (i.e. the records' "life-cycle"). The audit resulted in several observations and recommendations.

The RM audit occurred from May 2019 to July 2019. While the focus was on RM lifecycle processes and controls, KPMG also identified associated privacy observations and risks as the collection and use of personal information impacts specific RM activities. The subsequent audit report provided observations, gaps against leading practices and organizational obligations, and provided recommendations to support risk remediation, including:
- Assessment of the current employee RM lifecycle process for a sample of employee record types;
- Identification of different types of employee records and to understand how they are being managed;

- Review of TCDSB RM-related policy documents to ensure current and appropriate;
- Review of TCDSB employee compliance to RM-related policies and requirements;
- Guidance on best practices on how to roll out an institution-wide records retention schedule

The evidence gathered as a result of this review and the resultant compliance recommendations provide a solid basis rooted in legislation and best RM practices to proceed with both a pilot implementation project as well as a subsequent board-wide rollout based on an analysis of the pilot result.

E.   METRICS AND ACCOUNTABILITY

- HR/Corp Services compliance to respond to RIAT audit in advance of next RIAT Committee meeting.
- Measured based on GLC supervision and Sr. Manager – RM adherence to pilot plan, analysis of pilot, and subsequent consideration of board-wide rollout plan.
- Further reporting as necessary upon conclusion of pilot.

F.   IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

A) Pilot Records Management Governance Project (Employee Records and Corporate Services/Legal Records)

1. Develop a pilot change management and communications strategy
2. Perform a records inventory for pilot groups.
3. Validate Generic Records Retention Schedule (GRRS) created by OASBO-PIM and revise to reflect TCDSB needs.
4. Environmental analysis and determination of retention scheduling opportunities and limitations at TCDSB concerning how records are currently held. Define requirements for moving forward to successful implementation.
5. Develop ground-level procedures for records management within pilot groups
6. Develop and implement training for employees within pilot groups
7. Implement and test records retention schedule and RM program within pilot group.

8. Establish monitoring and reporting process to ensure compliance and analyse implantation success within pilot groups.
9. Establish a program to revise RM processes as new best practices and legislative requirements emerge.

B) Board-wide rollout expected to be based on the same steps as pilot, revised as necessary based on lessons learned via pilot project.

G.   STAFF RECOMMENDATION

That Director's Council authorize the forgoing pilot project as proposed and subsequent Board-wide rollout of a comprehensive records management operational framework subject to lessons learned in the pilot.